WACO INDEPENDENT SCHOOL DISTRICT
REGULAR MEETING

WISD Conference Center
115 S 5th Street
Waco, Texas 76701

Thursday, July 24, 2025 - 6:00 PM

A Regular Meeting of the Board of Trustees of Waco Independent School District will be held July 24, 2025, beginning at 6:00 PM in the WISD Conference Center, 115 S 5th Street, Waco, Texas.

The subjects to be discussed or considered or upon which any formal action may be taken are listed below. Items do not have to be taken in the same order as shown on this meeting notice/agenda.

Unless removed from the consent agenda, items identified within the consent agenda will be acted on at one time.

AGENDA

1. **Call to Order**
2. **Public Comments on Agenda Items**
3. **Moment of Silence and Pledge of Allegiance**
4. **Special Recognitions**
   - 4.A. Pledge Leaders
   - 4.B. National Educators Rising Conference and Competition
   - 4.C. UIL State Theatrical Design Competition Champions
   - 4.D. International Thespian Festival
   - 4.E. Texas Educational Theatre Association Award of Distinction
   - 4.F. Texas Education Agency Title III Leader of the Year
   - 4.G. Community Partner Award
5. **Superintendent's Report**
   - 5.A. Introduction of the Assistant Superintendent of Human Resources
   - 5.B. Introduction of the J.H. Hines Elementary Principal
   - 5.C. Introduction of West Avenue Elementary Principal
   - 5.D. Introduction of Executive Director of Communications
   - 5.E. Superintendent's Super Hero Run and Family Fest
   - 5.F. Meet the Teacher
6. **Information Items/Reports**
   - 6.A. Monthly Financial Reports for the Period Ended June 30, 2025
   - 6.B. First Reading of Board Policy 124
   - 6.C. First Reading of Board Policy 125
7. **Consent Agenda: Consider and Take Appropriate Action**
   - 7.A. Amendments to the 2024-2025 Budget

7.B. Bid Award for Educational and Other School District Related Software
7.C. Bid Award for Educational Consultants, Professional Development, and Other Student-Based Contracted Services
7.D. Bid Award for Maintenance Supplies, Equipment and Services
7.E. Bid Award for Restaurant and Catering Service
7.F. Bid Award for Music Supplies, Equipment and Services
7.G. Purchases in Excess of $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
7.H. Interlocal Cooperation Agreement and Fiscal Agent Contract between the McLennan County Challenge Academy and Participating Districts for the 2025-2026 School Year
7.I. Interlocal Participation Agreement Renewal with the Texas Association of School Boards (TASB) Risk Management Fund for Property, Auto Liability and Physical Damage, School Liability Insurance, and Workers' Compensation Coverage for the 2025-2026 Fiscal Year
7.J. Memorandum of Understanding Between Economic Opportunities Advancement Corporation (EOAC) Head Start and Waco ISD for the 2025-2026 School Year
7.K. Memorandum of Understanding Between Texas A & M University Health Science Center and the Waco ISD for Pediatric and Adolescent Behavioral Health Services via Telehealth
7.L. Memorandum of Understanding Between the Waco ISD and Partner Independent School Districts for Tuition and Building Fee Rates for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2025-2026 School Year
7.M. Amendment to the Interlocal Agreement Between the McLennan County Juvenile Probation Department and the Waco ISD for Child Nutrition Services for the 2025-2026 School Year
7.N. Child Nutrition Services Adult Meal Pricing Increase for the 2025-2026 School Year
7.O. UIL Homeschool Student Participation
7.P. School District Teaching Permit for Selected Teacher Candidates to Teach a Non-Core Academic CTE Course
7.Q. Change to Board Policy CFB (Local) Accounting: Inventories
7.R. Low Attendance Waivers
7.S. Amendment to Optional Flexible School Day Program (OFSDP) Application
7.T. Board of Trustees Meeting Minutes
7.T.1. June 17, 2025 - Special Board Meeting
7.T.2. June 18, 2025 - Regular Board Meeting
7.T.3. June 24, 2025 - Special Board Meeting

8. **Review and Discuss Budget Update**
Presenter: Sheryl Davis
9. **Review, Discuss, and Take Appropriate Action Regarding the 2025-2026 Compensation Manual**
Presenter: Dr. Ronnita Carridine
10. **Consider, Discuss and Take Appropriate Action Regarding Hazardous Routes**
Presenter: Monique Brock

11. **Consider, Discuss and Take Appropriate Action Regarding HB 1481 Required Policy Adoption**
    Presenter: Dr. Melissa King-Knowles and Dr. Suzanne Hamilton
12. **Announcements**
13. **Review and Discuss Potential Contracts on Real Property**
14. **Consideration of Personnel**
    14.A. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
    14.B. Hear a Complaint or Charge Against an Officer or Employee
15. **Update on Student Discipline Matter**
16. **Consider, Discuss and Take Appropriate Action to Renew a Good Cause Exception under Texas Education Code Section 37.0814**
    Presenter: Elizabeth Cox
17. **Consider, Discuss and Take Appropriate Action to Amend the District's Alternative Standard under Texas Education Code Section 37.0814**
    Presenter: Elizabeth Cox
18. **Adjournment**

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: July 25, 2025 **Contact Person**: Elizabeth Cox

RE: Special Recognitions

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Background Information:

Pledge Leaders

Pledge Leaders are students Taylor and Tyler Freeman of Waco High School.

National Educators Rising Conference & Competition

Waco ISD high school students in the Future Educators Academy earned top honors and distinguished themselves at the national Educator Rising Competition and Conference.

First Place "Inside Our Schools Spanish" category: Jessica Lara (University High School) and Saul Torres (Waco High School)

Selected Presenters: Sylvia Arellano (Waco High School) and Karyme Reyes (Waco High School)

UIL State Theatrical Design Competition Champions

Waco ISD high school students qualified for and competed at the UIL State Theatrical Design Competition in Austin. The following students placed in their competitions, achieving the distinction of being in the top six 5A high school students in Texas.

Waco High School: 2nd, Scenic Design - Lily Howell ; 4th, Costume Design - Eisley Lawson; 2nd, Group Design - Eleanor Rhodes (Scenic), ClairePrather (Marketing), Sarah Townsend (Hair and Makeup), Abbie Sanders (Costume).

University High School: 5th, Hair and Make-Up - Natalie Rodriguez

International Thespian Festival

Waco ISD high school students qualified for and competed at the International Thespian Festival in Bloomington, Indiana after excelling at the UIL State Theatrical Design competition and the UIL State One Act Play contest.

Waco High School: Elena Aagesen, Lydia Allen, Miriam Goodsuhm, Karis Henderson, Eisley Lawson, Joshua Nelson, Addison Roark, Rashi Sharp, Katarina Telep, Sarah Townsend, Angelo Woods, and Eleanor Rhodes (Thespy Award Winner)

University High School: Derrick Thomas and Avion Anderson

Texas Educational Theatre Association Awards of Distinction

The Waco ISD Fine Arts Department, University High School, Waco High School and Hillcrest Elementary have earned Exemplary status from the Texas Educational Theater Association's Awards of Distinction.

Texas Education Agency Title III Leader of the Year

Waco ISD's Director of ESL and Bilingual Education Mrs. Grace Benson has been recognized by the Texas Education Agency as the state's Title III Symposium 2025 Leader of the Year.

Community Partner Award

Magnolia Foundation is honored with the TASB Stand Up for Public Education Award July Waco ISD Community Partner of the Month for its continued support of Waco ISD literacy initiatives and direct donations to the district's Highly Mobile students.

Fiscal Implications:
N/A

Administration Recommendations:
Take no action on this item.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: Sheryl Davis

RE: Monthly Financial Reports for the Period Ended June 30, 2025

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Background Information:

Attached are the compiled June monthly financial reports for the following:

General Fund
Food Service Fund
Debt Service Fund
Internal Services Fund

These interim financial statements have been prepared utilizing data generated from the automated financial system and do not include any information related to other special revenue funds, capital projects funds, or trust and agency funds. Balances included in the report are unaudited and may change as a result of final year end closing entries and audit activities.

Fiscal Implications:

None.

Administrative Recommendations:

The monthly financial reports for the period ended June 30, 2025 are presented for information, only. No action is required.

BUSINESS &
FINANCIAL SERVICES

Sheryl Davis
Chief Financial Officer

P.O. Box 27, Waco, Texas 76703
Phone: 254-755-9440

July 15, 2025

Board of Trustees
Waco Independent School District
Waco, Texas

The accompanying balance sheets, statements of revenues, expenditures and changes in fund balance, and encumbrances and expenditures by fund, function and object for the month ending June 30, 2025 have been compiled for the General Fund, Food Service Fund, Debt Service Fund, and Internal Services Fund. Final cash reconciliation procedures and financial audit activities may result in additional adjustments to the financial statements. These preliminary financial reports are prepared utilizing the following assumptions:

Revenue:	Recorded on a cash basis with adjustments to accrual basis made at August 31, 2025.
Expenditure:	Totals on the "Statement of Revenues, Expenditures and Changes in Fund Balance" include expenditures occurring during the interim period reported. Balances will be adjusted to accrual basis at August 31, 2025. Outstanding encumbrances are included on the "Encumbrances and Expenditures by Fund, Function, and Object" schedule, only.
Beginning Fund Balance:	Represents August 31, 2024 audited ending fund balance.

I have not performed an audit or review of these financial statements. Please do not hesitate to call if you have any questions or need further assistance.

Sheryl Davis
Chief Finance Officer

Comparison of Fiscal Year 2024-2025 Revenues and Expenditures to Previous Fiscal Year as of June 30, 2025

Variations in revenues and expenditures as compared to the previous year are primarily due to the cyclical nature of budgetary receipts and expenditures. The larger variances are explained in this summary.

General Fund

Revenues:

5710 Local Property Taxes – Collections as of the end of June have increased $1.9 million over last year and, as a percent of estimated revenue, collections have increased by 5.7%. Value adjustments as of the end of June have resulted in a decrease of $108.1 million in value compared to $212.7 million last year. Additionally, the current year levy has decreased $1.1 million with an additional decrease of $1.0 million in prior years' taxes due. This is a much lower adjustment than last year where the current year's levy had decreased $5.4 million and the prior years' levy had decreased $1.7 million. The prior years' levy adjustments have been significantly impacted by the change in the homestead exemption and freeze. Final collections for 2024-2025 are projected to be $2.3 million less than originally budgeted. This decrease will be offset by an increase in state Foundation School Funding.

5730 Tuition and Fees – Current year revenue reflects an increase of $46,524 over last year. To date, we have collected $179,889 in tuition revenue serving an average of 31 students, 8 of whom are children of employees (not necessarily children of classroom teachers). Although we have calculated a preliminary tuition rate of $5,912 for the 2025-2026 school year, changes in state funding allow that children of classroom teachers are eligible for Foundation School Funding for prekindergarten.

5740 Other Local Revenue – Revenues have decreased $1.2 million from last year. This is primarily attributable to the receipt of $500,000 in insurance recoveries, associated with hail damages, in November 2023. Additionally, earnings on investments have decreased $651,617 due to lower interest rates.

5810 Per Capita and Foundation School Program Revenue – Although the financial statements reflect an increase of $2.3, Foundation School Program revenue is currently projected to be $5.4 million over budgeted estimates. This amount includes the Teacher Incentive Allotment of $2.9 million (for which both revenues and expenditures were amended into the budget in June and will be paid out in August). Other increases in state revenue include special education and career and technology education funding and additional aid for the adjustments arising from the limitation on tax increases on the homesteads of the elderly or disabled. These increases are partially offset by losses in regular and compensatory education as well as the tax collections mentioned above. The District has appealed the preliminary values from the Comptroller's 2021 Property Value Study that are utilized in determining state Foundation School Program revenue. We have approval from the Texas Comptroller's Office, however, as of July 16, 2025, the Texas Education Agency has not yet incorporated the new values into the Summary of Finances. We are expecting to gain approximately $0.6 million in funding.

5900 Federal Sources Revenue – Revenues have increased $2.0 million over last year primarily due to the recording of indirect cost recoveries associated with the finalization of federal stimulus funds as of September 30th.

Functional Expenditures:

The termination of the partnership with Transformation Waco for the management of a number of the district's campuses, resulted in a revenue loss of $1.6 million to the District. This loss was offset by reductions in appropriations throughout the budget, particularly in functional expenditures for curriculum and staff development, instructional leadership, school leadership, social work services, and general administration. Expenditures in the functional categories appear to be consistent with last year's spending pattern with the exceptions shown below.

11 Instruction – Expenditures have decreased $1.0 million from last year. Salary savings, due to vacancies in teaching positions, are currently projected to be about $1.0 million for the fiscal year.

12 Instructional Resources and Media Services – As discussed during budget development, librarian positions, added through federal stimulus funds, were going to be picked up by the general fund effective this year. This change in funding source is responsible for the increase in expenditures of $0.8 million.

13 Curriculum and Instructional Staff Development – Expenditures have decreased $0.4 million or 15.4%. As mentioned above, the termination of the agreement with Transformation Waco resulted in the elimination of a number of supplemental positions including two administrative positions performing curriculum and instructional staff development functions.

21 Instructional Leadership – The decrease of $.4 million is again due to the elimination of positions from the Transformation Zone operations management.

23 School Leadership – For the 2024-2025 school years the campuses, previously under contracted management, were subject to the District's staffing guidelines. Adherence to these guidelines resulted in the elimination of five administrative and three paraprofessional positions and is reflected in the decreased expenditure of $0.9 million.

31 Guidance, Counseling and Evaluation Services – Expenditures have increased $0.6 million over last year. This increase is primarily due to the increase in diagnosticians and other evaluation services in the special education department.

32 Social Work Services – Positions funded in the Transformation Zone included three social work positions which were eliminated with the end of the management contract. As a result, expenditures have decreased $0.3 million.

33 Health Services – The increase of $138,009 represents an increase of 10.9% over last year. This is due, in part, to the shift in staffing campus clinics with registered nurses rather than aides of licensed vocational nurses. Additionally, there has been very little turnover in the current year, reducing salary savings recognized in developing the original budget.

34 Student Transportation – Expenditures have increase $1.4 million. The increase is a combination of increased costs arising from bringing the service in-house as well as the receipt of three micro-buses and five special education buses costing $1.0 million. All of the new buses have been received.

41 General Administration – Two administrative positions were eliminated with the Transformation Zone management contract. Additionally, contracted services for the executive officer and program consultant, had reduced expenditures by $0.6 million.

51 Plant Maintenance and Operations – Expenditures have increased $1.5 million. Approximately $0.4 million of the increase results from to the almost 40% increase in property insurance. The remainder is in expenditures for maintenance projects funded after the budget was adopted.

52 Security and Monitoring Services – The increase of $0.4 million is primarily due to the increase in salary and benefit expenditures which are partially offset by a decrease in contracted services. Almost all of the positions added to staff all District campuses are currently filled. At sites where the positions have not been filled, the District continues to place contracted off-duty officers from other agencies. Expenditures include $64,915 for a police car received in September and $603,383 in substitute security through contracted services.

53 Data Processing Services – Expenditures have increased $1.4 million over last year, most of this increase is due to the recording of the expenditure side of E-Rate reimbursements for technology equipment at the new Waco High School and the additions and renovations at South Waco Elementary School.

61 Community Services – Upon the termination of the management partnership with Transformation Waco, the District entered into an agreement for the continuation of wrap-around services to the previously managed campuses. The increase of $0.4 million reflects those costs. This contract ended June 14, 2025.

71 Debt Service – The increase of $0.3 million results from the accounting of new copier leases. This amount is offset in other financing sources as required under GASB Statement 87.

95 Juvenile Justice Program – An increase in daily rates and the District's participation in the program has resulted in increased expenditures of $0.2 million. Rates for the 2025-2026 school year will remain constant.

Child Nutrition Fund

Revenues:

5740 Other Local Revenue – The increase of $0.2 million is in earnings on investments, a result of a more consistent investment strategy for the current year.

5900 Federal Sources Revenue – Federal reimbursements for meals, as reflected in the April financial statements, is even with the prior year after showing an increase of $0.2 million last month. The monthly revenue for June is down $0.1 million from last year. This is a result of a decrease in participation probably due to having fewer summer school sites.

Functional Expenditures:

Expenditures in the functional categories appear to be consistent with last year's spending pattern with the exceptions shown below.

35 Food Services – Expenditures have increased $1.6 million over last year. Expenditures of $1.4 million, for the purchase of food service equipment items, have been made, as proposed under the District's plan to draw down the excess fund balance. Bids have been awarded for additional

purchases needed to facilitate compliance and prevent recapture of the funds. The bid for walk-in cooler/freezer units and backup generators at campuses throughout the District is scheduled to be awarded in August. These projects are part of the plan, approved by the Texas Department of Agriculture to reduce the excess fund balance in the Child Nutrition Fund.

Debt Service Fund

Revenues:

5710 Local Property Taxes – Property tax collections at the end of June have increased $2.4 million in comparison to last year. This is primarily due to the $0.02035 increase in the I&S tax rate to cover debt service costs for the 2024-2025 fiscal year as well as the difference in levy adjustments discussed under the general fund.

5740 Other Local Revenue – The increase in other local revenues of $0.1 million results from the timing of earnings on investments between the two years.

5820 Other State Program Revenue – The increase in State program revenue is a timing difference between fiscal years. The $1.5 million received represents additional State aid for the change in the homestead exemption (ASAHE) for facilities.

Functional Expenditures:

71 Debt Service – The decrease in debt service of $0.9 million reflects the lower interest payments that were due in February. The February payments on the various debt issues are strictly interest and do not include any principal. Principal payments will be included made in August along with the interest for the second half of the year. Total debt payments for the year will exceed last year's debt by $36,271.

Proprietary Fund – Governmental Activities – Internal Service Fund

The District utilizes an Internal Services Fund to account for its fully-insured group health insurance plan as well as its partially self-insured workers' compensation and unemployment coverages. Internal service funds are utilized to account for the financing of goods or services provided by one organizational unit of the school district to other organizational units. It essentially facilitates the allocation of costs to all funding sources.

Operating revenues and operating expenses have been included in a detail designed to provide relevant information. Revenues from District contributions (assessments to other funds) are distinguished from revenues from employee contributions to health insurance. Expenses detail claims payments, administrative fees, and stop-loss or excess insurance costs.

As of June 30, 2025, revenues exceeded expenditures by $1.4 million, compared to a deficit of $0.2 million last year. An increase in District contributions of $1.0 million is partially responsible for the plan's improvement. The increased contribution went into effect in January with the beginning of the plan year. Prescription drug rebates generated under the CVS plan have increased $1.2 million. Through June, medical claims reflect a decrease of $0.3 million. Prescription drug claims continue to climb, increasing $0.7 million over last year. Payments for stop-loss insurance coverage have increased $0.2 million.

The following chart reflects net operations for the various programs accounted for in the fund:

Program	Revenues	Expenditures	Net
Group Health Insurance	$ 14,109,454	$ 13,196,956	$ 912,499
Unemployment Compensation	74,855	40,714	34,141
Workers' Compensation	769,476	376,256	400,066
Wellness Programs	43,758	38,478	5,280
Total	$ 15,004,389	$ 13,652,404	$ 1,351,985

Under the terms of the agreement with United Health Care, the District may be reimbursed up to $50,000 for eligible wellness program costs. In December, we utilized the funding to replace audiometers throughout the District, purchased equipment for a wellness center as well as swag for health fair activities. For the 2025 plan year, the District is utilizing these wellness funds for fees related to the newly initiated weight management program.

In order to continue coverage of weight loss drugs and curb the escalating cost to the District's health program, drug co-pays were increased from $50 to $100 and employees are required to participate in the weight management program. The program includes one-on-one support from a registered dietitian to develop a personalized nutrition plan, provider oversight to adjust or prescribe medications, as needed, and a digital support application. Through May, 157 members have been reached out to and 127 have completed the screener. 69.3% of those employees have enrolled in the program and 93.2% are clinically engaged. 56.5% of the engaged members have been diagnosed with hypertension/high blood pressure, 29.0% are prediabetic, and 22.6% have high cholesterol. 95.5% of the members were using GLP-1 medications at baseline. Reports on the program have been very positive with overall satisfaction at 93%, skills and confidence to better manage weight at 92%, and recommend to others at 86%.

Weight loss medications prescribed for diabetes are not subject to the co-pay increase.

Unemployment shows an expense of $40,714 for the year. This amount is for the quarter ended March 31, 2025.

Workers' compensation claims expenses have increased $53,449 and TASB's administrative fee, paid at the beginning of the year, totaled $120,516, an increase of $17,243 over last year. While contribution rates under TASB's coverage increased overall, with the transition to an in-house transportation system, we added coverage for transportation staff. Driver rates run about 80% of the rates for police officers and 76% of the rates for auxiliary workers but are significantly higher than the rates for professional and clerical staff. As a result, contributions have increased $142,234.

Reserves for estimated incurred-but-not-reported (IBNR) claims for the fully self-funded health insurance plan totaled $562,000 for medical claims and $110,000 for prescription drugs, at August 31, 2024. Additionally, reserves for the estimated allocated loss adjustment expense (ALAE) for the partially self-funded workers' compensation plan totaled $273,429. In total this is an increase in the estimated liability of $609,137. The audited beginning net position at September 1, 2024 was $1,640,250. This is an increase of $56,419 over last year's beginning fund balance.

Waco Independent School District

BALANCE SHEET

GENERAL FUND

As of June 30, 2025

ASSETS		
Cash and Temporary Investments	$	79,132,745
Property Taxes Receivable, Net of Allowance of $992,196		2,161,643
Due from Other Governments		
Accrued Interest		128,548
Due from Other Funds		-
Other Receivables		143,444
Inventories		380,173
Deferred Expenditures		1,053
Long-term Investments		-
Total Assets	$	81,947,606
LIABILITIES		
Accounts Payable	$	468,194
Other Current Liabilities		
Payroll Withholdings and Contributions Payable		1,583,762
Accrued Wages Payable		9,359,662
Due to Other Funds		3,658,622
Due to Other Governments		367,947
Unearned Revenue		-
Total Liabilities	$	15,438,187
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	2,161,643
Total Deferred Inflows of Resources	$	2,161,643
FUND BALANCES		
Nonspendable Fund Balance	$	381,226
Restricted Fund Balance		-
Committed Fund Balance		1,080,901
Assigned Fund Balance		-
Unassigned Fund Balance		62,885,649
Total Fund Balances	$	64,347,775
Total Liabilities and Fund Balances	$	81,947,606

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE

BUDGET AND ACTUAL

For the Period Ended June 30, 2025

GENERAL FUND

		Adopted Budget	Amended Budget	(Memo) Monthly Current 6/30/2025	(Memo) Monthly Prior Year 6/30/2024	(Memo) Year-to-Date Current 6/30/2025	(Memo) Year-to-Date Prior Year 6/30/2024	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 67,283,414	67,283,414	321,863	148,863	65,005,759	63,119,089	(2,277,655)	96.61%	90.91%
5720	Services to Other Districts	77,000	77,000	2,720	-	75,656	66,574	(1,344)	98.25%	87.60%
5730	Tuition & Fees	150,000	150,000	-	-	179,889	133,365	29,889	119.93%	70.56%
5740	Other Local Revenue	2,982,880	3,559,534	296,690	423,677	3,560,002	4,803,230	468	100.01%	128.04%
5750	Extracurricular Activities	379,400	379,400	4,094	1,818	496,450	354,829	117,050	130.85%	112.90%
5760	Intermediate Source (C.E.D.)	381,000	381,000	-	-	401,567	328,691	20,567	105.40%	0.00%
	Total Local Sources	$ 71,253,694	71,830,348	625,366	574,358	69,719,323	68,805,779	(2,111,025)	97.06%	92.86%
STATE SOURCES										
5810	Per Capita & FSP Act	$ 72,248,367	72,248,367	7,694,852	4,754,135	53,743,381	51,491,266	(18,504,986)	74.39%	70.03%
5820	Other State Program (TEA)	-	-					-	0.00%	0.00%
5830	Other State Program	7,740,070	7,740,070	589,626	575,409	5,937,393	5,643,863	(1,802,677)	76.71%	75.62%
5840	Share Shared Services	-	-		-	-	-	-	0.00%	0.00%
	Total State Sources	$ 79,988,437	79,988,437	8,284,478	5,329,544	59,680,774	57,135,129	(20,307,663)	74.61%	70.55%
FEDERAL SOURCES										
5900	Federal Sources Revenue	3,718,789	4,637,207	59,017	48,716	4,401,937	2,411,909	(235,270)	94.93%	44.62%
	Total Revenues	$ 154,960,920	156,455,992	8,968,862	5,952,618	133,802,035	128,352,817	(22,653,957)	85.52%	79.98%
EXPENDITURES										
11	Instruction	$ 88,021,699	88,674,487	1,576,908	1,534,651	72,000,365	72,967,496	16,674,122	81.20%	79.87%
12	Instructional Resources & Media	1,422,823	1,495,729	25,783	8,171	1,265,730	491,464	229,999	84.62%	70.29%
13	Curriculum & Staff Development	3,372,422	3,323,715	207,560	250,748	2,453,650	2,899,416	870,064	73.82%	64.88%
21	Instructional Leadership	3,415,549	3,436,601	265,164	295,856	2,667,048	3,095,408	769,553	77.61%	76.53%
23	School Leadership	9,519,505	9,589,678	568,253	633,783	7,741,320	8,597,141	1,848,358	80.73%	81.42%
31	Guidance, Counseling & Evaluation	7,040,303	7,372,329	205,786	244,633	5,969,291	5,327,320	1,403,038	80.97%	81.90%
32	Social Work Services	543,622	443,362	9,265	22,157	333,932	611,357	109,430	75.32%	74.56%
33	Health Services	1,622,342	1,700,318	33,876	32,759	1,398,476	1,260,467	301,842	82.25%	81.51%
34	Student Transportation	4,927,508	6,016,306	204,764	6,428	4,263,656	2,924,883	1,752,650	70.87%	49.86%
35	Food Service	-	21,157	-	-	21,157	-	0	100.00%	0.00%
36	Extracurricular Activities	5,577,914	6,301,001	230,854	217,470	4,734,690	4,749,144	1,566,311	75.14%	77.21%
41	General Administration	6,349,454	6,832,855	391,119	502,236	4,936,091	5,537,318	1,896,764	72.24%	72.59%
51	Plant Maintenance & Operations	20,313,668	23,238,275	1,193,945	1,076,988	16,320,826	14,819,231	6,917,449	70.23%	74.24%
52	Security & Monitoring Services	3,692,568	4,320,402	235,612	231,064	3,517,174	3,158,975	803,228	81.41%	83.02%
53	Data Processing Services	3,430,585	4,826,884	148,728	150,454	4,053,922	2,660,334	772,962	83.99%	81.27%
61	Community Services	1,039,707	1,046,187	75,683	32,018	843,823	456,332	202,364	80.66%	85.48%
71	Debt Service	318,000	318,000	76,736	25,219	516,401	204,156	(198,401)	162.39%	67.60%
93	Shared Services Arrangements	300,000	322,000	-	300,000	307,599	300,000	14,401	40.74%	100.00%
95	Juvenile Justice Program	555,000	755,000	-	70,160	641,535	462,460	113,465	366.59%	79.05%
97	Payments to Tax Increment Fund	175,000	175,000	-	(5,097)	76,965	99,339	98,035	8.23%	82.78%
99	Other Intergovernmental Charges	935,000	935,000	-	206,912	861,976	833,438	73,024	#REF!	88.85%
	Total Expenditures	$ 162,572,669	171,144,286	5,450,038	5,836,609	134,925,627	131,455,679	36,218,659	78.84%	77.57%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (7,611,749)	(14,688,294)	3,518,824	116,010	(1,123,593)	(3,102,862)	13,564,701		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	117,576	44,801	-	323,103	503,624	205,527		
8900	Other Uses	(535,000)	(535,000)	-	-	-	-	(535,000)		
	Total Other Financing Source (Uses)	$ (535,000)	(417,424)	44,801	-	323,103	503,624	(329,473)		
	Total Changes in Fund Balances	$ (8,146,749)	(15,105,718)	3,563,625	116,010	(800,490)	(2,599,238)	14,305,228		
Fund Balances, Beginning		49,904,907	65,148,265			65,148,265	57,995,361	-		
Fund Balances, Ending		$ 41,758,158	50,042,547			64,347,775	55,396,123	14,305,228		

Unaudited

7/15/2025

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

GENERAL FUND

For the Period Ended June 30, 2025

		Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Debt Services	Capital Outlay	Total Year-to-Date 6/30/2025	*(Memo)* Total Year-to-Date 6/30/2024
		6100	6200	6300	6400	6500	6600	6000	6000
11	Instruction	$ 67,229,416	2,834,124	1,922,183	456,351	-	274,362	72,716,437	73,764,395
12	Instructional Resources & Media	1,182,580	4,141	74,073	2,969	-	6,499	1,270,262	498,993
13	Curriculum & Staff Development	2,158,540	108,367	58,941	170,794	-	32,924	2,529,566	3,005,739
21	Instructional Leadership	2,491,207	27,620	55,623	93,398	-	21,861	2,689,710	3,148,482
23	School Leadership	7,507,273	75,303	109,481	107,174	-	5,204	7,804,435	8,649,889
31	Guidance, Counseling & Evaluation	5,820,325	52,626	76,704	44,623	-	-	5,994,279	5,408,657
32	Social Work Services	328,052	280	608	4,992	-	-	333,932	612,463
33	Health Services	1,376,501	3,230	34,745	8,961	-	-	1,423,436	1,273,920
34	Student Transportation	2,908,114	139,845	745,480	(486,507)	-	1,080,656	4,387,588	4,814,564
35	Child Nutrition	-	-	-		-	21,157	21,157	-
36	Co/Extracurricular Activities	2,619,873	668,100	603,469	940,578	-	200,120	5,032,140	5,094,236
41	General Administration	3,613,231	938,946	150,335	378,471	-	5,970	5,086,953	5,655,510
51	Plant Maintenance & Operations	8,034,488	6,541,684	1,397,152	1,855,947	-	330,029	18,159,300	15,897,350
52	Security & Monitoring Services	2,369,648	910,912	245,817	33,857	-	179,796	3,740,030	3,488,722
53	Data Processing Services	1,367,985	275,894	2,117,770	21,527	-	559,405	4,342,581	2,752,725
61	Community Services	684,905	158,901	815	4,239	-	-	848,859	474,999
71	Debt Service	-	-	-	-	516,401	-	516,401	204,156
81	Facilities Acquisition & Construction	-	-	-	-	-	-	-	-
93	Shared Services Arrangements	-	-	-	307,599	-	-	307,599	300,000
95	Juvenile Justice Program	-	-	-	641,535	-	-	641,535	462,460
97	Payments to Tax Increment Fund	-	-	-	76,965	-	-	76,965	99,339
99	Other Intergovernmental Charges	-	861,976	-	-	-	-	861,976	833,438
	Total Expenditures & Encumbered Funds	$ 109,692,138	13,601,948	7,593,197	4,663,474	516,401	2,717,983	138,785,140	136,440,038

Unaudited

7/15/2025

Waco Independent School District

BALANCE SHEET

CHILD NUTRITION FUND

As of June 30, 2025

ASSETS		
Cash and Temporary Investments	$	8,287,269
Due from Other Governments		206,523
Accrued Interest		85,850
Due from Other Funds		807,132
Other Receivables		17,897
Total Assets	$	9,404,670
LIABILITIES		
Accounts Payable	$	579,069
Accrued Wages Payable		290,995
Total Liabilities	$	870,064
FUND BALANCES		
Restricted Fund Balance	$	8,534,607
Total Fund Balances	$	8,534,607
Total Liabilities and Fund Balances	$	9,404,670

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2025

CHILD NUTRITION FUND

		Adopted Budget	Amended Budget	Monthly Current 6/30/2025	Monthly (Memo) Prior Year 6/30/2024	Year-to-Date Current 6/30/2025	Year-to-Date (Memo) Prior Year 6/30/2024	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5740	Other Local Revenue	$ 65,000	65,000	29,188	20,931	363,610	193,042	298,610	559.40%	772.17%
5750	Extracurricular Activities	550,000	550,000	4,721	2,627	596,703	552,786	46,703	108.49%	145.85%
	Total Local Sources	$ 615,000	615,000	33,909	23,558	960,313	745,828	345,313	156.15%	184.61%
STATE SOURCES										
5820	Other State Program (TEA)	$ 39,000	39,000	-	-	42,235	42,615	3,235	108.29%	0.00%
	Total State Sources	$ 39,000	39,000	-	-	42,235	42,615	3,235	108.29%	0.00%
FEDERAL SOURCES										
5900	Federal Sources Revenue	$ 10,835,400	10,835,400	163,437	263,913	10,094,560	9,856,901	(740,840)	93.16%	92.92%
	Total Revenues	$ 11,489,400	11,489,400	197,346	287,471	11,097,107	10,645,345	(392,293)	96.59%	96.67%
EXPENDITURES										
35	Food Services	$ 12,325,453	15,413,776	491,999	359,091	10,337,873	8,692,047	5,075,903	67.07%	63.28%
	Total Expenditures	$ 12,325,453	15,413,776	491,999	359,091	10,337,873	8,692,047	5,075,903	67.07%	63.28%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (836,053)	(3,924,376)	(294,653)	(71,620)	759,235	1,953,298	4,683,611		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-	20,939	-	70,866	63,393	70,866		
	Total Other Financing Sources (Uses)	$ -	-	20,939	-	70,866	63,393	70,866		
	Total Changes in Fund Balances	$ (836,053)	(3,924,376)	(273,713)	(71,620)	830,101	2,016,691	4,754,477		
Fund Balances, Beginning		6,776,660	7,704,506			7,704,506	5,873,954	-		
Fund Balances, Ending		$ 5,940,607	3,780,130			8,534,607	7,890,645	4,754,477		

Unaudited

7/15/2025

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

CHILD NUTRITION FUND

For the Period Ended June 30, 2025

	Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Capital Outlay	Total Year-to-Date 6/30/2025	*(Memo)* Total Year-to-Date 6/30/2024
	6100	6200	6300	6400	6600	6000	6000
35 Food Services	$ 3,371,089	4,329,339	1,612,510	125,598	1,364,671	10,803,207	9,048,779
Total Expenditures & Encumbered Funds	$ 3,371,089	4,329,339	1,612,510	125,598	1,364,671	10,803,207	9,048,779

Waco Independent School District

BALANCE SHEET

DEBT SERVICE FUND

As of June 30, 2025

ASSETS		
Cash and Temporary Investments	$	23,034,552
Property Taxes Receivable, Net of Allowance of $281,215.58		597,914
Due from Other Funds		132,825
Total Assets	$	23,765,291
LIABILITIES		
Accounts Payable	$	-
Due to Other Funds	$	-
Due to Other Governments		38,511
Total Liabilities	$	38,511
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	597,914
Total Deferred Inflows of Resources	$	597,914
FUND BALANCES		
Restricted Fund Balance	$	23,128,866
Total Fund Balances	$	23,128,866
Total Liabilities and Fund Balances	$	23,765,291

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2025

DEBT SERVICE FUND

		Adopted Budget	Amended Budget	Monthly Current 6/30/2025	Monthly (Memo) Prior Year 6/30/2024	Year-to-Date Current 6/30/2025	Year-to-Date (Memo) Prior Year 6/30/2024	Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 23,531,688	23,531,688	118,007	52,060	23,936,319	21,580,810	404,631	101.72%	96.75%
5740	Other Local Revenue	106,000	106,000	80,393	81,687	594,601	445,388	488,601	560.94%	88.20%
	Total Local Sources	$ 23,637,688	23,637,688	198,400	133,747	24,530,920	22,026,197	893,232	103.78%	96.56%
STATE SOURCES										
5820	Other State Program (TEA)	$ 2,358,804	2,358,804	132,825	-	2,726,084	1,187,138	367,280	115.57%	50.31%
	Total State Sources	$ 2,358,804	2,358,804	132,825	-	2,726,084	1,187,138	367,280	115.57%	50.31%
	Total Revenues	$ 25,996,492	25,996,492	331,225	133,747	27,257,004	23,213,335	1,260,512	104.85%	92.23%
EXPENDITURES										
71	Debt Service	$ 25,950,492	25,950,492	-	825	8,058,596	9,003,899	17,891,896	31.05%	34.75%
97	Payments to Tax Increment Fund	46,000	46,000	-	(1,099)	33,621	33,652	12,379	73.09%	560.87%
	Total Expenditures	$ 25,996,492	25,996,492	-	(274)	8,092,217	9,037,551	17,904,275	31.13%	34.87%
	Total Changes in Fund Balances	$ -	-	331,225	134,020	19,164,787	14,175,784	19,164,787		
Fund Balances, Beginning		3,669,624	3,964,079			3,964,079	5,075,474	-		
Fund Balances, Ending		$ 3,669,624	3,964,079			23,128,866	19,251,257	19,164,787		

Waco Independent School District

Statement of Net Position

Proprietary Fund

As of June 30, 2025

	Governmental Activities Internal Service Fund
Assets	
Current assets:	
Due from other funds	$ 3,109,223
Other receivables	81,140
Prepaid items-health insurance	773,874
Total assets	$ 3,964,237
Liabilities	
Current liabilities:	
Accounts payable	$ 26,573
Other current liabilities	945,429
Total current liabilities	$ 972,002
Total liabilities	$ 972,002
Net position	
Unrestricted net position	$ 2,992,235
Total net position	$ 3,964,237

Unaudited

7/15/2025

Waco Independent School District
Statement of Revenues, Expenses, and Changes in Net Position
Budget and Actual
For the Period Ended June 30, 2025

Proprietary Fund
Governmental Activities - Internal Service Fund

	Budget	Monthly (Memo) Current 6/30/2025	Monthly (Memo) Prior Year 6/30/2024	Year-to-Date (Memo) Current 6/30/2025	Year-to-Date (Memo) Prior Year 6/30/2024	Difference Budget to Current Year-to-Date	CY YTD As % of Budget	PY YTD As % of Budget
Operating revenues:								
Employee contributions:								
Group health	$ 3,791,900	302,712	$ 328,436	3,118,099	$ 3,147,708	(673,801)	82.23%	85.30%
Assessments to other funds:								
Group health	10,907,700	938,075	792,020	8,761,613	7,921,913	(2,146,087)	80.33%	81.08%
Unemployment	72,100	6,992	5,463	74,855	36,791	2,755	103.82%	95.60%
Workers compensation	837,900	71,270	-	769,476	627,242	(68,424)	91.83%	142.17%
Wellness Program	50,000	-	-	43,758	-	(6,242)	87.52%	0.00%
Prescription drug rebates	2,228,700	750,793	70,249	2,229,742	993,576	1,042	100.05%	123.58%
Insurance recovery	-	-	7,059	6,846	10,108	6,846	0.00%	0.00%
Total operating revenues	$ 17,888,300	2,069,842	1,203,227	15,004,389	12,737,338	(2,883,911)	83.88%	86.39%
Operating expenses:								
Administrative fees	$ 1,379,600	75,960	6,746	1,031,959	923,978	347,641	74.80%	80.33%
Claims expense:								
Medical claims	7,243,200	453,501	534,239	5,119,566	5,438,476	2,123,634	70.68%	61.18%
Prescription drug claims	6,635,000	444,786	518,181	5,571,935	4,872,766	1,063,065	83.98%	103.01%
Unemployment	80,000	-	-	40,714	56,690	39,286	50.89%	257.68%
Workers compensation	619,100	-	-	255,740	202,291	363,360	41.31%	107.78%
Stop-loss insurance	1,881,400	163,559	-	1,594,012	1,419,846	287,388	84.72%	93.80%
Wellness Program	50,000	-	-	38,478	42,720	11,522	76.96%	85.44%
Total operating expenses	$ 17,888,300	1,137,805	1,059,166	13,652,404	12,956,766	4,235,896	76.32%	78.32%
Change in net position	$ -	932,037	144,060	1,351,985	(219,428)	1,351,985		
Net position:								
Net position, beginning	$ 1,976,289			1,640,250	1,585,716	(336,039)		
Net position, ending	$ 1,976,289			2,992,235	1,366,288	1,015,946		

Waco Independent School District

Statement of Cash Flows

For the Period Ended June 30, 2025

	Proprietary Fund
	Governmental Activities
	Internal Service Fund
Cash flows from operating activities:	
Cash received from employee contributions	$ 302,712
Cash received from assessments to other funds	84,300
Cash payments for claims	(898,287)
Cash payments for stop loss premiums	(163,559)
Cash payments for professional and contracted services	(75,960)
Net cash provided by operating activities	$ (0)
Net increase in cash and cash equivalents	$ (0)
Cash and cash equivalents at beginning of year	-
Cash and cash equivalents at end of year	$ (0)
Reconciliation of operating income to net cash provided by operating activities:	
Operating gain (loss)	$ 932,037
Effects of increases and decreases in current assets and liabilities:	
Increase in receivables	(784,596)
Decrease in prepaid items	61,507
Decrease in accounts payable	(208,948)
Net cash provided by operating activities	$ (0)

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: Elizabeth Cox

RE: First Reading of Board Policy Update 124

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Background Information

Board Policy Update 124 from the Texas Association of School Boards encompasses changes in law from the 88th Regular Legislative Session that have immediate effect on the governance and management of the district. The legal policies are provided for your information only. The local policies included in this packet provide additions, deletions, and revisions that clarify the current policy language.

Update 124 proposes changes to the following local policies:

- CAA: Fiscal Management Goals and Objectives, Financial Ethics
- CDA: Other Revenues, Investments
- CY: Intellectual Property
- DH: Employees Standards of Conduct
- EHB: Curriculum Design, Special Programs
- EHBB: Special Programs, Gifted and Talented Students
- FFG: Student Welfare, Child Abuse and Neglect
- GKA: Community Relations, Conduct on School Premises

Please see the Explanatory Notes included in this update packet for a description of the specific changes for each policy.

Fiscal Implications

None

Administrative Recommendation(s):

At this time, Board Policy Update 124 is presented for first reading and consideration only. The second reading and proposed adoption will be part of the agenda for the board meeting on August 21, 2025.

Instruction Sheet

TASB Localized Policy Manual Update 124

Waco ISD

Code	Type	Action To Be Taken	Note
AIC	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
CAA	(LOCAL)	Replace policy	Revised policy
CBB	(LEGAL)	Replace policy	Revised policy
CDA	(LOCAL)	Replace policy	Revised policy
CFA	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CFC	(LOCAL)	No policy enclosed	See explanatory note
CH	(LEGAL)	Replace policy	Revised policy
CKEA	(LEGAL)	Replace policy	Revised policy
CKEB	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
COA	(LEGAL)	Replace policy	Revised policy
COB	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CQC	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
CY	(LOCAL)	Replace policy	Revised policy
D	(LEGAL)	Replace table of contents	Revised table of contents
DAA	(LEGAL)	Replace policy	Revised policy
DAB	(LEGAL)	DELETE policy	See explanatory note
DBB	(LEGAL)	Replace policy	Revised policy
DECA	(LEGAL)	Replace policy	Revised policy
DECB	(LEGAL)	Replace policy	Revised policy
DG	(LEGAL)	Replace policy	Revised policy
DH	(LOCAL)	Replace policy	Revised policy
DI	(LEGAL)	Replace policy	Revised policy
DIA	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
EC	(LEGAL)	Replace policy	Revised policy
EFB	(LEGAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHB	(LEGAL)	Replace policy	Revised policy

Waco ISD

Code	Type	Action To Be Taken	Note
EHB	(LOCAL)	Replace policy	Revised policy
EHBA	(LEGAL)	Replace policy	Revised policy
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAC	(LEGAL)	Replace policy	Revised policy
EHBAD	(LEGAL)	Replace policy	Revised policy
EHBAE	(LEGAL)	Replace policy	Revised policy
EHBB	(LEGAL)	Replace policy	Revised policy
EHBB	(LOCAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	Replace policy	Revised policy
EHBG	(LEGAL)	Replace policy	Revised policy
EHDD	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EIE	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
ELA	(LEGAL)	Replace policy	Revised policy
FFB	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFG	(LOCAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FM	(LEGAL)	Replace policy	Revised policy
FNA	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy
GA	(LEGAL)	Replace policy	Revised policy
GKA	(LOCAL)	Replace policy	Revised policy
GRB	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 124

Waco ISD

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

At Alternative Management, new text has been included due to changes to the Administrative Code, which became effective September 10, 2024. At Training of Board of Managers, language has been added relating to training requirements for board members who are appointed to join a board of managers. New rules effective on September 18, 2024, regarding Special Program Performance Determination and cyclical monitoring have also been included. In addition, adjustments to margin notes have been made elsewhere in the policy.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

Language has been added at Compliance Monitoring Activities due to Administrative Code changes effective September 18, 2024. The new section at Supervision Under IDEA reflects recent amendments from the Administrative Code that outline TEA's procedures for investigating and issuing findings related to violations of the Individuals with Disabilities Education Act (IDEA).

CAA(LOCAL) FISCAL MANAGEMENT GOALS AND OBJECTIVES: FINANCIAL ETHICS

Recommended revisions to this local policy at Federal Awards Disclosure are to align text with updated rules regarding federal grants found in the Code of Federal Regulations. This guidance became effective October 1, 2024, and is reflected in CBB(LEGAL). The phrase "or designee" is recommended for deletion throughout the policy, except in places where the designation of another individual could be in place of the superintendent or board president and not just the superintendent as is the case in most other policies.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions and additions have been made to this legally referenced policy in light of updated rules about federal grants found in the Code of Federal Regulations, effective October 1, 2024.

CDA(LOCAL) OTHER REVENUES: INVESTMENTS

The section on Sellers of Investments is recommended for revision to specify that representatives with distributors of investment pools must be registered with the Texas State Securities Board, have membership in the Securities Investor Protection Corporation, and be in good standing with the Financial Industry Regulatory Authority. Distributors of investment pools must also be registered in good standing with the Municipal Securities Rulemaking Board.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

CFA(LEGAL) ACCOUNTING: FINANCIAL REPORTS AND STATEMENTS

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's version number has been updated at Account System, Financial Accountability System Resource Guide.

CFC(LEGAL) ACCOUNTING: AUDITS

TEA's Financial Accountability System Resource Guide has been updated to version 19, and those updates were adopted by reference in the Administrative Code effective March 31, 2024. The guide's ver-

Waco ISD

sion number has been updated at Financial Accountability System Resource Guide. A reference to material in the Administrative Code has been included in the Financial Accountability Rating System (School FIRST) section of this policy.

CFC(LOCAL) ACCOUNTING: AUDITS

Our records indicate that the district has an internal audit program. The Institute of Internal Auditors published new Global Internal Audit Standards that are effective in January 2025. It is recommended that the district review the standards. Please contact your district's policy consultant for assistance with updates to the district's CFC(LOCAL) if needed.

CH(LEGAL) PURCHASING AND ACQUISITION

General provisions relating to interlocal contracts have been moved to GRB(LEGAL). Language specific to interlocal contracts used for purchasing remains in this legally referenced policy. A note has been added to assist readers in accessing additional provisions related to interlocal agreements.

CKEA(LEGAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

A section on Medical and Psychological Exams has been added under Required Policies due to policy adoption requirements found in Senate Bill 1445 (88th Regular Session). The Texas Commission on Law Enforcement (TCOLE) has created a model policy that police departments (not the school board) must adopt. The TCOLE model policy was made available in May 2024 with a September 1, 2024, deadline for law enforcement agencies to submit their policies.

CKEB(LEGAL) SECURITY PERSONNEL: SCHOOL MARSHALS

A new section on Psychological Fitness includes the requirements and processes outlined in Administrative Code rules to conform with changes to the Occupations Code made by Senate Bill 1445 (88th Regular Session). The new rules require TCOLE to adopt standards and procedures for the psychological examination of school marshal applicants, school marshal licensees, and school marshal licensees for whom there is reason to believe a new examination is necessary to ensure the individuals are able to perform the duties for which the school marshal license is required. There is also a clarification of the reporting requirements for school marshal appointing entities. A new reporting responsibility relating to psychological fitness has been included at District Responsibilities, and a new section at Fit for Duty Review has been added to reflect the new requirements from TCOLE.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

The revisions in this legally referenced policy reflect changes to federal rules related to child nutrition programs that became effective July 1, 2024.

COA(LEGAL) FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

Substantial additions have been made at Conflicts of Interest to reflect rule amendments that became effective on October 1, 2024. A new section on Procurement Training has been added to comply with an addition to the Code of Federal Regulations, effective July 1, 2024.

COB(LEGAL) FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

Revisions to this policy reflect amendments to federal rules, effective July 1, 2024, changing terminology from "meal supplements" to "afterschool snacks." At Community Eligibility Provision, the minimum identified student percentage has changed from 40 to 25 based on an amended rule effective October 26,

Waco ISD

2023. This change will give states and schools more flexibility to offer meals to all enrolled students at no cost when financially viable. Reference links have also been updated.

Please note: If your district is participating in the Community Eligibility Provision or Special Assistance Provision 2 program, please review your COB(LOCAL). If the policy is missing language to address the program in place in your district, please contact your policy consultant.

CQA(LEGAL) TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

The citation at item 48 under Other Required Internet Postings has been updated based on amendments to the Administrative Code.

CQC(LEGAL) TECHNOLOGY RESOURCES: EQUIPMENT

Under Transfer of Equipment to Students, a new subsection on Standards has been added based on guidance recently developed by TEA as required by House Bill 18 (88th Regular Session). The standards provide guidance to districts on what electronic devices and software applications are permissible for use in the district.

CV(LEGAL) FACILITIES CONSTRUCTION

A Note has been added on page 11 to direct readers to other policies related to interlocal contracts generally and interlocal contracts for purchasing good and services, based on organization of those provisions at different codes.

CY(LOCAL) INTELLECTUAL PROPERTY

Revisions are recommended throughout this local policy to clarify the circumstances under which the district's intellectual property may be used and where ownership of intellectual property lies when material is created by a district employee. Other recommended revisions clarify how district employees may use other copyrighted material, including copyrighted material used for performances and displays in instruction.

D(LEGAL) PERSONNEL

Provisions on genetic nondiscrimination, previously at DAB, have been moved to DAA, and policy DAB has been deleted. The D section table of contents has been revised to reflect that change.

DAA(LEGAL) EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

Changes have been made to comport with the new federal Pregnant Workers Fairness Act (PWFA) regulations, effective June 18, 2024.

Because the legal framework is being revised in light of the PWFA, we have taken the opportunity to significantly streamline content on employee nondiscrimination. Provisions regarding employee nondiscrimination were previously divided between DAA(LEGAL), addressing nondiscrimination in hiring and ending employment, and DIA(LEGAL), addressing nondiscrimination in terms, conditions, and privileges of employment. In order to minimize duplication of language and simplify the legally referenced materials, provisions regarding employment nondiscrimination have been moved to this code. Provisions relating to the Genetic Information Nondiscrimination Act (GINA) have also been moved to this legally referenced policy from DAB(LEGAL) to consolidate all nondiscrimination laws into one location.

Waco ISD

DAB(LEGAL) EMPLOYMENT OBJECTIVES: GENETIC NONDISCRIMINATION

Provisions on genetic nondiscrimination have been relocated to DAA(LEGAL) for clarity and continuity, and policy DAB has been deleted. All employment-related nondiscrimination language is now consolidated into DAA(LEGAL).

DBB(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: MEDICAL EXAMINATIONS AND COMMUNICABLE DISEASES

The policy cross-reference at Genetic Information has been updated to DAA to conform with the recoding of the provision there.

DECA(LEGAL) LEAVES AND ABSENCES: FAMILY AND MEDICAL LEAVE

Cross-references to DAB regarding genetic nondiscrimination have been updated to DAA throughout to conform with provisions recoded at this update.

DECB(LEGAL) LEAVES AND ABSENCES: MILITARY LEAVE

Updated provisions have been included at Federal Military Leave to comport with the Civilian Reservist Emergency Workforce Act of 2022.

DG(LEGAL) EMPLOYEE RIGHTS AND PRIVILEGES

A new section on Voting reflects existing provisions from the Election Code related to allowing employees time off to vote. This addition was suggested by a member of the Texas Council of School Attorneys, and we agreed it would be a helpful legal reference.

DH(LOCAL) EMPLOYEE STANDARDS OF CONDUCT

The provisions addressing tobacco and e-cigarettes are recommended for revision to include nicotine products regardless of whether the product contains tobacco. This language aligns with the language included in the Model Employee Handbook.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

DI(LEGAL) EMPLOYEE WELFARE

Revisions at Reporting Workplace Violence reflect amended Administrative Code rules, which became effective January 8, 2024.

DIA(LEGAL) EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

To eliminate duplication and reduce confusion, this legally referenced policy has been substantially revised to recode employee nondiscrimination provisions to policy DAA(LEGAL).

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

Changes to the subsection on Gifted and Talented Education reflect Administrative Code amendments that became effective September 1, 2024.

Waco ISD

EC(LEGAL) SCHOOL DAY

At Pledges of Allegiance, a cross-reference has been added to policy FNA for additional information on patriotic observances.

EFB(LEGAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

The Note at the beginning of this legally referenced policy has been deleted, as all deadlines to appeal in the *Book People, Inc. v. Wong* case have passed and the injunction put in place by the Fifth Circuit Court of Appeals is now permanent. Other citations to the case have been amended accordingly. Also, the statutory definition of "obscene" has been included in this policy as a legal reference.

EHAA(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

The Education Code requirement to obtain written consent of a student's parent before the student may be provided with human sexuality instruction expired on August 1, 2024. The expired subsection has been removed from this legally referenced policy. TEA has issued guidance about this change. Districts are encouraged to clarify local expectations for parental consent regarding human sexuality instruction in their local student handbook.

EHAC(LEGAL) BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

Several revisions have been made to the Middle School Advanced Math Program section based on new Administrative Code rules, effective July 8, 2024. In the CPR and AED Instruction section, revisions regarding the applicability of the requirements have been made based on rule changes effective August 1, 2024.

EHB(LEGAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

This policy includes substantial revisions, most of which are the result of amended Administrative Code rules effective June 30, 2024. At Parental Notice of Assistance for Learning Difficulties, a phrase has been added to item 3e to clarify the content in the cited Education Code provision. A new section with Definitions now found in the Administrative Code has been added. The provisions at Board Action Required and Screening, Testing, and Identification have been updated. Extensive edits at Parent Education are due to revisions from the Administrative Code. Changes include a new paragraph on Instruction and deletion of text related to a dyslexia reading program.

EHB(LOCAL) CURRICULUM DESIGN: SPECIAL PROGRAMS

Recommended revisions to this local policy on Special Programs reflect updated Administrative Code rules addressing dyslexia and related disorders, specifically inclusion of references to the *Dyslexia Handbook* and admission, review, and dismissal (ARD) committee decisions.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Extensive revisions to this legally referenced policy have been made as a result of Administrative Code revisions, effective August 22, 2024. A section on Policies, Procedures, Programs, and Practices has been added, as have provisions addressing Interventions and Sanctions to identify potential consequences for IDEA violations. The paragraph addressing discipline has been removed as the text is no longer in the Administrative Code. The text addressing Instructional Arrangements and Settings includes revisions throughout all subsections, and revisions have also been made to the provisions regarding Other Program Options, Contracts for Services, and Instructional Day. A reference to the applicable Administrative Code provision has been added at Extended School Year Services.

Waco ISD

EHBAA(LEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

Substantial additions and amendments throughout this legally referenced policy reflect changes to the Administrative Code, effective July 30, 2024. A Student Communication section regarding student evaluation for special education has also been added. The Eligibility and Reevaluations section now includes a Birth Through Age Two subsection to conform to Administrative Code rules.

EHBAB(LEGAL) SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

Changes to the Administrative Code resulted in updates throughout this legally referenced policy. Details related to the responsibilities of the admission, review, and dismissal committee have been added, and a provision relating to dyslexia is included in the section about Committee Members. Parent Participation includes revisions that became effective July 30, 2024, and a provision on Content of the IEP has been added. Revisions at Supplemental Special Education Services became effective May 28, 2024. Dyslexia and autism components have been amended, along with the Visual Impairment or Hard of Hearing section. Failure to Reach Agreement has also been amended to increase clarity around requirements. Finally, a section addressing the Eligibility Folder has been added and Teacher Access to IEP amended.

EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

Residential Facilities has been revised in accordance with Administrative Code amendments, effective on August 22, 2024. A reference to the Administrative Code at District Placements points readers to an amended rule regarding the district's ability to contract with a nonpublic or nondistrict operated day program provider. An update at School for the Blind and Visually Impaired and School for the Deaf reflects revisions to the Administrative Code effective August 22, 2024.

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

Significant revisions at Individual Transition Planning are due to Administrative Code changes effective July 30, 2024. A new subsection on the Transition and Employment Designee required of each district has been added in accordance with rule changes that became effective August 22, 2024.

EHBAE(LEGAL) SPECIAL EDUCATION: PROCEDURAL REQUIREMENTS

The Prior Notice and Consent section includes provisions to align with revisions to the Administrative Code, effective July 30, 2024. Substantial revisions at Transfer of Rights to Adult Students are to clarify requirements in the Administrative Code.

EHBB(LEGAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Administrative Code rules regarding gifted and talented students were amended to be effective September 1, 2024. Changes have been made throughout this legally referenced policy to align with the new rules and to clarify requirements.

EHBB(LOCAL) SPECIAL PROGRAMS: GIFTED AND TALENTED STUDENTS

Changes to the Texas State Plan for the Education of Gifted/Talented Students, approved by the State Board of Education in September 2024, prompted updates in terminology throughout this local policy. Recommended revisions at Funding are to align the text with requirements in the Education Code and in Administrative Code rules.

Waco ISD

EHBCA(LEGAL) COMPENSATORY SERVICES AND INTENSIVE PROGRAMS: ACCELERATED INSTRUCTION

Revisions at Accelerated Instruction reflect changes to the Administrative Code, effective May 22, 2024. A new section at Significantly Below Satisfactory has been included in accordance with Administrative Code revisions. Sections on Repeating a High School Course and Ratio Waiver have also been added due to the revised regulatory guidance.

EHBG(LEGAL) SPECIAL PROGRAMS: PREKINDERGARTEN

Administrative Code revisions that became effective June 9, 2024, prompted several changes to this legally referenced policy. The subsection relating to Eligibility for high-quality prekindergarten programs has been amended. The eligibility requirements are the same as those listed earlier in the policy for tuition-free prekindergarten. Rule changes also required other revisions throughout the policy, including to Teacher Requirements and Supervisor Requirements.

EHDD(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: COLLEGE COURSE WORK/DUAL CREDIT

A rewriting of Administrative Code rules, effective May 16, 2024, led to substantial revisions at Dual Credit Programs and at Dual Credit Agreement. The Administrative Code was amended in a way that allowed deletion of the Education Code requirements regarding agreements, as all requirements are now consolidated in one list at Dual Credit Agreement. Provisions addressing the FAST Program have also been amended to reflect revisions to Administrative Code rules.

EI(LEGAL) ACADEMIC ACHIEVEMENT

Language relating to instruction in the use of an automated external defibrillators (AED) has been added to the subsection on CPR, pursuant to revisions in the Administrative Code, effective August 1, 2024.

EIE(LEGAL) ACADEMIC ACHIEVEMENT: RETENTION AND PROMOTION

At Parental Option to Retain, a subsection on Passing Grades has been added to clarify the legal standard for assignment of grades when a course is retaken after a passing grade.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

A reference has been included in this policy pointing to the Administrative Code rule for further details relating to specific endorsements, including the STEM endorsement, that became effective August 1, 2024. Provisions addressing Physical Education and Other Physical Education Activities have been clarified to align with rule amendments effective August 1, 2024.

EKBA(LEGAL) STATE ASSESSMENT: ENGLISH LEARNERS/EMERGENT BILINGUAL STUDENTS

Revisions throughout the policy reflect amended Administrative Code rules, effective September 24, 2024, and the provisions have been reorganized for clarity and ease of reading.

ELA(LEGAL) CAMPUS OR PROGRAM CHARTERS: PARTNERSHIP CHARTERS

An expired Administrative Code provision addressing partial year as it relates to charter partnerships has been deleted. Administrative Code changes, effective March 26, 2024, also resulted in the removal of a provision regarding appeals of a decision made by TEA to deny, remove, or return an eligibility approval request.

Waco ISD

FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

The subsection previously titled Threat Assessment Team has been revised to include "Safe and Supportive Schools" to align with terminology used by TEA.

FFG(LEGAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

The Definitions section of this legally referenced policy has been revised to better define Child Abuse and Neglect by including detailed language from the Family Code.

FFG(LOCAL) STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Under Reporting Child Abuse and Neglect, a new subsection on Oral Reports is recommended to comply with revisions to the Family Code and Administrative Code. Recommended revisions at Making a Report are to clarify new requirements in the Education Code stating that reporting individuals must provide their name and contact information when making a report. The policy still states that the identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law.

FFH(LEGAL) STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been updated to remove an editor's note that is no longer applicable since a Texas federal court enjoined the Office for Civil Rights from enforcing this interpretation of the Title IX rules in June 2024. Policy Service issued a Policy Alert notifying districts of this change in July 2024.

FM(LEGAL) STUDENT ACTIVITIES

In the UIL Allotment section, a robust Definitions section has been added in accordance with revisions to Administrative Code rules, effective on August 4, 2024.

FNA(LEGAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT EXPRESSION

Under Patriotic Observances, a reference to policy EC has been added to provide additional information regarding pledge of allegiance requirements.

FOF(LEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

A paragraph regarding the discipline of students with disabilities been removed from the Students Receiving Special Education Services section due to amendments to the Administrative Code that became effective July 30, 2024.

GA(LEGAL) ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

New provisions addressing Web Content and Mobile App Accessibility have been added based on revisions found in the Code of Federal Regulations.

GKA(LOCAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Recommended language prohibiting electronic vaporizing devices has been added to the Tobacco and E-Cigarettes section of this local policy.

The Legal Issues in Update 124 memo, available with your Update 124 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

Waco ISD

GRB(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: INTERLOCAL COOPERATION CONTRACTS

Revisions to this legally refenced policy are based on the requirements of the Interlocal Cooperation Act. Details that were formerly in CH(LEGAL) have been recoded here to ensure all general interlocal agreement requirements are consolidated into one location. A citation to CNA(LEGAL) has been added to point readers to additional information relating to the operation of a transportation system.

Table of Contents

Interventions and Sanctions for School Districts 3
Grounds for Commissioner Action 3
Conservator or Management Team 4
Board of Managers 5
Revocation of Accreditation 6
Intervention to Improve High School Completion Rate 6
Interventions after Certain D Ratings 7
Certain D-Rating Improvement Plans 7
Management of a Campus 8
Actions Based on Campus Performance 8
District Action Required 9
Campus Intervention Team 9
Public Hearing 12
Submission to Commissioner 12
Executing Plan 12
Local Improvement Plan 13
Campus Planning and Site-Based Decision-Making 13
Submission of Campus Improvement Plan 13
Compliance Through Federal Accountability 14
Campus Turnaround Plan 14
Updated Targeted Improvement Plan 14
Public Notice 14
Submission and Approval 14
Implementation, Modification, and Withdrawal 14
Required Contents 15
Implementing Entities 16
Commissioner Approval or Rejection 17
Preparation 18
Assistance and Partnerships 18
Modification in Campus Turnaround Plan 18
Continued Unacceptable Performance Rating 18
Repurposing of Closed Campus 19
Student Enrollment and Assignment 19
Targeted Technical Assistance 20
Alternative Management 20
Solicitation of Proposals 20

Qualifications of Managing Entity....21
Contract with Managing Entity....21
Return of Management to District....23
Applicability of Accountability Provisions....23
Funding....23
Open Meetings and Public Information....23
Board of Managers....23
General Powers and Duties....23
Board of Managers of District....24
Composition of Board of Managers....24
Training of Board of Managers....24
Compensation....24
Replacement of Member of Board of Managers....25
Expiration of Appointment....25
Removal of Board of Managers....25
Challenge of Intervention or Sanction....26
Review of Sanctions by SOAH....26
Appeals....26
Annual Review....27
Increasing Intensity....27
Intervention Programs....27
ACE Turnaround Plan....27
Resource Campus....27
Strong Foundations Intervention....27
Miscellaneous Provisions....28
Acquisition of Professional Services....28
Costs Paid by District....28
Immunity from Civil Liability....28
Campus Name Change....29
Special Program Performance Determination....29
Intervention Pause....30
Failure to Submit Emergency Operations Plan....30
Student Board Member....31

Interventions and Sanctions for School Districts

The commissioner of education shall take any of the actions authorized by Education Code Chapter 39A, Subchapter A, to the extent the commissioner determines necessary if:

Grounds for Commissioner Action

1. A district does not satisfy:
    a. The accreditation criteria under Education Code 39.052 [see AIA];
    b. The academic performance standards under Education Code 39.053 or 39.054 [see AIA]; or
    c. Any financial accountability standard as determined by commissioner rule [see CFA]; or
2. The commissioner considers the action to be appropriate on the basis of a special investigation under Education Code 39.003.

Education Code 39A.001

Authorized Commissioner Actions

If a district is subject to commissioner action, the commissioner may:

1. Issue public notice of the deficiency to the board;
2. Order a hearing to be conducted by the board to notify the public of:
    a. The insufficient performance;
    b. The improvements in performance expected by the Texas Education Agency (TEA); and
    c. The interventions and sanctions that may be imposed if the performance does not improve;
3. Order the preparation of a student achievement improvement plan that addresses each academic achievement indicator under Education Code 39.053(c) for which the district's performance is insufficient, the submission of the plan to the commissioner for approval, and the implementation of the plan;
4. Order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board and the district's superintendent shall appear and explain the district's low performance, lack of improvement, and plans for improvement;
5. Arrange a monitoring review of the district;
6. Appoint a TEA monitor to participate in and report to TEA on the activities of the board or superintendent;

7. Appoint a conservator to oversee the operations of the district;

8. Appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person;

9. Authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance; or

10. Order the use of the board improvement and evaluation tool as provided by Education Code 11.182 [see BG].

Education Code 39A.002

Regardless of whether the commissioner lowers a district's status or rating, the commissioner may take action under Education Code Chapters 39 and 39A or 19 Administrative Code 97.1057 if the commissioner determines that the action is necessary to improve any area of performance by the district or campus.

Subject to 19 Administrative Code 97.1057(h)-(k), once the commissioner takes action under 19 Administrative Code Chapter 97, Subchapter EE (accreditation status, standards, and sanctions), the commissioner may impose on the district or campus any other sanction under Education Code Chapter 39 or 39A, or Subchapter EE, singly or in combination, to the extent the commissioner determines is reasonably required to achieve the purposes specified in 19 Administrative Code 97.1053.

19 TAC 97.1057(c), (e)

In making a determination to impose district and campus accreditation sanctions under 19 Administrative Code Chapter 97, Subchapter EE, the commissioner shall meet the requirements of 19 Administrative Code 97.1059. *19 TAC 97.1059*

Conservator or Management Team

The commissioner shall clearly define the powers and duties of a conservator or management team appointed to oversee the operations of a district.

At least every 90 days, the commissioner shall review the need for the conservator or management team and shall remove the conservator or management team unless the commissioner determines that continued appointment is necessary for effective governance of the district or delivery of instructional services.

A conservator or management team, if directed by the commissioner, shall prepare a plan for the implementation of the appointment of a board of managers or the revocation of accreditation.

The conservator or management team may:

1. Direct an action to be taken by the principal of a campus, the superintendent of the district, or the board; and
2. Approve or disapprove any action of the principal of a campus, the superintendent of the district, or the board.

The conservator or management team may not:

1. Take any action concerning a district election, including ordering or canceling an election or altering the date of or the polling places for an election;
2. Change the number of or method of selecting the board;
3. Set a tax rate for the district; and
4. Adopt a budget for the district that provides for spending a different amount, exclusive of required debt service, from that previously adopted by the board.

A conservator or management team may exercise the powers and duties defined by the commissioner or described above regardless of whether the conservator or management team was appointed to oversee the operations of a district in its entirety or the operations of a certain campus within the district.

Education Code 39A.003

Regardless of whether a district has satisfied the accreditation criteria, if for two consecutive school years, including the current school year, a district has had a conservator or management team assigned to the district or campus for any reason, the commissioner may appoint a board of managers, a majority of whom must be residents of the district, to exercise the powers and duties of the board of trustees. For purposes of this subsection, a school year begins on the first day of instruction and includes any portion of the school year. This applies to an appointed conservator or management team, regardless of the scope or any changes to the scope of the conservator's or team's oversight. *19 TAC 97.1057(d); Education Code 39A.006(a)-(b)*

Board of Managers

The commissioner may appoint a board of managers to exercise the powers and duties of a district's board if the district is subject to commissioner action and:

1. Has a current accreditation status of accredited-warned or accredited-probation;
2. Fails to satisfy any standard under Education Code 39.054(e); or
3. Fails to satisfy financial accountability standards as determined by commissioner rule.

Education Code 39A.004

Revocation of Accreditation

The commissioner may revoke the accreditation of a district if the district is subject to commissioner action, and for two consecutive school years, including the current school year, the district has:

1. Received an accreditation status of accredited-warned or accredited-probation;
2. Failed to satisfy any standard under Education Code 39.054(e); or
3. Failed to satisfy financial accountability standards as determined by commissioner rule.

In addition to revoking a district's accreditation, the commissioner may:

1. Order closure of the district and annex the district to one or more adjoining districts under Education Code 13.054; or
2. In the case of a home-rule school district, order closure of all programs operated under the district's charter.

Education Code 39A.005

Intervention to Improve High School Completion Rate

If a district is subject to commissioner action and the district has failed to satisfy any standard under Education Code 39.054(e) because of the district's dropout rates, the commissioner may impose sanctions against a district designed to improve high school completion rates, including:

1. Ordering the development of a dropout prevention plan for approval by the commissioner;
2. Restructuring the district or appropriate campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Education Code 29.081;
3. Ordering lower student-to-counselor ratios on campuses with high dropout rates; and

4. Ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

Education Code 39A.007

Interventions after Certain D Ratings

Until another performance rating is issued, TEA may not implement the following intervention or sanctions to a D-rated district or campus, if the D rating is considered acceptable [see AIA]. The following interventions and sanctions are subject to a pause:

1. Revocation of a charter under Education Code 12.115(c);
2. Annexation under Education Code 13.054;
3. Change in accreditation status under rules adopted for accreditation under Education Code 39.052; and
4. Interventions or sanctions under Education Code 39A.101(a), 39A.107(a) or (c), or 39A.111.

A performance rating of D that is considered acceptable may not be included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings.

Interventions or sanctions implemented prior to a pause shall continue during a school year for which interventions or sanctions listed above are paused.

Education Code 39A.118

Certain D-Rating Improvement Plans

A district or campus that is assigned a rating of D that qualifies under Education Code 39.0543(b) [see AIA] shall develop and implement a local improvement plan using the guidance provided by TEA.

The district or campus shall:

1. Conduct a data analysis related to areas of low performance;
2. Conduct a needs assessment based on the results of the data analysis, as follows:
    a. The needs assessment shall include a root cause analysis.
    b. Root causes identified through the needs assessment will be addressed in the local improvement plan; and
3. Create a local improvement plan, as follows:

a. Input must be gathered from the principal; campus-level committee established under Education Code 11.251 [see BQB]; parents; and community members, prior to the development of the local improvement plan, using the following steps.

(1) The campus must hold a public meeting at the campus. The campus shall take reasonable steps to conduct the meeting at a time and in a manner that would allow a majority of stakeholders to attend and participate. The campus may hold more than one meeting if necessary.

(2) The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus.

(3) All input provided by family and community members should be considered in the development of the final local improvement.

b. The completed local improvement plan must be presented at a public hearing and approved by the board.

19 TAC 97.1061(b)

Management of a Campus

Actions Based on Campus Performance

If the performance of a campus is below any standard under Education Code 39.054(e), the commissioner shall:

1. Take actions, to the extent the commissioner determines necessary, as provided by Education Code Chapter 39A; and
2. Assign a campus intervention team.

To the extent the commissioner determines necessary, the commissioner may:

1. Order a hearing to be held before the commissioner or the commissioner's designee at which the president of the board, the superintendent, and the campus principal shall appear and explain the campus's low performance, lack of improvement, and plans for improvement;
2. Establish a school community partnership team composed of members of the campus-level planning and decision-making committee and additional community representatives as determined appropriate by the commissioner;

3. If applicable under the strong foundations intervention under Education Code 39A.064, require the district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 for the campus; or

4. Any combination of the actions described by items 1 through 3 above.

Education Code 39A.051

District Action Required

If a campus's performance is below any standard under Education Code 39.054(e), the campus shall engage in interventions as described by TEA. The commissioner shall assign members to a campus intervention team as outlined in 19 Administrative Code 97.1063 and Education Code 39A.052. The campus shall establish a campus leadership team (CLT) that includes the campus principal and other campus leaders responsible for the development, implementation, and monitoring of the targeted improvement plan.

If a campus is assigned an unacceptable rating under Education Code 39.054(e):

1. For a second consecutive year, the campus must engage in the processes outlined in this provision, and the campus must develop a campus turnaround plan to be approved by the commissioner.

2. For a third or fourth consecutive year, the campus must engage in the processes outlined in this provision, and the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064.

3. For a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or the closure of the campus.

Based on a campus's progress toward improvement, the commissioner may order a hearing if a campus's performance is below any standard under Education Code 39.054(e).

Interventions and sanctions listed under this provision begin upon release of preliminary ratings and may be adjusted based on final accountability ratings.

19 TAC 97.1061(a), (d), (f)-(j)

Campus Intervention Team

The campus intervention team shall follow the requirements of 19 Administrative Code 97.1061 and Education Code 39.106.

A campus intervention team assigned by the commissioner may include teachers, principals, other educational professionals, and superintendents recognized for excellence in their roles and appointed by the commissioner to serve as members of a team. *Education Code 39A.052*

A campus intervention team must include a district coordinator of school improvement (DCSI) and the campus principal's direct supervisor, if the DCSI is not the campus principal's direct supervisor. The DCSI must submit qualifications to TEA for approval.

An education professional, approved through an application either by TEA or TEA's technical assistance provider, who is not an employee of the campus or district, shall assist with the needs assessment.

19 TAC 97.1063(b)-(c)

On-Site Needs Assessment

A campus intervention team shall:

1. Conduct, with the involvement and advice of the school community partnership team, if applicable:
    a. If the commissioner determines necessary, a comprehensive on-site needs assessment; or
    b. A targeted on-site needs assessment relevant to an area of insufficient performance of the campus; and
2. Recommend appropriate actions as provided by Education Code 39A.054.

An on-site needs assessment must determine the factors resulting in the campus's low performance and lack of progress, including the contributing education-related factors.

In conducting a comprehensive on-site needs assessment, the campus intervention team shall use each of the guidelines and procedures at Education Code 39A.053(c) and 19 Administrative Code 97.1061(e).

In conducting a targeted on-site needs assessment, the campus intervention team shall use the appropriate guidelines and procedures described above relevant to each area of insufficient performance.

Education Code 39A.053; 19 TAC 97.1061(e)

Recommendations

On completing the on-site needs assessment, the campus intervention team shall, with the involvement and advice of the school community partnership team, if applicable, recommend actions relating to any area of insufficient performance, including:

1. Reallocation of resources;
2. Technical assistance;
3. Changes in school procedures or operations;
4. Staff development for instructional and administrative staff;
5. Intervention for individual administrators or teachers;
6. Waivers from state statutes or rules;
7. Teacher recruitment or retention strategies and incentives provided by the district to attract and retain appropriately certified and experienced teachers; or
8. Other actions the campus intervention team considers appropriate.

Education Code 39A.054

Targeted Improvement Plan

In addition to the duties relating to the on-site needs assessment, the campus intervention team shall:

1. Assist the campus in developing a targeted improvement plan;
2. Conduct a public meeting at the campus with the campus principal, the members of the campus-level planning and decision-making committee, parents of students attending the campus, and community members residing in the district to review the campus performance rating and solicit input for the development of the targeted improvement plan [see Notice of Public Meeting, below];
3. Assist the campus in submitting the targeted improvement plan to the board for approval and presenting the plan in a public hearing [see Public Hearing, below]; and
4. Assist the commissioner in monitoring the progress of the campus in executing the targeted improvement plan.

Education Code 39A.055; 19 TAC 97.1061(e)(3)-(4)

Notice of Public Meeting

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus and post notice of the meeting on the campus's internet website. The notice must include the date, time, and place of the meeting. *Education Code 39A.056*

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspa-

pers or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(e)(3)(A)(ii)*

Public Hearing

After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to:

1. Notify the public of:
    a. The insufficient performance of the campus;
    b. The improvements in performance expected by TEA; and
    c. The intervention measures or sanctions that may be imposed under Education Code Chapter 39A if the performance does not improve within a designated period; and
2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan.

The board must post the targeted improvement plan on the district's internet website before the hearing.

The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.

Education Code 39A.057

Submission to Commissioner

The board shall submit the targeted improvement plan or updated targeted improvement plan to the commissioner for approval. The campus intervention team shall assist the campus in submitting the targeted improvement plan to the commissioner. *Education Code 39A.058*

Executing Plan

In executing the targeted improvement plan, the campus intervention team shall, if appropriate:

1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;
2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

3. Require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

For each year a campus is assigned an unacceptable performance rating, the campus intervention team shall:

1. Assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and

2. Submit each updated targeted improvement plan to the board.

Education Code 39A.060

Local Improvement Plan

A district or campus that is assigned a rating of D that is considered acceptable [see AIA] shall develop and implement a local improvement plan.

A local improvement plan must be presented to the board.

Education Code 39A.065(a)-(b)

Campus Planning and Site-Based Decision-Making

The commissioner may authorize a school community partnership team established under Education Code 39A.051 to supersede the authority of and satisfy the requirements of establishing and maintaining a campus-level planning and decision-making committee.

The commissioner may authorize a targeted improvement plan, an updated targeted improvement plan, or a local improvement plan to supersede the provisions of and satisfy the requirements of developing, reviewing, and revising a campus improvement plan.

Education Code 39A.061

Submission of Campus Improvement Plan

If the performance of a campus satisfies performance standards under Education Code 39.054(e) for the current school year but would not satisfy the performance standards if the standards to be used for the following school year were applied to the current school year, on the request of the commissioner, the campus-level planning and decision-making committee shall revise and submit to the commissioner the portions of the campus improvement plan that are relevant to those areas for which the campus would not satisfy performance standards. The revised portions of the improvement plan must be submitted in an electronic format. *Education Code 39A.062*

Compliance Through Federal Accountability

Notwithstanding the provisions of Education Code Chapter 39A, if the commissioner determines that a campus subject to interventions or sanctions has implemented substantially similar intervention measures under federal accountability requirements, the commissioner may accept the substantially similar intervention measures as measures in compliance with Education Code Chapter 39A. *Education Code 39A.063*

Campus Turnaround Plan

If a campus has been identified as unacceptable for two consecutive school years, the commissioner shall order the campus to prepare and submit a campus turnaround plan.

Updated Targeted Improvement Plan

A campus intervention team shall assist the campus in:

1. Developing an updated targeted improvement plan, including a campus turnaround plan to be implemented by the campus;
2. Submitting the updated targeted improvement plan to the board for approval and presenting the plan in a public hearing as provided by Education Code 39A.057;
3. Obtaining approval of the updated plan from the commissioner; and
4. Executing the updated plan on approval by the commissioner.

The updated targeted improvement plan submitted to the board must include all plans and details that are required to execute the campus turnaround plan without any additional action or approval by the board.

Education Code 39A.101

Public Notice

Within 60 days of receiving a campus's preliminary accountability rating, the district must notify parents, community members, and stakeholders that the campus received an unacceptable rating for two consecutive years and request assistance in developing the campus turnaround plan in accordance with 19 Administrative Code 97.1064. *19 TAC 97.1064(d)*

Submission and Approval

Upon approval of the board, the district must submit the campus turnaround plan electronically to TEA by March 1 unless otherwise specified. Not later than June 15 of each year, the commissioner must either approve or reject any campus turnaround plan prepared and submitted by a district. *19 TAC 97.1064(g)-(h); Education Code 39A.103-.104*

Implementation, Modification, and Withdrawal

A campus may implement, modify, or withdraw its campus turnaround plan with board approval if the campus receives an academically acceptable rating for the school year following the development of the campus turnaround plan.

A campus that has received an unacceptable rating for the school year following the development of the campus turnaround plan must implement its commissioner-approved campus turnaround plan with fidelity until the campus operates for two consecutive school years without an unacceptable rating.

Change in Circumstances

A campus may modify its campus turnaround plan with commissioner approval if it is determined that due to a change in circumstances occurring after the plan's approval under Education Code 39A.107 a modification of the plan is necessary to achieve the plan's objectives.

A change in circumstance may be the following, but not limited to:

1. A campus that has written a turnaround plan but has not yet been ordered to implement it and has received a Not Rated; Declared State of Disaster rating for two consecutive years prior to receiving its next F rating; or
2. A campus that has implemented its turnaround plan for no more than one year prior to receiving a Not Rated; Declared State of Disaster rating for two consecutive years.

A campus that has modified its turnaround plan under this provision may only request additional modifications to the plan based on circumstances that have changed since the last commissioner-approved modification.

Commissioner Authority

The commissioner may appoint a monitor, conservator, management team, or board of managers for a school district that has a campus that has been ordered to implement an updated targeted improvement plan. The commissioner may order any of the interventions as necessary to ensure district-level support for the low-performing campus and the implementation of the updated targeted improvement plan. The commissioner may make the appointment at any time during which the campus is required to implement the updated targeted improvement plan.

19 TAC 97.1064(j)-(m)

Required Contents

A campus turnaround plan must include:

1. Details on the method for restructuring, reforming, or reconstituting the campus;
2. A detailed description of the academic programs to be offered at the campus, including:
    a. Instructional methods;
    b. Length of school day and school year;

c. Academic credit and promotion criteria; and

d. Programs to serve special student populations;

3. If a district charter is to be granted for the campus under Education Code 12.0522:

a. The term of the charter; and

b. Information on the implementation of the charter;

4. Written comments from:

a. The campus-level committee established under Education Code 11.251, if applicable;

b. Parents; and

c. Teachers at the campus;

5. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and

6. A detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Education Code 11.1515.

Education Code 39A.105(a) [Acts of the 85th Legislative Session, Senate Bill 1566, amended former Education Code 39.107(b-1) to include the information provided at Subsection (6)]

Implementing Entities

A campus ordered to prepare a campus turnaround plan shall implement the updated targeted improvement plan as approved by the commissioner.

The commissioner may appoint a monitor, conservator, management team, or board of managers to the district to ensure and oversee district-level support to low-performing campuses and the implementation of the updated targeted improvement plan.

The commissioner shall appoint a conservator to a district unless and until each campus in the district for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year or the commissioner determines a conservator is not necessary.

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with

student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

A campus turnaround plan must take effect not later than the school year following the third consecutive school year that the campus has received an unacceptable performance rating. *Education Code 39A.106*

Commissioner Approval or Rejection

Not later than June 15 of each year, the commissioner shall, in writing, either approve or reject any campus turnaround plan prepared and submitted to the commissioner by a district. If the commissioner rejects a campus turnaround plan, the commissioner must also send the district an outline of the specific concerns regarding the turnaround plan that resulted in the rejection. *Education Code 39A.107(a-1)*

If the commissioner rejects a campus turnaround plan, the district must create a modified plan with assistance from TEA staff and submit the modified plan to the commissioner for approval not later than the 60th day after the date the commissioner rejects the campus turnaround plan. The commissioner shall notify the district in writing of the commissioner's decision regarding the modified plan not later than the 15th day after the date the commissioner receives the modified plan. *Education Code 39A.107(a-2)*

The commissioner may approve a campus turnaround plan only if the commissioner determines that the campus will satisfy all student performance standards required under Education Code 39.054(e) not later than the second year the campus receives a performance rating following the implementation of the campus turnaround plan.

Education Code 12.0522(b) does not apply to a district charter approved by the commissioner. An approved district charter may be renewed or continue in effect after the campus is no longer subject to the commissioner’s order under Education Code 39A.101.

If the commissioner does not approve a campus turnaround plan, the commissioner shall order:

1. Appointment of a board of managers to govern the district;
2. Alternative management of the campus; or
3. Closure of the campus.

Education Code 39A.107; 19 TAC 97.1065

Preparation	Following approval of a campus turnaround plan by the commissioner, the district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan. *Education Code 39A.108*
Assistance and Partnerships	A district may: 1. Request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or 2. Partner with an institution of higher education to develop and implement a campus turnaround plan. *Education Code 39A.109*
Modification in Campus Turnaround Plan	If a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year following the order, the board may: 1. Implement the campus turnaround plan; 2. Implement a modified version of the campus turnaround plan; or 3. Withdraw the campus turnaround plan. A district required to implement a campus turnaround plan may modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan. The commissioner may authorize modification of an approved campus turnaround plan if the commissioner determines that due to a change in circumstances occurring after the plan's approval, a modification of the plan is necessary to achieve the plan's objectives. *Education Code 39A.110*
Continued Unacceptable Performance Rating	If a campus is considered to have an unacceptable performance rating for five consecutive school years, the commissioner shall order: 1. Appointment of a board of managers to govern the district; or 2. Closure of the campus. *Education Code 39A.111*
Parent Petition for Action	"Parent" means the parent who is indicated on the student registration form at that campus and the signature of only one parent of a student is required.

If the commissioner is presented, in the time and manner specified by commissioner rule, with a written petition signed by the parents of a majority of the students enrolled at a campus with an unacceptable performance rating for three consecutive school years, specifying an authorized action that the parents request the commissioner to order, the commissioner shall order the specific action requested.

If the board presents to the commissioner, in the time and manner specified by commissioner rule, a written request that the commissioner order specific authorized action other than the specific action requested in the parents' petition and a written explanation of the basis for the board's request, the commissioner may order the action requested by the board.

Education Code 12.051, 39A.112; 19 TAC 97.1065(d)

Repurposing of Closed Campus

If the commissioner orders the closure of a campus, that campus may be repurposed to serve students at that campus location only if the commissioner finds that the repurposed campus offers a distinctly different academic program and approves a new campus identification number for the repurposed campus. A campus may be repurposed if the campus:

1. Serves a majority of grade levels not served at the original campus; or
2. Is operated under a contract, approved by the school board, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986 that:
    a. Has a governing board that is independent of the district;
    b. Has a successful history of operating school district campuses or open-enrollment charter schools:
        (1) That cumulatively serve 10,000 or more students; and
        (2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and
    c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment and Assignment

Any student assigned to a campus that has been closed must be allowed to transfer to any other campus in the district that serves that student's grade level and on request must be provided transportation to the other campus.

The commissioner may grant an exemption allowing students assigned to a closed campus to attend the repurposed campus if there is no other campus in the district at which the students may enroll.

Noncontracted Repurposed Campus

The majority of students assigned to a campus that has been closed and repurposed may not have attended that campus in the previous school year if the campus was repurposed to serve a majority of grade levels not served at the original campus.

Enrollment Provision in Contract

A contract approved by the school board with a nonprofit organization must provide that a student residing in the attendance zone of the campus immediately before the campus was repurposed shall be admitted for enrollment at the repurposed campus.

Education Code 39A.113; 19 TAC 97.1066

Targeted Technical Assistance

If the commissioner determines that the basis for the unacceptable performance of a campus for more than two consecutive school years is limited to a specific condition that may be remedied with targeted technical assistance, the commissioner may require the district to contract for the appropriate technical assistance. *Education Code 39A.114*

Alternative Management

The commissioner shall appoint a monitor, conservator, management team, or board of managers whenever such action is required, as determined by 19 Administrative Code 97.1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. *19 TAC 97.1073*

The superintendent, upon appointment, immediately assumes all powers, duties, rights, and responsibilities of the superintendent of the district to which the superintendent is appointed.*19 TAC 97.1073(f)*

Solicitation of Proposals

If the commissioner orders alternative management of a campus, the commissioner shall solicit proposals from qualified nonprofit entities to assume management of the campus or appoint a school district as provided below. The commissioner may solicit proposals from qualified for-profit entities if a nonprofit entity has not responded to the commissioner's request for proposals.

The commissioner may appoint a school district to assume management of the campus if the district:

1. Is not the district in which the campus is located; and
2. Is located within the boundaries of the same regional education service center as the campus.

If a school district is appointed, the district shall assume management of the campus in the same manner as a qualified entity or in accordance with commissioner rule.

The commissioner may annually solicit proposals for the alternative management of a campus. The commissioner shall notify a qualified entity that has been approved as a provider under this section.

Education Code 39A.151

Qualifications of Managing Entity

To qualify for consideration as a managing entity, the entity must submit a proposal that provides information relating to the entity's management and leadership team that will participate in management of the campus under consideration, including information relating to individuals who have:

1. Documented success in whole school interventions that increased the educational and performance levels of students in campuses considered to have an unacceptable performance rating;
2. A proven record of effectiveness with programs assisting low-performing students;
3. A proven ability to apply research-based school intervention strategies;
4. A proven record of financial ability to perform under the management contract; and
5. Any other experience or qualifications the commissioner determines necessary.

In selecting a managing entity, the commissioner shall give preference to a qualified entity that:

1. Meets any of the commissioner’s qualifications; and
2. Has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity.

Education Code 39A.152

Contract with Managing Entity

If the commissioner has ordered alternative management of a campus, the district shall execute a contract with an approved provider to serve as a managing entity for the campus. The term of the contract may not exceed five years with an option to renew the contract. The district must execute the contract and relinquish control of the campus before January 1 of the school year.

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and

2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

Performance measures must be consistent with the priorities of Education Code Chapters 39 and 39A.

The management contract must be approved by the commissioner before the contract is executed. As appropriate, the commissioner may require the district, as a term of the contract, to support the campus in the same manner as the district was required to support the campus before the execution of the contract.

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

The commissioner may require a district to extend the term of a management contract with a managing entity if the commissioner determines that extending the contract on expiration of the initial term is in the best interest of the students attending the campus. The terms of the contract must be approved by the commissioner. *Education Code 39A.154*

Evaluation of Managing Entity

The commissioner shall evaluate a managing entity's performance on the first and second anniversaries of the date of the management contract.

If the evaluation fails to demonstrate improvement as negotiated under the management contract by the first anniversary of the date of the contract, the district may:

1. Terminate the contract, with the commissioner's consent, for nonperformance or breach of contract; and

2. Select another provider from an approved list provided by the commissioner.

If the evaluation fails to demonstrate significant improvement, as determined by the commissioner, by the second anniversary of the date of the management contract, the district shall:

1. Terminate the contract; and

2. Select another provider from an approved list provided by the commissioner or resume operation of the campus if approved by the commissioner.

If the commissioner approves the district's resumed operation of the campus, the commissioner shall assign a technical assistance team to assist the campus.

Education Code 39A.155

Cancellation of Management Contract

If a campus receives an unacceptable performance rating for two consecutive school years after a managing entity assumes management of the campus, the commissioner shall cancel the contract with the managing entity. *Education Code 39A.156*

Return of Management to District

Unless a campus has an unacceptable performance rating for three consecutive school years [see Continued Unacceptable Performance Rating, above], at the end of a management contract term or on the cancellation of a management contract, the board shall resume management of the campus. *Education Code 39A.157*

Applicability of Accountability Provisions

Each campus operated by a managing entity is subject to Education Code Chapters 39 and 39A in the same manner as any other campus in the district. *Education Code 39A.158*

Funding

The funding for a campus operated by a managing entity may not be less than the funding of the other campuses in the district on a per student basis so that the managing entity receives at least the same funding the campus would otherwise have received. *Education Code 39A.159*

Open Meetings and Public Information

With respect to the management of a campus by a managing entity:

1. A managing entity is considered to be a governmental body for purposes of Government Code Chapter 551 (Open Meetings Act) and Government Code Chapter 552 (Public Information Act); and

2. Any requirement in the Open Meetings Act or Public Information Act that applies to a school district or the board of trustees of a district applies to a managing entity.

Education Code 39A.160

Board of Managers

General Powers and Duties

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, a board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner’s order, including amending the district's budget, reassigning staff, or relocating aca-

demic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers of District

Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district:

1. The powers of the board are suspended for the period of the appointment; and
2. The commissioner shall appoint a district superintendent.

A board of managers appointed to govern a school district may amend the budget of the district.

Education Code Chapter 39A applies to a school district governed by a board of managers in the same manner it applies to any other district.

Education Code 39A.202

Composition of Board of Managers

A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*

Training of Board of Managers

The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205*

The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(i)*

A board member appointed under 19 Administrative Code 97.1073(h)(4) must complete the training required in this provision prior to or within 10 days of the appointment. Failure to do so may result in the removal of the board of trustees member from the board of managers. *19 TAC 97.1073(j)*

Compensation

The commissioner may authorize payment of a board of managers from TEA funds.

A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner.

Education Code 39A.206

Replacement of Member of Board of Managers

The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*

Expiration of Appointment

A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees.

If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

On the expiration of the appointment of the board of managers, the board of trustees assumes all of the powers and duties assigned to a board of trustees by law, rule, or regulation.

Following the expiration of the period of appointment of a board of managers for a school district, the commissioner shall provide training in effective leadership strategies to the board of trustees.

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

The commissioner may remove a board of managers appointed to govern a school district only if the campus that was the basis for the appointment of the board of managers receives an acceptable performance rating for two consecutive school years.

If a campus that was the basis for the appointment of a board of managers receives an unacceptable performance rating for two additional consecutive years following the appointment of the board of managers, the commissioner may remove the board of managers and, in consultation with the local community, may appoint a new board of managers to govern the district.

Following the removal of a board of managers, or at the request of a managing entity to oversee the implementation of alternative management, the commissioner may appoint a conservator or monitor for the district to ensure district-level support for low-performing campuses and to oversee the implementation of the updated targeted improvement plan.

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

Review of Sanctions by SOAH

A district must appeal under this provision if the district intends to challenge the commissioner's decision to close the district or a campus, pursue alternative management of a campus, appoint a board of managers to the district, or appoint a conservator or management team to the district.

A challenge is under the substantial evidence rule [see Government Code Chapter 2001, Subchapter G]. The commissioner shall adopt procedural rules for a challenge under this section.

Notwithstanding other law:

1. The State Office of Administrative Hearings (SOAH) shall conduct an expedited review of a challenge;
2. The administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;
3. The decision of the administrative law judge is final and may not be appealed; and
4. The decision of the administrative law judge may set an effective date for an action under this section.

Education Code 39A.301

Appeals

If an order, decision, or determination is described as final in Education Code Chapter 7, 11, 12, 39, or 39A, an interlocutory or intermediate order, decision, report, or determination made or reached before the final order, decision, or determination may be appealed only as specifically authorized by the Education Code or a rule adopted under the Education Code. *Education Code 5.003*

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906*

Annual Review

The commissioner shall annually review the performance of a district or campus subject to intervention and sanction to determine the appropriate actions to be implemented.

The commissioner must review at least annually the performance of a district for which the accreditation status or performance rating has been lowered due to insufficient student performance and may not raise the accreditation status or performance rating until the district has demonstrated improved student performance.

If the review reveals a lack of improvement, the commissioner shall increase the level of state intervention and sanction unless the commissioner finds good cause for maintaining the current status.

Education Code 39A.901

Increasing Intensity

If a district or campus does not exhibit improvement in student performance, the commissioner may increase the intensity of intervention and sanction that would otherwise be required by statute or rule, including ordering campus closure, district annexation, or appointment of a board of managers.

For purposes of this section, improvement means an increase in the scaled score for the overall academic performance rating under Education Code Chapter 39.

19 TAC 97.1070(a)-(b)

Intervention Programs

ACE Turnaround Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must meet the requirements of Education Code 39A.105(b). *Education Code 39A.105(b)-(c)*

Resource Campus

An eligible campus may apply to the commissioner to be designated as a resource campus that provides quality education and enrichment for campus students. To apply to be designated as a resource campus, the campus must have received an overall performance rating of F for four years over a 10-year period of time. *Education Code 29.934(a)-(b)*

Strong Foundations Intervention

Notwithstanding when a D rating is considered acceptable or any other law, the commissioner may require a district to comply with all requirements of the strong foundations grant program under Education Code 29.0881 at a campus that:

1. Includes students at any grade level from prekindergarten through fifth grade;
2. Is assigned an overall performance rating of D or F; and
3. Is in the bottom five percent of campuses in the state based on student performance on the grade three state reading assessment during the previous school year, as determined by the commissioner.

Education Code 39A.064(a)

Miscellaneous Provisions

Acquisition of Professional Services

In addition to other authorized interventions and sanctions, the commissioner may order a district or campus to acquire professional services at the expense of the district or campus to address the applicable financial, assessment, data quality, program, performance, or governance deficiency. The commissioner's order may require the district or campus to:

1. Select or be assigned an external auditor, data quality expert, professional authorized to monitor district assessment instrument administration, or curriculum or program expert; or
2. Provide for or participate in the appropriate training of district staff or board members in the case of a district, or campus staff, in the case of a campus.

Education Code 39A.902

Costs Paid by District

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district. If the district fails or refuses to pay the costs in a timely manner, the commissioner may:

1. Pay the costs using amounts withheld from any funds to which the district is otherwise entitled; or
2. Recover the amount of the costs in the manner provided for recovery of an over allocation of state funds under Education Code 48.272.

Education Code 39A.903

Immunity from Civil Liability

An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051. *Education Code 39A.904*

Campus Name Change

In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. *Education Code 39A.905*

Special Program Performance Determination

The commissioner shall assign districts an annual determination level based on performance levels of certain special populations student groups under 19 Administrative Code 97.1001 [see AIA] according to the criteria and requirements in 19 Administrative Code 97.1071(e)-(g).

In addition to determination levels, the commissioner shall develop a system of cyclical monitoring to ensure every district participates in general supervision activities. Based on a district's assigned determination level, as part of its cyclical monitoring process, or as part of compliance monitoring activities, a district may be required to implement and/or participate in:

1. Focused self-analysis of district data and program effectiveness;
2. Focused remote and/or on-site review;
3. Required stakeholder engagement;
4. Focused compliance reviews;
5. Strategic support and continuous improvement planning; and/or
6. Corrective action plan development.

The commissioner shall notify in writing each district identified for review under this provision as a result of assigned determination level or cyclical selection prior to requiring a district to implement or participate in any activities included in items 1-6 above.

Actions taken under this provision are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1001 and 74.28 and Education Code sections 28.006, 29.062 and 38.003 do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

Actions taken under this provision do not preclude or substitute for other responses to or consequences of program ineffectiveness or noncompliance identified by TEA, such as those described in 19 Administrative Code 89.1076 (relating to Interventions and Sanctions) and expanded oversight, including, but not limited to, frequent follow-up contacts with the district, submission of documen-

tation verifying implementation of intervention activities and/or an improvement plan, and submission of district/program data.

19 TAC 97.1071(e)-(k)

[See AIE for information regarding TEA's process for investigating and issuing findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, and other supervision and monitoring activities under 19 Administrative Code 97.1071(a)-(b).]

Intervention Pause

Except as otherwise provided by 19 Administrative Code 97.1062 and unless extended by the commissioner, TEA will cease to enforce the interventions under Education Code 39A.101-39A.111 until conclusion of the second consecutive school year of operation under:

1. A partnership as defined by 19 Administrative Code 97.1077(a)(2), (b), or (c) of this title [see ELA]; or
2. Designation as a mathematics innovation zone under Education Code 28.020 and applicable rules.

Any intervention or sanction not covered by the provision above shall continue.

If a campus ceases to qualify for the intervention pause at any point during a school year, TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.

19 TAC 97.1062

Failure to Submit Emergency Operations Plan

If TEA receives notice from the Texas School Safety Center of a district's failure to submit a multihazard emergency operations plan [see CKC], the commissioner may appoint a conservator for the district under Education Code Chapter 39A. The conservator may order the district to adopt, implement, and submit a multihazard emergency operations plan. If a district fails to comply with a conservator's order to adopt, implement, and submit a multihazard emergency operations plan within the time frame imposed by the commissioner, the commissioner may appoint a board of managers under Education Code Chapter 39A to oversee the operations of the district. *Education Code 37.1082(a)-(b)*

Note: The following provisions apply to a district with a central administrative office that is located in a county with a population of more than two million and that has a student enrollment that is more than 125,000 and less than 200,000, and that is operating under a turnaround plan.

Student Board Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. A student trustee may not participate in a closed session of a board meeting [see BEC] in which any issue related to a personnel matter is considered. *Education Code 11.0511(a)-(f)*

Special Investigations

The commissioner may authorize a special investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the Texas Education Agency (TEA) of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;

15. When 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;

16. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;

17. In response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers; or

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004(a)*

Note: The procedures for conducting a special investigation, holding a hearing following an investigation, the process for commissioner determinations, and judicial appeal are described in Education Code 39.004-.007.

Commissioner Action

Based on the results of a special investigation, the commissioner may:

1. Take appropriate action under Education Code Chapter 39A, [see AIC];

2. Lower the district's accreditation status or a district's or campus's performance rating; or

3. Take action under both items 1 and 2 above.

Education Code 39.003(d)

At any time before issuing a report with the TEA's final findings, the commissioner may defer taking the above action until:

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;
2. A district completes a corrective action plan developed by the commissioner; or
3. The completion of actions under both items 1 and 2 above.

Education Code 39.003(e)

Based on the results of an action taken above, the commissioner may decline to take the deferred action. *Education Code 39.003(f)*

Note: The procedures for an informal review or hearing following an investigation are described in 19 Administrative Code Chapter 157, Subchapter EE.

Monitoring Reviews

In accordance with Education Code 7.028(a), TEA may monitor compliance with requirements applicable to a process or program provided by a district, campus, or program, only as necessary to ensure:

1. Compliance with federal law and regulations;
2. Financial accountability, including compliance with grant requirements;
3. Data integrity for purposes of:
    a. The Public Education Information Management System (PEIMS); and
    b. Accountability under Education Code Chapter 39 and 39A; and
4. Qualification for funding under Education Code Chapter 48.

The board has primary responsibility for ensuring that the district complies with all applicable requirements of state educational programs.

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation, implemented by TEA under 34 C.F.R. 300.600-.609 [see Supervision

Under IDEA, below], and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

1. Random, targeted, or cyclical reviews authorized under Education Code 39.056 (monitoring reviews), conducted remotely or on-site to identify problems implementing state and federal requirements and to provide support for development of reasonable and appropriate strategies to address identified problems; and/or

2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.003 and 39.004.

Activities described above are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC], dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB], and program effectiveness for emergent bilingual students in Education Code 29.062.

19 TAC 97.1071(b)-(d)

Notice

TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. *Education Code 39.056(d)*

Conducting the Review

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. *Education Code 39.056(c), (g)*

Converting to a Special Investigation

The commissioner may at any time convert a monitoring review to a special investigation under Education Code 39.003, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

Improvements

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)-(f)*

Appeals

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906* [See AIC]

Compliance Investigation

A compliance investigation is an investigation by TEA of a state education grant recipient to determine compliance with the statutory or rule requirements of a state education program. A compliance investigation is not a special investigation subject to Education Code 39.003 and 39.004 (above). *19 TAC 102.1401(a)(1)*

Supervision Under IDEA

In exercising its general supervision authority under 34 C.F.R. sections 300.149 and 300.600, TEA has established a process that provides for the investigation and issuance of findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, or a state statute or administrative rule created to implement IDEA, that arise from an area of concern. The following guidelines shall apply to this process.

Definitions

“Area of concern” means that TEA has been made aware of an allegation regarding a violation of, or noncompliance with, a requirement of IDEA, Part B, or a state special education law or administrative rule.

“Credible allegation” means that TEA has determined that an allegation arising from an area of concern is credible enough to investigate further to determine if a violation or noncompliance has occurred.

Credibility Determination

Information and awareness of an area of concern may arise directly from TEA or from external sources.

TEA will engage in a process to determine if an area of concern is determined to be a credible allegation, and, if determined credible, TEA will initiate an investigation to determine if findings of noncompliance will be issued.

TEA will generally not engage in the process described below to determine if an area of concern is a credible allegation if it is a media report, social media post, or an anonymous report, unless TEA receives corroborating information and facts that a specific violation of state or federal law or rule has occurred if the allegation were to be confirmed true.

When an individual or organization reports a special education area of concern, TEA may direct the individual or organization to the established dispute resolution processes. Depending on the frequency or specificity of the type of allegation made, TEA may engage in a process to determine credibility of the allegation.

Process

The process to determine if an area of concern is a credible allegation may include one or more of the following actions:

1. Reviewing existing citations of noncompliance or any noncompliance identified within the last two school years on the same or similar alleged violation;
2. Reviewing filed state complaints that are in process of being investigated or that have been substantiated within the last two school years on the same or similar alleged violation;
3. Reviewing due process hearing decisions issued within the last two years in which the hearing officer's final written decision contains a finding of noncompliance on the same or similar alleged violation;
4. Gathering evidence from groups that represent or advocate for families and communities served by the district;
5. Reviewing and analyzing available student- or district-level data that relate to the alleged violation;
6. Reviewing and analyzing fiscal and program information, such as grant applications, contracts, self-assessments, and other special education documents submitted to TEA by the district; and
7. Any other activity or measure used to gather evidence within TEA's general supervision and monitoring authority.

The investigation to determine if a credible allegation will result in the issuance of findings will include contacting the school district that is the subject of the allegation and requesting a response from the school district. Additional investigative actions may include one or more of the following:

1. Conducting interviews with the district, staff, parents, or students;
2. A referral for review or investigation by any other appropriate unit or division within TEA;
3. Utilizing the review and analysis of the activities conducted during the review process in this provision to determine if noncompliance is found; and
4. Any other activity or measure within TEA's general supervision and monitoring authority.

Intervention and Sanction	TEA may apply any intervention or sanction within its authority if noncompliance or a violation is substantiated, including those described in 19 Administrative Code 89.1076 [see AIC]. *19 TAC 89.1071(l)*

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight:

- Code of ethics:
  - for Board members — BBF
  - for employees — DH
- Financial conflicts of interest:
  - for public officials — BBFA
  - for all employees — DBD
  - for vendors — CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

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Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure may be necessary to complete a full investigation or to comply with

law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or a designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

In connection with federal awards, the District shall promptly disclose in writing whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal award. [See CBB]

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent shall ensure that appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

Table of Contents

Retirement and Insurance Contributions 3
Block Grant Funds 3
Education Department General Administrative Regulations (EDGAR) 3
Uniform Guidance (2 C.F.R. 200) 4
General Compliance 4
Mandatory Disclosures 4
Procurement Standards 5
Documented Procurement Procedures 5
Oversight of Contractors 5
Conflicts of Interest 5
Procurement Records 5
Financial Management 5
Internal Controls 6
Competition 7
Procurement Methods 7
Informal Procurement Methods for Small Purchases 8
Formal Procurement Methods 10
Noncompetitive Procurement 11
Procurement Arrangements Using Strategic Sourcing 12
Small, Minority, Women's, and Veteran-Owned Businesses 12
Domestic Preference 13
Pre-procurement Review 13
Contract Cost and Price 14
Contract Provisions 14
Suspension and Debarment 14
Remedies for Noncompliance 14
Travel Costs 15
Property Standards 15
Federally Owned Property 15
Property Trust Relationship 16
Real Property 16
Equipment 17
Supplies 18

Intangible Property....18
Foreign Telecommunications Equipment....18
Direct Grant Programs....18
State-Administered Programs....18
General Education Provision Act....18

The Texas Education Agency (TEA) may enter into an agreement with a federal agency concerning a project related to education, including provision of school lunches and construction of school buildings. TEA, or another state agency designated by the governor, shall coordinate the actions of a district participating in a federal financial assistance program. *Education Code 7.021(b), (c); Gov't Code 742.003*

Retirement and Insurance Contributions

Under the Texas Public School Retired Employees Group Benefits Act, Insurance Code Chapter 1575, a district that applies for money provided by the United States or a privately sponsored source shall, if any of the money will pay part or all of an active employee's salary, also apply for any legally available money to pay state contributions required by Insurance Code Chapter 1575, Subchapter E. *Insurance Code 1575.252*

Such district must comply with the requirements of Insurance Code Chapter 1575, Subchapter F. *Insurance Code 1575.252(2)-.257*

Under the Teacher Retirement System, Government Code, Title 8, Subtitle C, if a district applies for money provided by the United States, an agency of the United States, or a privately sponsored source, and if any of the money will pay part or all of an employee's salary, the district shall apply for any legally available money to pay state contributions required by Government Code 825.404 or 830.201. *Gov't Code 825.406(a)*

Such district must comply with the requirements of Government Code 825.406.

Block Grant Funds

If a district receives more than $5,000 in block grant funds to be used as the district determines is appropriate, it shall provide evidence to TEA that a public meeting or hearing was held in a timely manner solely to seek public comment on the needs or uses of block grant funds received by the district. The board may hold this meeting or hearing in conjunction with another board meeting or hearing if the meeting or hearing to consider block grant funds is clearly noted in an announcement of the other meeting or hearing. *Gov't Code 2105.058*

Education Department General Administrative Regulations (EDGAR)

Note: For information regarding procurement under state law, see the CH policy series regarding Purchasing and Acquisition and the CV series regarding Facilities Construction.

For additional legal requirements applicable to school nutrition procurement, see COA.

EDGAR means the Education Department General Administrative Regulations (34 C.F.R. 75, 76, 77, 79, 81, 82, 84, 86, 97, 98, and 99). *34 C.F.R. 77.1(c)*

Uniform Guidance (2 C.F.R. 200)

The Department of Education (ED) adopts the Office of Management and Budget (OMB) Guidance in 2 C.F.R. Part 200 Uniform Guidance, except for 2 C.F.R. 200.102(a) and 2 C.F.R. 200.207(a). Thus, 2 C.F.R. Chapter XXXIV, Part 3474 gives regulatory effect to the OMB guidance and supplements the guidance as needed for the ED. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards. *2 C.F.R.200.100(a)(1)*

Note: For more information on EDGAR, the Uniform Guidance, and the federal regulations that apply to federal education grant awards, visit TEA's EDGAR Materials and Resources[1] and the ED's EDGAR website[2] and Uniform Guidance website.[3]

General Compliance

Throughout 2 C.F.R. Part 200, Subparts A through F, the word "must" indicates a requirement. The words "should" or "may" indicate a recommended approach and permit discretion. *2 C.F.R. 200.101(a)(3)*

Mandatory Disclosures

A district must disclose in writing any potential conflict of interest to the federal agency (e.g., ED) or pass-through entity (e.g., TEA) in accordance with the established federal agency policies. *2 C.F.R. 200.112*

A district must promptly disclose whenever, in connection with the federal award (including any activities or subawards thereunder), it has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations found in Title 18 of the United States Code or a violation of the civil False Claims Act (31 U.S.C. 3729-3733). The disclosure must be made in writing to the federal agency, the agency's Office of Inspector General, and pass-through entity (if applicable). Districts are required to report matters related to recipient integrity and performance in accordance with Appendix XII of 2 C.F.R. Part 200. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance). *2 C.F.R. 200.113*

Procurement Standards

Documented Procurement Procedures

The district must maintain and use documented procedures for procurement transactions under a federal award or subaward, including for acquisition of property or services. These documented procurement procedures must be consistent with state, local, and tribal laws and regulations and the standards identified in 2 C.F.R. 200.317 through 200.327. [See also 2 C.F.R. 200.501 (Audit Requirements)]

Oversight of Contractors

The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

Conflicts of Interest

The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, agent, or board member with real or apparent conflict of interest may participate in the selection, award, or administration of a contract supported by the federal award. A conflict of interest includes when the employee, officer, agent, or board member, any member of their immediate family, their partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from an entity considered for a contract. An employee, officer, agent, and board member of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors. However, districts may set standards for situations where the financial interest is not substantial or a gift is an unsolicited item of nominal value. The district's standards of conduct must also provide for disciplinary actions to be applied for violations by its employees, officers, agents, or board members. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]

Procurement Records

The district must maintain records sufficient to detail the history of each procurement transaction. These records must include the rationale for the procurement method, contract type selection, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below]

2 C.F.R. 200.318(a), (b), (c)(1), (i)

[See 2 C.F.R. 200.334 for record retention requirements.]

Financial Management

The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by the terms and conditions; and tracking expenditures to establish that funds have been used in accordance with federal statutes, regulations, and the

terms and conditions of the federal award. [See 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See 2 C.F.R. 200.334 (Retention requirements for records), .335 (Requests for transfer of records), .336 (Methods for collection, transmission and storage of information), and .337 (Access to records)]

2 C.F.R. 200.302

Internal Controls

The district must:

1. Establish, document, and maintain effective internal control over the federal award that provides reasonable assurance that the district is managing the award in compliance with federal statutes, regulations, and the terms and conditions of the award. These internal controls should align with the guidance in "Standards for Internal Control in the Federal Government" issued by the Comptroller General of the United States or the "Internal Control-Integrated Framework" issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).
2. Comply with the U.S. Constitution, federal statutes, regulations, and the terms and conditions of the federal award.
3. Evaluate and monitor the district's compliance with statutes, regulations, and the terms and conditions of federal awards.
4. Take prompt action when instances of noncompliance are identified.
5. Take reasonable cybersecurity and other measures to safeguard information including protected personally identifiable information and other types of information. This also includes information the federal agency or pass-through entity designates as sensitive or other information the district considers sensitive and is consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

"Internal control" for districts means processes designed and implemented by districts to provide reasonable assurance regarding the achievement of objectives in the following categories:

1. Effectiveness and efficiency of operations;
2. Reliability of reporting for internal and external use; and

3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions under the federal award must be conducted in a manner that provides full and open competition and is consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids must be excluded from competing on those procurements.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d).

The district must ensure that all prequalified lists of persons, firms, or products used in procurement transactions are current and include enough qualified sources to ensure maximum open competition. When establishing or amending prequalified lists, the district must consider objective factors that evaluate price and cost to maximize competition. The district must not preclude potential bidders from qualifying during the solicitation period.

To the extent consistent with established practices and legal requirements applicable to the district, 2 C.F.R. Part 200, Subpart D does not prohibit districts from developing written procedures for procurement transactions that incorporate a scoring mechanism that rewards bidders that commit to specific numbers and types of U.S. jobs, minimum compensation, benefits, on-the-job-training for employees making work products or providing services on a contract, and other worker protections. Subpart D also does not prohibit districts from making inquiries of bidders about these subjects and assessing the responses. Any scoring mechanism must be consistent with the U.S. Constitution, applicable federal statutes and regulations, and the terms and conditions of the federal award.

Noncompetitive procurements can only be awarded in accordance with 2 C.F.R. 200.320(c).

2 C.F.R. 200.319

Procurement Methods

For informal procurement methods (for micro-purchases and simplified acquisitions), formal procurement methods (through sealed bids or proposals), and noncompetitive procurement methods, the district must maintain and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and

200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition). *2 C.F. R. 200.320*

Informal Procurement Methods for Small Purchases

These procurement methods expedite the completion of transactions, minimize administrative burdens, and reduce costs. Informal procurement methods may be used when the value of the procurement transaction under the federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1. The district may also establish a lower threshold. Informal procurement methods include:

Micro-Purchases — Definitions

"Micro-purchase" means an individual procurement transaction for supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases using informal procurement methods as set forth in 2 C.F.R. 200.320.

"Micro-purchase threshold" means the dollar amount at or below which a district may purchase property, or services using micro-purchase procedures. Generally, except as provided below, the micro-purchase threshold for procurement activities administered under federal awards is not to exceed the amount set by the Federal Acquisition Regulations (FAR) at 48 C.F.R. Part 2, Subpart 2.1 [see below], unless a higher threshold is requested by the district and approved by the cognizant agency for indirect costs.

2 C.F.R. 200.1

Micro-purchase threshold means $10,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Micro-Purchase Distribution

The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold. [See the definition of "micro-purchase" above.] To the extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

Micro-Purchase Awards

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price reasonable based on research, experience, purchase history, or other information; and maintains documents to support its conclusion. Purchase cards may be used as a method of payment for micro-purchases. *2 C.F.R. 200.320(a)(1)(ii)*

Micro-Purchase Thresholds

The district is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the district must be authorized or not prohibited under state, local, or tribal laws or regulations. Districts may establish a threshold higher than the federal

threshold established in the FAR in accordance with 2 C.F.R. 200.320(a)(1)(iv) and (v). *2 C.F.R. 200.320(a)(1)(iii)*

Districts may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of 2 C.F.R. 200.320. The district may self-certify a threshold up to $50,000 on an annual basis and must maintain documentation to be made available to the federal agency or pass-through entity and auditors in accordance with 2 C.F.R. 200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

1. A qualification as a low-risk auditee, in accordance with the criteria in 2 C.F.R. 200.520 for the most recent audit.
2. An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
3. For public institutions, a higher threshold is consistent with state law.

2 C.F.R. 200.320(a)(1)(iv)

Micro-purchase thresholds higher than $50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request that includes the requirements in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until any factor that was relied on in the establishment and rationale of the threshold changes. *2 C.F.R. 200.320(a)(1)(v)*

Simplified Acquisitions — Procedures

The aggregate dollar amount of the procurement transaction is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If simplified acquisition procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. *2 C.F.R. 200.320(a)(2)(i)*

Simplified Acquisitions — Thresholds

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures, which may be lower than, but must not exceed, the threshold established in the FAR. *2 C.F.R. 200.1, .320(a)(2)(ii)*

Simplified acquisition threshold means $250,000, except as provided by 48 C.F.R. 2.101. *48 C.F.R. 2.101*

Formal Procurement Methods

Formal procurement methods are required when the value of the procurement transaction under a federal award exceeds the simplified acquisition threshold of the district. Formal procurement methods are competitive and require public notice. The following formal methods of procurement are used for procurement transactions above the simplified acquisition threshold determined by the district in accordance with 2 C.F.R.200.320(a)(2)(ii) [Simplified Acquisitions — Thresholds, above].

Sealed Bids

Sealed bids are a procurement method in which bids are publicly solicited through an invitation and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid conforms with all the material terms and conditions of the invitation and is the lowest in price. The sealed bids procurement method is preferred for procuring construction services.

For sealed bidding to be feasible, the following conditions should be present:

1. A complete, adequate, and realistic specification or purchase description is available;
2. Two or more responsible bidders have been identified as willing and able to compete effectively for the business; and
3. The procurement lends itself to a firm-fixed-price contract, and the selection of the successful bidder can be made principally based on price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them with sufficient response time prior to the date set for opening the bids. Unless specified by the federal agency, the district may exercise judgment in determining what number is adequate. For local governments, the invitation for bids must be publicly advertised.
2. The invitation for bids must define the items or services with specific information, including any required specifications, for the bidder to properly respond.
3. All bids will be opened at the time and place prescribed in the invitation for bids. For local governments, the bids must be opened publicly.
4. A firm-fixed-price contract is awarded in writing to the lowest responsive bid and responsible bidder. When specified in the

invitation for bids, factors such as discounts, transportation cost, and life-cycle costs must be considered in determining which bid is the lowest. Payment discounts must only be used to determine the low bid when the district determines they are a valid factor based on prior experience.

5. The district must document and provide a justification for all bids it rejects.

2 C.F.R. 200.320(b)(1)

Proposals

Proposals are a procurement method used when conditions are not appropriate for using sealed bids. This procurement method may result in either a fixed-price or cost-reimbursement contract. They are awarded in accordance with the following requirements:

1. Requests for proposals require public notice, and all evaluation factors and their relative importance must be identified. Proposals must be solicited from multiple qualified entities. To the maximum extent practicable, any proposals submitted in response to the public notice must be considered.

2. The district must have written procedures for conducting technical evaluations and making selections.

3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district considering price and other factors.

4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby the offeror's qualifications are evaluated, and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where the price is not used as a selection factor, can only be used to procure A/E professional services. The method may not be used to purchase other services provided by A/E firms that are a potential source to perform the proposed effort.

2 C.F.R. 200.320(b)(2)

Noncompetitive Procurement

There are specific circumstances in which the district may use a noncompetitive procurement method. The noncompetitive procurement method may only be used if one of the following circumstances applies;

1. The aggregate amount of the procurement transaction does not exceed the micro-purchase threshold;

2. The procurement transaction can only be fulfilled by a single source;

3. The public exigency or emergency for the requirement will not permit a delay resulting from providing public notice of a competitive solicitation;

4. The district requests in writing to use a noncompetitive procurement method, and the federal agency or pass-through entity provides written approval; or

5. After soliciting several sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Procurement Arrangements Using Strategic Sourcing

When appropriate for the procurement or use of common or shared goods and services, districts are encouraged to enter into state and local intergovernmental agreements or inter-entity agreements for procurement transactions. These or similar procurement arrangements using strategic sourcing may foster greater economy and efficiency. Documented procurement actions of this type (using strategic sourcing, shared services, and other similar procurement arrangements) will meet the competition requirements of 2 C.F.R. Part 200. *2 C.F.R. 200.318(e)*

Small, Minority, Women's, and Veteran-Owned Businesses

When possible, the district should ensure that small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms (See U.S. Department of Labor's list) are considered as set forth below. Such consideration means:

1. These business types are included on solicitation lists;

2. These business types are solicited whenever they are deemed eligible as potential sources;

3. Dividing procurement transactions into separate procurements to permit maximum participation by these business types;

4. Establishing delivery schedules (for example, the percentage of an order to be delivered by a given date of each month) that encourage participation by these business types;

5. Utilizing organizations such as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and

6. Requiring a contractor under a federal award to apply items 1 through 5 above to subcontracts.

2 C.F.R. 200.321

Domestic Preference

The district should, to the greatest extent practicable and consistent with law, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of 2 C.F.R. 200.322 must be included in all subawards, contracts, and purchase orders under federal awards.

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.

2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2 C.F.R. 200.322

Pre-procurement Review

When requested, the district must provide procurement documents (such as requests for proposals, invitations for bids, or independent cost estimates) to the federal agency or pass-through entity for pre-procurement review. The federal agency or pass-through entity may conduct a pre-procurement review when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;

2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition, or only one bid is expected to be received in response to a solicitation;

3. The procurement is expected to exceed the simplified acquisition threshold and specifies a "brand name" product;

4. The procurement is expected to exceed the simplified acquisition threshold, and sealed bid procurement is to be awarded to an entity other than the apparent low bidder; or

5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

Contract Cost and Price

The district must perform a cost or price analysis for every procurement transaction, including contract modifications, in excess of the simplified acquisition threshold. The method and degree of analysis conducted depend on the facts surrounding the particular procurement transaction. For example, districts should consider potential workforce impacts in their analysis if the procurement transaction will displace public sector employees. However, as a starting point, the district must make independent estimates before receiving bids or proposals.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that the costs incurred or cost estimates included in negotiated prices would be allowable for the district under 2 C.F.R. Part 200, Subpart E. The district may reference its own cost principles as long as they comply with 2 C.F.R. Part 200, Subpart E.

The district must not use the “cost plus a percentage of cost” and “percentage of construction costs” methods of contracting.

2 C.F.R. 200.324

Contract Provisions

The district's contracts must contain the applicable provisions described in appendix II of 2 C.F.R. Part 200. *2 C.F.R. 200.327*

Suspension and Debarment

Districts are subject to the nonprocurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, as well as 2 C.F.R. Part 180. These regulations restrict making federal awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from receiving or participating in federal awards. *2 C.F.R. 200.214*

Remedies for Noncompliance

The federal agency or pass-through entity may implement specific conditions if the district fails to comply with the U.S. Constitution, federal statutes, regulations, or terms and conditions of the federal award. See 2 C.F.R. 200.208 for additional information on specific conditions. When the federal agency or pass-through entity determines that noncompliance cannot be remedied by imposing specific conditions, the federal agency or pass-through entity may take one or more of the following actions:

1. Temporarily withhold payments until the district takes corrective action.

2. Disallow costs for all or part of the activity associated with the noncompliance of the district.

3. Suspend or terminate the federal award in part or in its entirety.

4. Initiate suspension or debarment proceedings as authorized in 2 C.F.R. Part 180 and the federal agency's regulations, or for pass-through entities, recommend suspension or debarment proceedings be initiated by the federal agency.

5. Withhold further federal funds (new awards or continuation funding) for the project or program.

6. Pursue other legally available remedies.

2 C.F.R. 200.339

Travel Costs

Travel costs include the transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. These costs may be charged on an actual cost basis, on a per diem or mileage basis, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip. The method used must be consistent with those normally allowed in like circumstances in the district's other activities and in accordance with the district's established written policies.

In the absence of an established written policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), by the administrator of general services, or by the president (or their designee) pursuant to any provisions of such subchapter must apply to travel under federal awards [48 C.F.R. 31.205-46(a)].

2 C.F.R. 200.475(a), (d)

Property Standards

Federally Owned Property

Title to federally owned property remains vested in the federal government. The district must submit an inventory listing of federally owned property in its custody to the federal agency or pass-through entity on an annual basis. The district must request disposition instructions from the federal agency of pass-through entity upon completion of the federal award or when the property is no longer needed.

Exempt property means property acquired under the federal award where the federal agency has chosen to vest title to the property to the district without further responsibility to the federal government. The federal agency may only exercise this option when permitted by federal statute and set forth in the terms and conditions of the

federal award. Absent statutory authority and specific terms and conditions of the federal award, the title to exempt property acquired under the federal award remains with the federal government.

2 C.F.R. 200.312(a), (c)

Property Trust Relationship

Real property, equipment, and intangible property acquired or improved with the federal award must be held in trust by the district as trustee for the beneficiaries of the project or program under which the property was acquired or improved. The federal agency or pass-through entity may require the district to record liens or other appropriate notices of record to indicate that personal or real property has been acquired or improved with a federal award and that use and disposition conditions apply to the property. *2 C.F.R. 200.316*

Real Property

Subject to the requirements and conditions set forth in 2 C.F.R. 200.311, title to real property acquired or improved under the federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or the federal agency, real property must be used for the originally authorized purpose as long as it is needed for that purpose. While the property is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests except as provided by the federal agency. Easements for utility, cable, and similar services that benefit the real property and are consistent with the authorized use are not considered an encumbrance.

When an appraisal of real property is required and obtained by the district, it must be conducted by an independent appraiser (for example, certified real property appraiser or General Services Administration representative) and certified by a responsible official of the district as required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) except as provided in the implementing regulations at 49 C.F.R. Part 24, “Uniform Relocation Assistance And Real Property Acquisition For Federal And Federally Assisted Programs.”

When real property is no longer needed for the originally authorized purpose, the district must obtain disposition instructions from the federal agency or pass-through entity. The instructions must specify one of the following disposition methods:

1. Retain title after compensating the federal agency an amount determined under 2 C.F.R. 200.311(c)(1).

2. Sell the property and compensate the federal agency an amount determined under 2 C.F.R. 200.311(c)(2).

3. Transfer title to the federal agency or a third party designated/approved by the federal agency with the federal agency paying the district an amount determined under 2 C.F.R. 200.311(c)(3).

2 C.F.R. 200.311

Equipment

Title and Use

Title to equipment acquired under the federal award will vest upon acquisition in the district subject to the conditions of 2 C.F.R. 200.313. This title must be a conditional title unless a federal statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government (and the federal agency elects to do so). A conditional title means a clear title is withheld by the federal agency until conditions and requirements specified in the terms and conditions of a federal award have been fulfilled. Title for equipment vested in a district is subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. While the equipment is being used for the originally authorized purpose, the district must not dispose of or encumber its title or other interests without the approval of the federal agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

The district must use equipment for the project or program for which it was acquired and for as long as needed in accordance with 2 C.F.R. 200.313(c).

Regardless of whether equipment is acquired in part or in its entirety under the federal award, the district must manage equipment (including replacement equipment) utilizing procedures that meet the requirements of 2 C.F.R. 200.313(d).

Disposition

If the district is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

When equipment acquired under a federal award is no longer needed for the original project, program, or for other activities currently or previously supported by a federal agency, the district must request disposition instructions from the federal agency or pass-through entity if required by the terms and conditions of the federal award. Disposition of the equipment will be made as prescribed in

	2 C.F.R. 200.313(e), in accordance with federal agency or pass-through entity disposition instructions. *2 C.F.R. 200.313*
Supplies	Title to supplies acquired under the federal award will vest upon acquisition in the district. When there is a residual inventory of unused supplies exceeding $10,000 in aggregate value at the end of the period of performance, and the supplies are not needed for any other federal award, the district may retain or sell the unused supplies. Unused supplies means supplies that are in new condition, not having been used or opened before. The federal agency or pass-through entity is entitled to compensation in an amount calculated under 2 C.F.R. 200.314(a). *2 C.F.R. 200.314(a)*
Intangible Property	Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that intangible property for the originally authorized purpose and must not encumber the property without the approval of the federal agency or pass-through entity. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*
Foreign Telecommunications Equipment	Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).
Direct Grant Programs	The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED, except as specified in the regulations for direct formula grant programs, as referenced in 34 C.F.R. 75.1(c)(3). *34 C.F.R. 75.1*
State-Administered Programs	The regulations in 34 C.F.R. Part 76 apply to each state-administered formula grant program of the ED. *34 C.F.R. 76.1*
General Education Provision Act	The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

[1] TEA EDGAR Materials and Resources: https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/
[2] ED EDGAR website: https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html
[3] ED Uniform Guidance website: https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html

Investment Authority

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be settled on a delivery versus payment basis.

Approved Investment Instruments

From those investments authorized by law and described further in CDA(LEGAL) under Authorized Investments, the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load mutual funds, except for bond proceeds, and no-load money market mutual funds, as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.

Safety

The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No indi-

vidual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

Investment Management

In accordance with Government Code 2256.005(b)(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

Liquidity and Maturity

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the District shall not exceed two years from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

Diversity

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

Monitoring Market Prices

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

Monitoring Rating Changes

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

Funds/Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

Operating Funds

The primary objective of investment strategies for operating funds is to ensure that anticipated cash flows are matched with adequate

investment liquidity. Because the funds are pooled for investment purposes, the portfolio shall address the varying needs of all funds in the pooled fund group. The highest quality securities shall be chosen to ensure preservation of principal, liquidity, and ultimate marketability in the case of needed liquidity. The secondary objective is to create a portfolio structure that will experience minimal volatility during economic cycles. Diversification shall be addressed by using different local government investment pools and by purchasing quality short- to medium-term securities that will complement each other in a laddered maturity structure. A cash flow analysis of these funds shall be used to determine any funds available for longer term investments. Investments shall be made in accordance with this cash flow analysis.

Custodial Funds — Investment strategies for custodial funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Debt Service Funds — Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.

Capital Project Funds — Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.

Enterprise Funds — Investment strategies for enterprise fund investments shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.

Safekeeping and Custody — The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.

Sellers of Investments — Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)]

Representatives of brokers/dealers and representatives with distributors of investment pools shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good stand-

ing with the Financial Industry Regulatory Authority (FINRA). Distributors of investment pools shall also be a registrant in good standing with the Municipal Securities Rulemaking Board (MSRB).

Soliciting Bids for CDs

In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.

Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

Accounting System

A board must adopt and install a standard school fiscal accounting system that conforms with generally accepted accounting principles. The accounting system must meet at least the minimum requirements prescribed by the commissioner of education, subject to review and comment by the state auditor. *Education Code 44.007(a), (b)*

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official Texas Education Agency (TEA) publication, *Financial Accountability System Resource Guide*, Version 19, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.1, .41, .5001*

Report of Revenues and Expenditures

A record must be kept of all revenues realized and of all expenditures made during the fiscal year for which a budget is adopted. A report of the revenues and expenditures for the preceding fiscal year shall be filed with TEA on or before the date set by the State Board of Education. *Education Code 44.007(c), (d)*

Financial Statement

The board shall prepare an annual financial statement showing for each fund subject to the board's authority during the fiscal year:

1. The total receipts of the fund, itemized by source of revenue, including taxes, assessments, service charges, grants of state money, gifts, or other general sources from which funds are derived;
2. The total disbursements of the fund, itemized by the nature of the expenditure; and
3. The balance in the fund at the close of the fiscal year.

Local Gov't Code 140.005

Publication

The board president shall submit the annual financial statement to a daily, weekly, or biweekly newspaper published within the boundaries of the district. If a daily, weekly, or biweekly newspaper is not published within the boundaries of the district, the financial statement shall be published in a newspaper in each county in which the district or any part of the district is located. If a district is located in more than one county, the financial statement may be published in a newspaper that has general circulation in the district. If a newspaper is not published in the county, the financial statement may be published in a newspaper in an adjoining county.

The statement shall be published in accordance with the accounting method required by TEA not later than the 150th day after the date the fiscal year ends.

Local Gov't Code 140.006

Annual Local Debt Report

A district shall annually compile and report certain financial information ("Annual Local Debt Report") in the manner prescribed by Local Government Code 140.008 and 34 Administrative Code 10.1-.6. *Local Gov't Code 140.008(b); 34 TAC 10.2(a)*

The Annual Local Debt Report must include the following financial information:

1. Regarding total authorized debt obligations:
    a. The amount of all authorized debt obligations;
    b. The principal of all outstanding debt obligations;
    c. The combined principal and interest required to pay all outstanding debt obligations on time and in full;
    d. The amount of all authorized debt obligations secured by property taxes;
    e. The principal of all outstanding debt obligations secured by property taxes;
    f. The combined principal and interest required to pay all outstanding debt obligations secured by property taxes on time and in full;
    g. The amount of all authorized debt obligations secured by property taxes expressed as a per capita amount;
    h. The principal of all outstanding debt obligations secured by property taxes expressed as a per capita amount;
    i. The combined principal and interest required to pay all outstanding debt obligations on time and in full for all obligations secured by property taxes expressed as a per capita amount; and
    j. The current credit rating on total debt obligations given by any nationally recognized credit rating organization.
2. Regarding each authorized debt obligation:
    a. The principal of each outstanding debt;

b. The principal of each outstanding debt obligation secured by property taxes expressed as a per capita amount;

c. The combined principal and interest required to pay each outstanding debt obligation on time and in full;

d. The combined principal and interest required to pay each outstanding debt obligation on time and in full expressed as a per capita amount;

e. The issued and unissued amounts, the spent and unspent amounts, the maturity date and the stated purpose for which each debt obligation was authorized; and

f. The current credit rating on each debt obligation given by any nationally recognized credit rating organization.

3. Any other information considered relevant or necessary to explain the above required data elements, such as explanations of payment sources for different kinds of debt or projections of per capita amounts of ad valorem taxation-secured obligations as of the last day of the maximum term of the most recent debt obligation issued by the district.

34 TAC 10.2; Local Gov't Code 140.008(b)

Submission to Comptroller

The comptroller shall provide a location on the comptroller's internet website where a district may submit the financial information described above and any other related information required or requested by the comptroller for the Annual Local Debt Report.

The comptroller shall prescribe the form and manner in which financial information, financial documents, and related information must be submitted under these provisions. These instructions and other information related to local government debt reporting will be provided on the comptroller's internet website.

34 TAC 10.3

Reporting Requirement

On an annual basis and within 180 days of the end of the most recently completed fiscal year, a district shall, in accordance with the reporting requirements set forth under Local Government Code 140.008, either:

1. Submit an Annual Local Debt Report to the comptroller as described at Submission to Comptroller, above, in the form and in the manner prescribed by the comptroller and, if the district maintains an internet website, continually maintain a link from its website to the location on the comptroller's website where the district's financial information may be viewed; or

2. Post its contact information and the information required in an Annual Local Debt Report on the district's own internet website and make the report available for inspection by any person in accordance with other law.

A district that elects to post a report of its financial information on its own internet website as described in item 2 above shall provide upon request an electronic link to the location on the district's website where the information can be viewed to facilitate compliance with the requirements of this provision and to enable the comptroller to maintain a searchable database of local debt information that is comprehensive, accurate, and complete.

34 TAC 10.4; Local Gov't Code 140.008(c), (d), (f)

Definitions

The phrases, words, and terms used in the foregoing provisions shall have the meanings set out in 34 Administrative Code 10.1, unless the context clearly indicates otherwise. *34 TAC 10.1*

School FIRST Annual Financial Management Report

Each district is required to report information and financial accountability ratings to parents, taxpayers, and other stakeholders by implementing the reporting procedures below. *19 TAC 109.1001(q)*

Report Requirements

Each district must prepare and distribute an annual financial management report in accordance with 19 Administrative Code 109.1001(q). *19 TAC 109.1001(q)(1)*

The annual financial management report for a district must include:

1. A description of its financial management performance based on a comparison, provided by TEA, of its performance on the indicators established by the commissioner and reflected in 19 Administrative Code 109.1001. The report will contain information that discloses:

   a. State-established standards; and

   b. The district's financial management performance under each indicator for the current and previous year's financial accountability ratings [see CFC];

2. Any descriptive information required by the commissioner, including:

   a. A copy of the superintendent's current employment contract or other written documentation of employment if no contract exists. This must disclose all compensation and benefits paid to the superintendent. The district may publish the superintendent's employment contract on its website instead of publishing it in the annual financial management report;

b. A summary schedule for the fiscal year (12-month period) of expenditures paid on behalf of the superintendent and each board member and total reimbursements received by the superintendent and each board member. This includes transactions on the district's credit card(s), debit card(s), stored-value card(s), and any other similar instrument(s) to cover expenses incurred by the superintendent and each board member. The summary schedule must separately report reimbursements for meals, lodging, transportation, motor fuel, and other items. The summary schedule of total reimbursements should not include reimbursements for supplies and materials that were purchased for the operation of the district;

c. A summary schedule for the fiscal year of the dollar amount of compensation and fees received by the superintendent from an outside school district or any other outside entity in exchange for professional consulting or other personal services. The schedule must separately report the amount received from each entity;

d. A summary schedule for the fiscal year of the total dollar amount of gifts that had a total economic value of $250 or more received by the executive officers and board members.

(1) This reporting requirement applies only to:

(a) Gifts received by the district's executive officers and board members (and their immediate family as described by Government Code Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the district in the prior fiscal year, and

(b) Gifts from competing vendors that were not awarded contracts in the prior fiscal year;

(2) This reporting requirement does not apply to reimbursement by an outside entity for travel-related expenses when the purpose of the travel was to investigate matters directly related to an executive officer's or board member's duties or to investigate matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education (this exclusion does not apply to trips for entertainment purposes or pleasure trips);

(3) This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had a total economic value of less than $250 per executive officer or board member; and

e. A summary schedule for the fiscal year of the dollar amount received by board members for the total amount of business transactions with the district. This reporting requirement is not to duplicate the items disclosed in the summary schedule of reimbursements received by board members; and

3. Any other information the board of the district determines to be useful.

19 TAC 109.1001(q)(3)

Public Hearing

Each district must provide the public with an opportunity to comment on the report at a public hearing. *19 TAC 109.1001(q)(2)*

The board must hold a public hearing on the report within two months after receiving a final financial accountability rating. The public hearing must be held at a location in the district's facilities.

At the hearing, the district must provide the annual financial management report to the attending parents and taxpayers.

19 TAC 109.1001(q)(4), (5); Education Code 39.083(d)

Notice

The board must give notice of the hearing to owners of real property in the geographic boundaries of the district and to parents of district students.

In addition to other notice required by law, the board must provide notice of the hearing:

1. To a newspaper of general circulation in the geographic boundaries of the district in one posting prior to holding the public meeting, providing the time and place of the hearing. The notice in the newspaper may not be earlier than 30 days or later than 10 days before the date of the hearing. If no newspaper is published in the county in which the district's central administration office is located, then the board must publish the notice in the county nearest to the county seat of the county in which the district's central administration office is located; and

2. Through electronic mail to the mass communication media serving the district, including, but not limited to, radio and television.

19 TAC 109.1001(q)(4); Education Code 39.083(d)

Dissemination — After the hearing, the report shall be disseminated in the district in the manner prescribed by the commissioner. *Education Code 39.083(e)*

Records Retention — The district must retain the annual financial management report for at least three years after the public hearing and make it available to parents and taxpayers upon request. *19 TAC 109.1001(q)(6)*

Corrective Action Plan — Each district that received an F rating must file a corrective action plan with TEA, prepared in accordance with instructions from the commissioner, within one month after the district's public hearing. *19 TAC 109.1001(q)(7); Education Code 39.0824*

Projected Deficit

If the commissioner, based on the indicators adopted under Education Code 39.082 [see CFC], projects a deficit for a district general fund within the following three school years, TEA shall provide the district interim financial reports, including projected revenues and expenditures, to evaluate the district's current budget status.

TEA may require a district to submit additional information needed to produce a financial report. If a district fails to provide information requested or if the commissioner determines that the information submitted by a district is unreliable, the commissioner may order the district to acquire professional services under Education Code 39A.902 [see AIC].

Education Code 39.0823

Annual Audit

The board shall have its district fiscal accounts audited annually at district expense by a certified or public accountant holding a permit from the State Board of Public Accountancy. The audit must be completed following the close of each fiscal year.

The independent audit must meet at least the minimum requirements and be in the format prescribed by the State Board of Education (SBOE), subject to review and comment by the state auditor. The audit shall include an audit of the accuracy of the fiscal information provided by the district through the Public Education Information Management System (PEIMS).

Education Code 44.008(a), (b)

Audit Requirements and Procedures

A district must file with the Texas Education Agency (TEA) an annual financial and compliance report and, if applicable, a state compensatory agreed-upon procedures report. These reports must be audited by an independent auditor, and the audit must be reviewed by TEA, including review of auditors' working papers, in accordance with the *Financial Accountability System Resource Guide*, as adopted by reference in 19 Administrative Code 109.41.

The annual financial audit report and state compensatory agreed-upon procedures report are due 150 days after the end of the fiscal year.

Independent Auditor

The district must hire at its own expense an independent auditor to conduct an independent audit of its financial statements and provide an opinion on its annual financial and compliance report.

The independent auditor must:

1. Be associated with a certified public accountancy (CPA) firm that has a current valid license issued by the Texas State Board of Public Accountancy or a state licensing agency from another state;
2. Be a certified public accountant with a current valid license issued by the Texas State Board of Public Accountancy, as required under Education Code 44.008; and
3. Adhere to the generally accepted auditing standards (GAAS), adopted by the American Institute of CPAs (AICPA), as amended, and the generally accepted government auditing standards (GAGAS), adopted by the U.S. Government Accountability Office, as amended.

The CPA firm must:

1. Be a member of the AICPA Governmental Audit Quality Center (GAQC);

2. Adhere to GAQC's membership requirements; and

3. Collectively have the knowledge, skills, and experience to be competent for the audit being conducted, including thorough knowledge of the government auditing requirements and:

   a. Texas public school district environment;

   b. Public sector; or

   c. Nonprofit sector.

If at any time the TEA division responsible for financial compliance reviews an audit firm's working papers and finds that the firm or the quality of the work does not meet the required standards, the division may require the district to change its audit firm.

19 TAC 109.23

Financial Accountability System Resource Guide

The rules for financial accounting are described in the official TEA publication *Financial Accountability System Resource Guide*, Version 19, which is adopted by reference as TEA's official rule. A copy is available on the TEA website with information related to financial compliance. *19 TAC 109.41, .5001*

Filing of Report

A copy of the annual audit report, approved by the board, shall be filed with TEA not later than the 150th day after the end of the fiscal year for which the audit was made. If a board declines or refuses to approve its auditor's report, it shall nevertheless file with TEA a copy of the audit report with its statement detailing reasons for failure to approve the report. *Education Code 44.008(d)*

Internet Posting of Audit

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of this provision. Each district shall post or cause to be posted on the internet website the information required by Tax Code 26.18, including the district's most recent financial audit, in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for other required information that must be posted.]

Note: For information on the efficiency audit required before a district may hold an election to seek voter approval to adopt a maintenance and operations tax rate, see CCG.

Financial Records

Each treasurer receiving or having control of any school fund of any district shall keep a full and separate itemized account with each of the different classes of its school funds coming into the treasurer's hands. The treasurer's records of the district's itemized accounts and records shall be available to audit. *Education Code 44.008(c)*

Financial Accountability Rating System (School FIRST)

TEA will assign a financial accountability rating to each district as required by Education Code 39.082.

TEA will base the financial accountability rating of a district on its overall performance on the financial measurements, ratios, and other indicators established by the commissioner as shown in the figures provided in 19 Administrative Code 109.1001(e). Financial accountability ratings for a rating year are based on the data from the immediate prior fiscal year.

A financial accountability rating remains in effect until replaced by a subsequent rating.

19 TAC 109.1001(b), (e), (l)

Issuance of Ratings

TEA will issue a preliminary financial accountability rating to a district on or before August 8 of each year. TEA will not delay the issuance of a preliminary or final rating if a district fails to meet the statutory deadline under Education Code 44.008 for submitting the annual financial report (AFR). Instead, the district will receive an F rating for substandard achievement.

Appeals

A district may appeal its preliminary financial accountability rating through the appeals process described at 19 Administrative Code 109.1001(n).

If TEA receives an appeal of a preliminary rating, TEA will issue a final rating to the district no later than 60 days after the deadline for submitting appeals. If TEA does not receive an appeal of a preliminary rating, the preliminary rating automatically becomes a final rating 31 days after issuance of the preliminary rating.

A final rating issued by TEA may not be appealed under Education Code 7.057 or any other law or rule.

19 TAC 109.1001(m)-(o)

[For information on the reporting requirements regarding a district's financial accountability rating, see CFA.]

Table of Contents

Board Authority 2
Delegation of Authority 2
Purchases Valued at or Above $50,000 2
Methods 2
Site-Based Purchasing 6
Contract Selection Factors 6
Preferences 7
Notice Publication 8
Electronic Bids or Proposals 9
Right to Work 9
Contract with Person Indebted to District 9
Out-of-State Bidders 9
Professional Services 10
Professional Services Procurement Act 10
Contingent Fee Contract for Legal Services 11
Specific Purchases 12
Computers 12
Automated Information System 12
Automated External Defibrillators 12
Insurance 12
Other Purchasing Methods 13
State Purchasing Program 13
Multiple Award Contract Schedule 14
Cooperative Purchasing Program 14
Commitment of Current Revenue 15
Change Orders 15
Criminal Offenses 15
Removal from Office 16
Injunction 16

Note: For legal requirements applicable to purchases with federal funds, see CBB.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA.

For legal requirements related to energy savings performance contracts, see CL.

For information on procuring school buses, see CNB.

For legal requirements applicable to school nutrition procurement, including produce, with federal funds, see COA.

For information regarding construction of school facilities, see CV series.

Board Authority

The board may adopt rules and procedures for the acquisition of goods and services. *Education Code 44.031(d)*

Delegation of Authority

The board may, as appropriate, delegate its authority regarding an action authorized or required by Education Code Chapter 44, Subchapter B, to be taken by a district to a designated person, representative, or committee.

The board may not delegate the authority to act regarding an action authorized or required to be taken by the board by Education Code Chapter 44, Subchapter B.

Disaster Delegation

Notwithstanding any other provision of the Education Code, in the event of a catastrophe, emergency, or natural disaster affecting a district, the board may delegate to the superintendent or designated person the authority to contract for the replacement, construction, or repair of school equipment or facilities under Education Code Chapter 44, Subchapter B if emergency replacement, construction, or repair is necessary for the health and safety of district students and staff.

Education Code 44.0312

Purchases Valued at or Above $50,000

Methods

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services, except contracts for the purchase of produce or vehicle fuel, valued at $50,000 or more in the aggregate for each 12-month period, shall be made by the method, of the following methods, that provides the best value for a district:

1. Competitive bidding for services other than construction services.
2. Competitive sealed proposals for services other than construction services.
3. A request for proposals for services other than construction services.
4. An interlocal contract.
5. A method provided by Government Code Chapter 2269 for construction services [see CV series];
6. The reverse auction procedure as defined by Government Code 2155.062(d).
7. The formation of a political subdivision corporation under Local Government Code 304.001 (purchase of electricity).

Education Code 44.031(a)

Exceptions

Emergency Damage or Destruction

If school equipment, a school facility, or a part of a school facility or personal property is destroyed or severely damaged or, as a result of an unforeseen catastrophe or emergency, undergoes major operational or structural failure, and the board determines that the delay posed by the methods provided for in Education Code 44.031 would prevent or substantially impair the conduct of classes or other essential school activities, then contracts for the replacement or repair of the equipment, school facility, or the part of the school facility may be made by methods other than those required by Education Code 44.031. *Education Code 44.031(h)*

Sole Source

Without complying with Education Code 44.031(a) above, a district may purchase an item that is available from only one source, including:

1. An item for which competition is precluded because of the existence of a patent, copyright, secret process, or monopoly.
2. A film, manuscript, or book.
3. A utility service, including electricity, gas, or water.
4. A captive replacement part or component for equipment.

The exceptions above do not apply to mainframe data-processing equipment and peripheral attachments with a single-item purchase price in excess of $15,000.

Education Code 44.031(j)-(k)

Competitive Bidding

Except to the extent prohibited by other law and to the extent consistent with Education Code Chapter 44, Subchapter B, a district may use competitive bidding to select a vendor as authorized by Education Code 44.031(a)(1).

A district shall award a competitively bid contract at the bid amount to the bidder offering the best value for the district. In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria. The selection criteria may include the factors listed in Education Code 44.031(b) [see Contract Selection Factors, below].

Except as provided below, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts) does not apply to a competitive bidding process under this policy.

Local Government Code Sections 271.026 (Opening of Bids), 271.027(a) (Award of Contract), and 271.0275 (Safety Record of Bidder Considered) apply to a competitive bidding process under Education Code Chapter 44, Subchapter B. [See CVA for these requirements.]

Education Code 44.0351

[For information on additional competitive procedures under the Public Property Finance Act, see CHH.]

Competitive Sealed Proposals

In selecting a vendor through competitive sealed proposals as authorized by Education Code 44.031(a)(2), a district shall follow the procedures prescribed below.

Request for Proposals

The district shall prepare a request for competitive sealed proposals that includes information that vendors may require to respond to the request. The district shall state in the request for proposals the selection criteria that will be used in selecting the successful offeror.

Opening Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and, if any are required to be stated, all prices stated in each proposal. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria.

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected

offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

In determining the best value for the district, the district is not restricted to considering price alone but may consider any other factors stated in the selection criteria.

Education Code 44.0352

Interlocal Contracts

"Interlocal contract" means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). *Gov't Code 791.003(2)*

A district, may agree with another local government or with the state or a state agency, including the comptroller, to purchase goods and services. *Gov't Code 791.025(a)*

A district may agree with another local government, including a nonprofit corporation that is created and operated to provide one or more governmental functions and services, or with the state or a state agency, including the comptroller, to purchase goods and any services reasonably required for the installation, operation, or maintenance of the goods. This provision does not apply to services provided by firefighters, police officers, or emergency medical personnel. *Gov't Code 791.025(b)*

A district that purchases goods and services under Government Code 791.025 satisfies the requirement to seek competitive bids for the purchase of the goods and services. *Gov't Code 791.025(c); Atty. Gen. Op. JC-37 (1999)*

Note: For legal provisions related to interlocal contracts, generally, see GRB.

For legal provisions related to using cooperative purchasing for construction-related services, see CV.

Reverse Auction

A district that uses the reverse auction procedure must include in the procedure a notice provision and other provisions necessary to produce a method of purchasing that is advantageous to the district and fair to vendors. *Local Gov't Code 271.906(b)*

"Reverse auction procedure" means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet

location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or

2. A bidding process usually lasting less than two weeks and taking place during a previously scheduled period and at a previously scheduled internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services.

Gov't Code 2155.062(d)

Site-Based Purchasing

If a purchase is made at the campus level in a district with a student enrollment of 180,000 or more that has formally adopted a site-based decision-making plan under Education Code Subchapter F, Chapter 11 [see BQ series], that delegates purchasing decisions to the campus level, Education Code 44.031 applies only to the campus and does not require the district to aggregate and jointly award purchasing contracts. A district that adopts site-based purchasing under this provision shall adopt a policy to ensure that campus purchases achieve the best value to the district and are not intended or used to avoid the requirement that a district aggregate purchases under Education Code 44.031(a). *Education Code 44.031(m)*

Contract Selection Factors

Except as provided by Education Code Chapter 44, Subchapter B, in determining to whom to award a contract, the district shall consider:

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods or services.
3. The quality of the vendor's goods or services.
4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent

company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.

9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. Section 153. *Education Code 44.031(b-1)*

The factors listed above are the only criteria that may be considered by a district in its decision to award a contract. *R.G.V. Vending v. Weslaco Indep. Sch. Dist., 995 S.W.2d 897 (Tex. App.—Corpus Christi 1999, no pet.)*

Preferences

Agricultural Products

A district that purchases agricultural products shall give preference to those produced, processed, or grown in Texas if the cost to the district is equal and the quality is equal. If agricultural products produced, processed, or grown in Texas are not equal in cost and quality to other products, the district shall give preference to agricultural products produced, processed, or grown in other states of the United States, if the cost and quality of the U.S. and foreign products are equal.

"Agricultural products" includes textiles and other similar products.

"Processed" means canning, freezing, drying, juicing, preserving, or any other act that changes the form of a good from its natural state to another form.

A district may not adopt product purchasing specifications that unnecessarily exclude agricultural products produced, processed, or grown in Texas.

Vegetation for Landscaping

A district that purchases vegetation for landscaping purposes, including plants, shall give preference to Texas vegetation if the cost to the district is equal and the quality is equal.

Education Code 44.042

[For legal requirements applicable to school nutrition procurement, including produce and agricultural products, with federal funds, see COA.]

Recycled Products

A district shall give preference in purchasing to products made of recycled materials if the products meet applicable specifications as to quantity and quality and the average price of the product is not more than 10 percent greater than the price of comparable nonrecycled products. Preferences will be applied in accordance with state procurement statutes and rules. *30 TAC 328.203*

Subchapter K of 30 Administrative Code (Governmental Entity Recycling and Purchasing of Recycled Materials) does not apply to a district with a student enrollment of less than 10,000 students. *30 TAC 328.204(a)*

A district regularly shall review and revise its procurement procedures and specifications for the purchase of goods, supplies, equipment, and materials in order to:

1. Eliminate procedures and specifications that explicitly discriminate against products made of recycled materials;
2. Encourage the use of products made of recycled materials; and
3. Ensure to the maximum extent economically feasible that the district purchases products that may be recycled when they have served their intended use.

In developing new procedures and specifications, the district shall encourage the use of recycled products and products that may be recycled or reused.

Health and Safety Code 361.426(b)-(c)

Bidder's Place of Business

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code Section 271.9051. This provision does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153. *Education Code 44.031(b-1)*

Notice Publication

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procure-

ment process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Electronic Bids or Proposals

A district may receive bids or proposals under Education Code Chapter 44 through electronic transmission if the board adopts rules to ensure the identification, security, and confidentiality of electronic bids or proposals and to ensure that the electronic bids or proposals remain effectively unopened until the proper time.

Notwithstanding any other provision of Education Code Chapter 44, an electronic bid or proposal is not required to be sealed. A provision of Education Code Chapter 44 that applies to a sealed bid or proposal applies to a bid or proposal received through electronic transmission in accordance with the rules adopted by the board.

Education Code 44.0313

Right to Work

While a district is engaged in procuring goods and services or awarding a contract, or overseeing procurement or construction for a public work or public improvement, a district:

1. May not consider whether a vendor is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to any organization.

Education Code 44.043

Contract with Person Indebted to District

The board by resolution may establish regulations permitting the district to refuse to enter into a contract or other transaction with a person indebted to the district. It is not a violation of Education Code Chapter 44, Subchapter B (Purchases; Contracts) for a district, under regulations adopted under this provision, to refuse to award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the district.

"Person" includes an individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, limited liability company, and any other entity that proposes or otherwise seeks to enter into a contract or other transaction with the district requiring approval by the board.

Education Code 44.044

Out-of-State Bidders

A district may not award a governmental contract to a nonresident bidder unless the nonresident underbids the lowest bid submitted

by a responsible resident bidder by an amount that is not less than the greater of the amount by which a resident bidder would be required to underbid the nonresident bidder to obtain a comparable contract in the state in which the nonresident's principal place of business is located, or the state in which a majority of the manufacturing relating to the contract will be performed. *Gov't Code 2252.002*

This requirement does not apply to a contract involving federal funds. A district shall use the information published by the comptroller under Government Code 2252.003 (Publication of Other State's Laws on Contracts) to evaluate the bid of a nonresident bidder. A district may rely on information published under Government Code 2252.003 to meet the requirements of Government Code 2252.002. *Gov't Code 2252.003-.004*

"Governmental contract" means a contract awarded by a governmental entity, including a public school district, for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

"Resident bidder" refers to a person whose principal place of business is in this state, including a contractor whose ultimate parent company or majority owner has its principal place of business in this state.

Gov't Code 2252.001

Professional Services

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect, attorney, certified public accountant, engineer, or fiscal agent. A district may, at its option, contract for professional services rendered by a financial consultant or a technology consultant in the manner provided by Government Code 2254.003 (Professional Services Procurement Act) (see below), in lieu of the methods provided by Education Code 44.031. *Education Code 44.031(f)*

Professional Services Procurement Act

Selection

A district may not select a provider of professional services or a group or association of providers or award a contract for the services on the basis of competitive bids submitted for the contract or for the services, but shall make the selection and award on the basis of demonstrated competence and qualifications to perform the services and for a fair and reasonable price. *Gov't Code 2254.003(a)*

Definition

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land survey-

ing, medicine, optometry, professional engineering, real estate appraising, professional nursing, or forensic science;

2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, registered nurse, or a forensic analyst or forensic science expert; or

3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002

[For specific information on procuring architectural or engineering services, see CV. For information on procuring services of physicians, optometrists, and registered nurses under certain circumstances, see Government Code 2254.008.]

Contingent Fee Contract for Legal Services

"Contingent fee contract" means a contract for legal services under which the amount or the payment of the fee for the services is contingent in whole or in part on the outcome of the matter for which the services were obtained. The term includes an amendment to a contract for legal services described by this provision if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action. *Gov't Code 2254.101(2)*

Government Code Chapter 2254, Subchapter C provides the manner in which and the situations under which a district may compensate a public contractor under a contingent fee for legal services. That subchapter does not apply to a contract for legal services:

1. Provided to a district under Government Code Chapter 403, Subchapter M; or

2. Entered into by a district for the collection of an obligation, as defined by Government Code 2107.001, that is delinquent [see CCGA(LEGAL) regarding delinquent tax collection] or for services under Government Code 1201.027 [see CCA(LEGAL) regarding issuance of public securities], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

Gov't Code 2254.102

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code

2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

In procuring legal services under a contingent fee contract, a district shall:

1. Select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and

2. Attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

Gov't Code 2254.1032

Specific Purchases

Computers

A district may acquire computers and computer-related equipment, including computer software, through the Department of Information Resources (DIR) under contracts entered into in accordance with Government Code Chapter 2054 or 2157. *Education Code 44.031(i)*

Automated Information System

A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.222* [See 1 Administrative Code Chapter 212 for rules related to purchases of commodity items.]

Automated External Defibrillators

A district that purchases or leases an automated external defibrillator (AED), as defined by Health and Safety Code 779.001, shall ensure that the AED meets standards established by the federal Food and Drug Administration. *Education Code 44.047(a)*

Insurance

A contract for the purchase of insurance is not a contract for professional services. A district must award such a contract using one of the methods in Education Code 44.031. *Atty. Gen. Op. DM-418 (1996)*

Multiyear Contracts

A district may execute an insurance contract for a period longer than 12 months, if the contract complies with Local Government Code 271.903(a) [see Commitment of Current Revenue, below]. If a district executes a multiyear insurance contract, it need not advertise for insurance vendors until the 12-month period during which the district will be executing a new insurance contract. *Atty. Gen. Op. DM-418 (1996)*

Other Purchasing Methods

State Purchasing Program

The comptroller shall establish a program by which the comptroller performs purchasing services for local governments. The services must include:

1. The extension of state contract prices to participating local governments when the comptroller considers it feasible.
2. Solicitation of bids on items desired by local governments if the solicitation is considered feasible by the comptroller and is desired by the local government.
3. Provision of information and technical assistance to local governments about the purchasing program.

The comptroller may charge a participating local government an amount not to exceed the actual costs incurred by the comptroller in providing purchasing services to the local government under the program.

Local Gov't Code 271.082

District Participation

A district may participate in the purchasing program, including participation in purchases that use the reverse auction procedure, by filing with the comptroller a resolution adopted by the board requesting that the district be allowed to participate on a voluntary basis, and to the extent the comptroller deems feasible, and stating that the district will:

1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the board will direct the decisions of the representative;
2. Be responsible for:
    a. Submitting requisitions to the comptroller under any contract; or
    b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending to the comptroller reports on actual purchases made under this provision that provide the information and are sent at the times required by the comptroller;
3. Be responsible for making payment directly to the vendor;
4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A district that purchases an item under a state contract or under a reverse auction procedure, sponsored by the comptroller satisfies

any state law requiring the district to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

Multiple Award Contract Schedule

The comptroller shall develop a schedule of multiple award contracts that have been previously awarded using a competitive process by the federal government or any other governmental entity in any state. *Gov't Code 2155.502(a)*

A district may purchase goods or services directly from a vendor under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I. A district contracting for the purchase of an automated information system under a contract listed on a schedule shall comply with Government Code 2157.068(e-1) (Purchase of Information Technology Commodity Items) [see Automated Information System, above]. A purchase authorized by this provision satisfies any requirement of state law relating to competitive bids or proposals.

The price listed for a good or service under a multiple award contract is a maximum price. A district may negotiate a lower price for goods or services under a contract listed on a schedule developed under Government Code Chapter 2155, Subchapter I.

Gov't Code 2155.504

Cooperative Purchasing Program

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A district that is participating in a cooperative purchasing program may sign an agreement with another participating local government or a local cooperative organization stating that the district will:

1. Designate a person to act under the direction of, or on behalf of, the district in all matters relating to the program;

2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and

3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

A district that purchases goods or services under these provisions satisfies any state law requiring the district to seek competitive bids for the purchase of the goods or services.

Local Gov't Code 271.102; Atty. Gen. Op. JC-37 (1999)

Cooperative Purchasing Contract Fees

A district that enters into a purchasing contract valued at $25,000 or more under Education Code 44.031(a)(5) (interlocal contract), under Local Government Code Chapter 271, Subchapter F (cooperative purchasing program), or under any other cooperative purchasing program authorized for school districts by law shall document a contract-related fee, including a management fee, paid by or to the district and the purpose of each fee under the contract.

The amount, purpose, and disposition of any fee described above must be presented in a written report and submitted annually in an open meeting of the board. The written report must appear as an agenda item. The commissioner of education may audit the written report.

Education Code 44.0331

Commitment of Current Revenue

If a contract for the acquisition, including lease, of real or personal property retains to the board the continuing right to terminate at the expiration of each budget period during the term of the contract, is conditioned on a best efforts attempt by the board to obtain and appropriate funds for payment of the contract, or contains both the continuing right to terminate and the best efforts conditions, the contract is a commitment of a district's current revenue only. *Local Gov't Code 271.903*

Change Orders

For provisions regarding change orders, see CV.

Criminal Offenses

An officer, employee, or agent of a district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be made in one purchase.

Education Code 44.032(a)-(b)

An officer, employee, or agent of a district commits an offense if the person with criminal negligence violates Education Code 44.031(a) or (b) other than by conduct described by Education Code 44.032(b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude. *Education Code 44.032(c)*

An officer or employee of a district commits an offense if the officer or employee knowingly violates Education Code 44.031, other than by conduct described by Education Code 44.032(b) or (c). An offense under this provision is a Class C misdemeanor. *Education Code 44.032(d)*

Removal from Office

The final conviction of a person other than a trustee of a district for an offense under Education Code 44.032(b) or (c) above results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under Education Code 44.032 is considered to have committed official misconduct for purposes of Local Government Code Chapter 87, and is subject to removal as provided by that chapter and Texas Constitution Article V, Section 24. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state, and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. *Education Code 44.032(e)*

Injunction

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this provision is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

For information on mental health leave, quarantine leave, and line of duty leave for peace officers, see DEC.

Powers and Duties

Code of Criminal Procedure

Any peace officer commissioned by the board must meet all minimum standards for peace officers established by the Texas Commission on Law Enforcement (TCOLE). *Education Code 37.081(h)*

Officers commissioned by a board are peace officers. *Code of Criminal Procedure 2.12(8)*

It is the duty of every peace officer to preserve the peace within the officer's jurisdiction. To effect this purpose, the officer shall use all lawful means. *Code of Criminal Procedure 2.13(a)*

The peace officer shall perform the duties listed in Code of Criminal Procedure 2.13.

Determined by the Board

A district peace officer shall perform law enforcement duties for the district as determined by the board. *Education Code 37.081(d), (d-1)* [See CKE(LEGAL)]

The board may authorize any officer commissioned by the board to enforce rules adopted by the board. Education Code Chapter 37, Subchapter D (protection of buildings and grounds) is not intended to restrict the authority of each district to adopt and enforce appropriate rules for the orderly conduct of the district in carrying out its purposes and objectives or the right of separate jurisdiction relating to the conduct of its students and personnel. *Education Code 37.103*

In a peace officer's jurisdiction, a peace officer commissioned by the board:

1. Has the powers, privileges, and immunities of peace officers;
2. May enforce all laws, including municipal ordinances, county ordinances, and state laws;
3. May take a child into custody in accordance with Family Code Chapter 52 [see GRA] or Code of Criminal Procedure 45.058; and
4. May dispose of cases in accordance with Family Code 52.03 or 52.031.

Education Code 37.081(b); Family Code 52.01(a)(3)

The board shall determine the scope of the on-duty and off-duty law enforcement activities of district peace officers. A district must authorize in writing any off-duty law enforcement activities performed by a district peace officer.

A district peace officer may provide assistance to another law enforcement agency. A district may contract with a political subdivision for the jurisdiction of a district peace officer to include all territory in the jurisdiction of the political subdivision.

Education Code 37.081(c), (e)

Chief of Police

The chief of police of a district police department shall be accountable to the superintendent and shall report to the superintendent. District police officers shall be supervised by the district chief of police or the chief's designee and shall be licensed by TCOLE. *Education Code 37.081(f)*

Oath and Bond

A peace officer assigned to duty and commissioned by a board shall take and file the oath required of peace officers and shall execute and file a bond in the sum of $1,000, payable to the board, with two or more sureties, conditioned that the peace officer will fairly, impartially, and faithfully perform all the duties that may be required of the peace officer by law. *Education Code 37.081(h)*

Preemployment Procedures and Reporting Requirements

Before a law enforcement agency may hire a person licensed under Occupations Code 1701 (law enforcement officers), the agency must, on a form and in the manner prescribed by the TCOLE:

1. Obtain the person's written consent for the agency to review the information required to be reviewed under Occupations Code 1701.451;
2. Request from TCOLE and any other applicable person information required to be reviewed under Occupations Code 1701.451; and
3. Submit to TCOLE confirmation that the agency, to the best of the agency's ability before hiring the person:
    a. Contacted each entity or individual necessary to obtain the information required to be reviewed under Occupations Code 1701.451; and
    b. Except as provided below, obtained and reviewed as related to the person, as applicable, the information listed in Occupations Code 1701.451(a)(3)(B).

Confirmation Form

The head of a law enforcement agency or the agency head's designee shall review and sign each confirmation form required under Occupations Code 1701.451 before submission to TCOLE. The

failure of an agency head or the agency head's designee to comply with this subsection constitutes grounds for suspension of the agency head's license under Occupations Code 1701.501.

The confirmation form submitted to TCOLE is not confidential and is subject to disclosure under Government Code Chapter 552 (Public Information Act).

Exception

If an entity or individual contacted for information required to be reviewed under Occupations Code 1701.451 refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response.

Duty to Provide Information

If a law enforcement agency receives from a law enforcement agency a request for information under Occupations Code 1701.451 and the person's consent on the forms and in the manner prescribed by TCOLE, the agency shall provide the information to the requesting agency.

Occupations Code 1701.451

Separation Report

When a person licensed by TCOLE separates from an agency, the agency shall, within 7 business days:

1. Submit a separation report (Form F5) to TCOLE; and
2. Provide a copy to the licensee in a manner prescribed by Occupations Code 1701.452 (Employment Termination Report).

37 TAC 217.7(b)

An agency must retain records kept under 37 Administrative Code 217.7 while the person is appointed and for a minimum of five years after the licensee's separation date with that agency. The records must be maintained under the control of the agency head or designee in a format readily accessible to TCOLE. *37 TAC 217.7(d)*

Memoranda of Understanding

A district police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts between the department and the agencies. *Education Code 37.081(g)*

Required Policies

Use of Force/Duty to Render Aid

Not later than the 180th day after the date TCOLE provides the model policies described by Occupations Code 1701.269(b), each law enforcement agency in this state shall adopt a policy on the topics described by that subsection. A law enforcement agency may adopt the model policies developed by TCOLE under that subsection. *Occupations Code 1701.270*

Medical and Psychological Exams

Each law enforcement agency in this state shall adopt the model policy described by Occupations Code 1701.167(a) or a substantively similar policy. A policy adopted by a law enforcement agency under that subsection must be submitted to TCOLE, and the commission shall maintain a copy of the policy. *Occupations Code 1701.167(b)*

Drones

"Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

1. Is controlled remotely by a human operator; or
2. Operates autonomously through computer software or other programming.

Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

1. Adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and
2. Not later than January 1 of each even-numbered year, submit the policy to TCOLE in the manner prescribed by TCOLE.

Code of Criminal Procedure 2.33

[For additional information on unmanned aircraft systems, see GKA.]

Body-Worn Camera Programs

For the purpose of this provision, "body-worn camera" means a recording device that is capable of recording, or transmitting to be recorded remotely, video or audio; and worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as glasses.

A law enforcement agency that operates a body-worn camera program shall adopt a policy for the use of body-worn cameras that must ensure that a body-worn camera is activated only for a law enforcement purpose and must include guidelines and provisions required by Occupations Code 1701.655(b).

A policy may not require a peace officer to keep a body-worn camera activated for the entire period of the officer's shift.

A policy must require a peace officer who is equipped with a body-worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

Before a law enforcement agency may operate a body-worn camera program, the agency must provide training to peace officers who will wear the body-worn cameras and any other personnel who will come into contact with video and audio data obtained from the use of body-worn cameras.

Occupations Code 1701.651(1), .655, .656

Prohibited Release of Recording

A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative.

A recording is confidential and excepted from the requirements of the Public Information Act if the recording was:

1. Not required to be made under Occupations Code Subchapter N or another law or under a policy adopted by the law enforcement agency; and
2. Does not relate to a law enforcement purpose.

"Private space" means a location in which a person has a reasonable expectation of privacy, including a person's home.

Occupations Code 1701.651(1), .661(f), (h)

Motor Vehicle Stops

A peace officer who stops a motor vehicle for an alleged violation of a law or ordinance shall report to the law enforcement agency that employs the officer information relating to the stop, including the information required by Code of Criminal Procedure 2.133.

The chief administrator of a law enforcement agency is responsible for auditing these reports to ensure that the race or ethnicity of the person operating the motor vehicle is being reported.

Code of Criminal Procedure 2.133

A law enforcement agency shall compile and analyze the information contained in each report received by the agency. Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to TCOLE. *Code of Criminal Procedure 2.134*

Civil Penalty

If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data as required by Code of Criminal Procedure 2.134, the department is liable to the state

for a civil penalty in an amount not to exceed $5,000 for each violation. *Code of Criminal Procedure 2.1385(a)*

Racial Profiling

A peace officer may not engage in racial profiling. *Code of Criminal Procedure 2.131*

Each law enforcement agency that employs peace officers who make traffic stops in the routine performance of the officer's official duties shall adopt a detailed written policy on racial profiling that complies with Code of Criminal Procedure 2.132(b). *Code of Criminal Procedure 2.132*

Mental Health Crisis or Substance Abuse Issue

A law enforcement agency shall make a good faith effort to divert a person suffering a mental health crisis or suffering from the effects of substance abuse to a proper treatment center in the agency's jurisdiction if:

1. There is an available and appropriate treatment center in the agency's jurisdiction to which the agency may divert the person;
2. It is reasonable to divert the person;
3. The offense that the person is accused of is a misdemeanor, other than a misdemeanor involving violence; and
4. The mental health crisis or substance abuse issue is suspected to be the reason the person committed the alleged offense.

This requirement does not apply to a person who is accused of specified offenses involving intoxication.

Code of Criminal Procedure 16.23

Administration of Epinephrine

A law enforcement agency may acquire and possess epinephrine auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with Occupations Code Chapter 1701, Subchapter O. *Occupations Code 1701.702(a)* [See FFAC regarding district maintenance and administration of epinephrine auto-injectors.]

Officer-Involved Injury or Death

"Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report to the office of the attorney general. The report must

include all information required by Code of Criminal Procedure 2.139(b).

Code of Criminal Procedure 2.139

Not later than the 30th day after the date of the occurrence of an incident in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer, the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report to the office of the attorney general. The report must include all information required by Code of Criminal Procedure 2.1395(a). *Code of Criminal Procedure 2.1395(b)*

Failure to Report

A law enforcement agency that fails to submit the required report on or before the seventh day after the date the agency received notice of failure to report from the office of the attorney general, is liable for a civil penalty in the amount of $1,000 for each day after the seventh day that the agency fails to submit the report. Beginning on the day after the date of receiving notice of failure to report, a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty is liable for a civil penalty for each day the agency fails to submit the required report in the amount of $10,000 for the first day and $1,000 for each additional day that the agency fails to submit the report. *Code of Criminal Procedure 2.13951(b), (c)*

Complaints Against Peace Officers

To be considered by the head of the district's police department, a complaint against a district peace officer must be in writing and signed by the person making the complaint. A copy of the complaint shall be given to the officer within a reasonable time after it is filed. Disciplinary action may not be taken against the officer unless a copy of the signed complaint is given to the officer. The officer may not be indefinitely suspended or terminated based on the subject matter of the complaint unless the complaint is investigated and there is evidence to prove the allegation of misconduct. *Gov't Code 614.021-.023; Colorado County v. Staff, 510 S.W.3d 435 (Tex. 2017); Atty. Gen. Op. GA-251 (2004)*

On the commencement of an investigation by a law enforcement agency of a complaint by an individual who believes that a peace officer employed by the agency has engaged in racial profiling with respect to the individual in which a video or audio recording of the occurrence on which the complaint is based was made, the agency shall promptly provide a copy of the recording to the peace officer

who is the subject of the complaint on written request by the officer. *Code of Criminal Procedure 2.132(b)(3), (f)*

[See DGBA, FNG, and GF for appeals.]

Legal Representation

A district shall provide a district employee who is a peace officer with legal counsel without cost to the employee to defend the employee against a suit for damages by a party other than a governmental entity if legal counsel is requested by the employee, and the suit involves an official act of the employee within the scope of the employee's authority.

To defend the employee against the suit, the district may provide counsel already employed by it or may employ private counsel.

An employee may recover from a district that fails to provide counsel as required the reasonable attorney's fees incurred in defending the suit if the trier of fact finds that the fees were incurred in defending a suit covered by these provisions and the employee is without fault or that the employee acted with a reasonable good faith belief that the employee's actions were proper.

Local Gov't Code 180.002(b)-(d)

Note: For general provisions applicable to district security personnel, including school marshals, see CKE.

Board Authority

The board may appoint one or more school marshals for each campus. *Education Code 37.0811(a)*

Definition

A school marshal is a person who is appointed to serve as a school marshal by the board under Education Code 37.0811, is licensed under Occupations Code 1701.260, and has powers and duties described by Code of Criminal Procedure 2.127. *Occupations Code 1701.001(8)*

Eligibility

The board may select for appointment as a school marshal an applicant who is an employee of the district and certified as eligible for appointment under Occupations Code 1701.260. *Education Code 37.0811(b)*

TCOLE Licensing

To be eligible for appointment as a school marshal, an applicant shall:

1. Successfully complete all prerequisite Texas Commission on Law Enforcement (TCOLE) training;
2. Pass the state licensing exam;
3. Be employed and appointed by an authorized school district; and
4. Meet all statutory requirements, including psychological fitness.

37 TAC 227.3(a); Code of Criminal Procedure 2.127(d)

A school marshal training program is open to any employee of a district who holds a license to carry a handgun issued under Government Code Chapter 411, Subchapter H. *37 TAC 227.5(a)*

TCOLE shall license an eligible person who:

1. Completes required training to the satisfaction of TCOLE staff; and
2. Is psychologically fit to carry out the duties of a school marshal as indicated by the results of the psychological examination administered under Occupations Code 1701.260(d).

Occupations Code 1701.260(f)

Psychological Fitness

In order for an individual to enroll in any school marshal licensing training, obtain a school marshal license, or renew or reapply for a

school marshal license, they must first demonstrate psychological fitness through a psychological examination.

The psychological examination shall be conducted by a professional selected by the district. The professional shall be either a psychologist licensed by the Texas State Board of Examiners of Psychologists or a psychiatrist licensed by the Texas Medical Board. The psychologist or psychiatrist must be familiar with the duties of a school marshal.

The examination must be conducted pursuant to professionally recognized standards and methods. The examination process must consist of:

1. A review of the duties and responsibilities of a school marshal as developed by TCOLE;
2. At least two instruments, one which measures personality traits and one which measures psychopathology; and
3. A face-to-face interview conducted after the instruments have been scored.

The individual must be declared by that professional, on a form prescribed by TCOLE, to be in satisfactory psychological and emotional health to carry out the duties of a school marshal in an emergency shooting or situation involving an active shooter.

If, after examination, the professional declines to declare the individual as psychologically fit, the individual must report the outcome to TCOLE on a form prescribed by TCOLE.

An examination for license renewal or reactivation must be conducted within 90 days of the date of the application for license renewal or reactivation.

37 TAC 227.4

Reimbursement for Training

The board may, but shall not be required to, reimburse the amount paid by the applicant to participate in the training program under Occupations Code 1701.260. *Education Code 37.0811(b)*

District Responsibilities

A district shall:

1. Submit and receive approval for an application to appoint a person as a school marshal;
2. Upon authorization, notify TCOLE using approved format prior to appointment;

3. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer employed with the district;

4. Report to TCOLE, within seven days, when a person previously authorized to act as a school marshal is no longer authorized to do so by the district, TCOLE standards, another state agency, or under other law;

5. Immediately report to TCOLE a school marshal's violation of any TCOLE standard, including the discharge of a firearm carried under the authorization of these provisions outside of a training environment; and

6. Immediately report to TCOLE any indication, suspicion, or allegation that a school marshal is no longer psychologically fit to carry out the duties of a school marshal.

For five years, the district must retain documentation that the district has met all requirements under law in a format readily accessible to TCOLE. This requirement does not relieve a district from retaining all other relevant records not otherwise listed.

37 TAC 227.1

Powers and Duties

A school marshal may make arrests and exercise all authority given to peace officers under the Code of Criminal Procedure, subject to written regulations adopted by the board.

A school marshal may only act as necessary to prevent or abate the commission of an offense that threatens serious bodily injury or death of students, faculty, or visitors on school premises.

A school marshal may not issue a traffic citation for a violation of the Transportation Code.

Code of Criminal Procedure 2.127

Reporting Requirements

Once appointed, a school marshal shall:

1. Immediately report to TCOLE and the district any circumstance which would render them unauthorized to act as a school marshal by virtue of their employment with the district, failure to meet the standards of TCOLE, another state agency, or under law;

2. Immediately report to TCOLE any violation of applicable TCOLE standards, including any discharge of a firearm carried under the authorization of these provisions outside of training environment; and

3. Comply with all requirements under law, including Education Code 37.0811.

37 TAC 227.3(b)

Fit for Duty Review

When TCOLE receives a report or other reliable information that a school marshal may no longer be psychologically fit to carry out the duties of a school marshal, TCOLE may:

1. Issue an emergency suspension order; or
2. Require a fit for duty review upon identifying factors that indicate the licensee may no longer be able to perform the duties of a school marshal safely and effectively.

TCOLE shall provide written notice of the psychological examination to the license holder not later than the 10th business day before the deadline to submit to the examination. Written notice shall include the reasons for the examination.

The examination shall be conducted by a psychiatrist or psychologist chosen by the licensee.

To facilitate the examination of any licensee, TCOLE will provide all appropriate documents and available information.

The examining practitioner will provide TCOLE with a report indicating whether the school marshal is fit for duty. If the school marshal is unfit for duty, the practitioner will include the reasons or an explanation why the individual is unfit for duty.

A second examination may be ordered by TCOLE if it questions the practitioner's report. The examination will be conducted by a psychiatrist or psychologist appointed by TCOLE. If the report of the appointed practitioner disagrees with the report of the initial practitioner, the final determination as to the school marshal's fitness shall be decided by the executive director of TCOLE.

A school marshal who fails a psychological examination shall have their license suspended until the executive director orders it reinstated.

Any school marshal ordered to undergo a fit for duty review shall comply with the terms of the order and cooperate fully with the examining practitioner.

34 TAC 227.6

Handgun Possession

A school marshal may carry a concealed handgun or possess a handgun on the physical premises of a school, but only:

1. In the manner provided by written regulations adopted by the board; and

2. At a specific school as specified by the board.

Accessing Handgun

A school marshal may use a handgun the school marshal is authorized to carry or possess only under circumstances that would justify the use of deadly force under Penal Code 9.32 or 9.33.

Board Regulations

A board's written regulations must provide that a school marshal may carry a concealed handgun on the school marshal's person or possess the handgun on the physical premises of a school in a locked and secured safe or other locked and secured location.

The written regulations must also require that a handgun carried or possessed by a school marshal may be loaded only with frangible duty ammunition approved for that purpose by TCOLE.

Inactive Status

A district employee's status as a school marshal becomes inactive on:

1. Expiration of the employee's school marshal license under Occupations Code 1701.260;

2. Suspension or revocation of the employee's license to carry a handgun;

3. Termination of the employee's employment with the district; or

4. Notice from the board that the employee's services as school marshal are no longer required.

Education Code 37.0811(c)-(f)

Identity Confidential

The identity of a school marshal is confidential and is not subject to a request under the Public Information Act, except that the person's name, date of birth, and handgun license number, and the address of the person's place of employment must be provided by TCOLE to:

1. The director of the Department of Public Safety;

2. The district;

3. The chief law enforcement officer of the local municipal law enforcement agency if the person is employed at a campus of a district located within a municipality;

4. The sheriff of the county if the person is employed at a campus of a district that is not located within a municipality; and

5. The chief administrator of any school district-commissioned peace officer, if the person is employed at a district that has commissioned peace officers.

If a parent or guardian of a student enrolled at a school inquires in writing, the district shall provide the parent or guardian written notice indicating whether any employee of the school is currently appointed as a school marshal. The notice may not disclose information that is confidential.

Education Code 37.0811(g), (h); Occupations Code 1701.260(j)

No State Benefits

A school marshal is not entitled to state benefits normally provided by the state to a peace officer. *Code of Criminal Procedure 2.127(c)*

Memorandum of Understanding to Share Marshal

A district may enter into a memorandum of understanding with another district, open-enrollment charter school, or private school under which a school marshal appointed to a campus of the district may temporarily act as a school marshal at a campus of the other school for the duration of an event occurring at the campus of the other school at which both schools are participating. The memorandum of understanding must comply with the requirements for written regulations under Education Code 37.0811 [see Handgun Possession, above] and may be used to satisfy the requirement for written regulations or written authorization under Penal Code 46.03(a)(1) to allow that school marshal to carry a firearm on the premises of the school at which the event occurs. *Education Code 37.08131*

Texas Department of Agriculture Authority

The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

Note: Regulations applicable to federal nutrition programs are found at the following:

7 C.F.R. 210: National School Lunch Program

7 C.F.R. 215: Special Milk Program for Children

7 C.F.R. 220: School Breakfast Program

7 C.F.R. 225: Summer Food Service Program

7 C.F.R. 245: Free and Reduced Price Eligibility

Program Compliance

TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. *7 C.F.R. 210.19(a)(3)*

[For the definition of "school food authority," see COA(LEGAL).]

Administrative Review

TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 5-year review cycle, provided that each SFA is reviewed at least once every 6 years in accordance with the review cycle observed under 7 C.F.R. 210.18(c).

"Administrative reviews" means the comprehensive evaluation of all SFAs participating in the specified programs. It includes a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program. With U.S. Department of Agriculture Food and Nutrition Service approval, the administrative review may include other areas of program operations determined by TDA.

7 C.F.R. 210.18

Appeals

Appeals related to the federal food and nutrition programs administered by TDA and any actions affecting participation in such programs are governed by 4 Administrative Code, Chapter 26, Subchapter E. *4 TAC 26.200-.207*

Note: For recordkeeping and retention information, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[1] Section 30, *Records Retention*.

School Nutrition Professional Standards

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff, as defined in 7 C.F.R. 210.2. *7 C.F.R. 210.30(a)*

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in 7 C.F.R. 210.30. *7 C.F.R. 210.30(b)*

Note: All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. *7 C.F.R. 210.30(b)(1)*

Exempt Fundraisers

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

Unpaid Meal Charges

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:
    a. Accumulating a negative balance on the student's card or account; or

b. Otherwise receiving an extension of credit from the district;

2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and

4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

Education Code 33.908

Federal Law

An SFA operating a NSLP and/or SBP must:

1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.

2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.

3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.

4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies*[2] *(July 8, 2016)*

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

Donation of Food

A district may allow a campus to elect to donate food to a nonprofit organization through a person who is directly and officially affiliated with the campus, including a teacher or counselor, or through a parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or snacks served from the campus cafeteria, subject to any applicable local, state, and federal requirements; or
2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated under item 1 above may include:

1. Packaged unserved food that is packaged on the campus of a district and has not been removed from the campus cafeteria;
2. Packaged served food if the packaging and food are in good condition;
3. Whole, uncut produce; and
4. Wrapped raw unserved produce.

Food that by law must be maintained at a certain temperature for safety may not be donated unless the campus has maintained the food at the required temperature.

Food donated under these provisions to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers of the nonprofit organization.

Under this program, a district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

Education Code 33.907

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[1] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx
[2] USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies:* https://fns-prod.azureedge.us/sites/default/files/cn/SP46-2016os.pdf

Note: For additional legal requirements applicable to purchases with federal funds, including 2 C.F.R. 200, see CBB.

For more information on U.S. Department of Agriculture (USDA) procurement requirements, see the Texas Department of Agriculture's (TDA) Food and Nutrition Division *Administrator's Reference Manual*,[1] Sections 17, *Procurement;* 17a, *Procurement Procedures;* 17b, *Buy American;* and 17c, *Cooperative Purchasing*.

Definitions

For purposes of this policy, "2 C.F.R. Part 200" means the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards published by the Office of Management and Budget (OMB). The part reference covers applicable: Acronyms and Definitions (Subpart A), General Provisions (Subpart B), Post Federal Award Requirements (Subpart D), Cost Principles (Subpart E), and Audit Requirements (Subpart F). [Note: Pre-Federal Award Requirements and Contents of Federal Awards (Subpart C) does not apply to the National School Lunch Program]. *7 C.F.R. 210.2, 220.2*

School Food Authority

"School food authority" (SFA) means the governing body that is responsible for the administration of one or more schools and has the legal authority to operate the program therein or be otherwise approved by the USDA Food and Nutrition Service (FNS) to operate the program.

Program

"Program" means the National School Lunch Program (NSLP) and the Commodity School Program or the School Breakfast Program (SBP), as applicable.

Nonprofit School Food Service

"Nonprofit School Food Service" means all food service operations conducted by the SFA principally for the benefit of school children, all the revenue from which is used solely for the operation or improvement of such food services.

Nonprofit School Food Service Account

"Nonprofit School Food Service Account" means the restricted account in which all the revenue from all food service operations conducted by the SFA principally for the benefit of school children is retained and used only for the operation or improvement of the nonprofit school food service.

Cost Reimbursable Contract

"Cost reimbursable contract" means a contract that provides for payment of incurred costs to the extent prescribed in the contract, with or without a fixed fee.

7 C.F.R. 210.2, 220.2

Administration

The SFA shall be responsible for the administration of the program in schools. *7 C.F.R. 210.3*

Nonprofit School Food Service

National School Lunch Program

The SFA shall maintain a nonprofit school food service. Revenues received by the nonprofit school food service are to be used only for the operation or improvement of such food service, except that such revenues shall not be used to purchase land or buildings, unless otherwise approved by FNS, or to construct buildings. Expenditures of nonprofit school food service revenues shall be in accordance with the financial management system established by the TDA under 7 C.F.R. 210.19(a). *7 C.F.R. 210.14(a)*

School Breakfast Program

Pursuant to required written agreements, the SFA shall, with respect to participating schools under its jurisdiction maintain a nonprofit school food service. In accordance with the financial management system established under 7 C.F.R. 220.13(i), use all revenues received by such food service only for the operation or improvement of that food service. Revenues received by the nonprofit school food service shall not be used to purchase land or buildings or to construct buildings. *7 C.F.R. 220.7(e)(1)(i)-(iii)*

Food Service Management Companies

An SFA may contract with a food service management company to manage its food service operation in one or more of its schools. However, no school or SFA may contract with a food service management company to operate an a la carte food service unless the company agrees to offer free, reduced price, and paid reimbursable lunches to all eligible children. Any SFA that employs a food service management company in the operation of its nonprofit school food service shall comply with the requirements of 7 C.F.R. 210.16 (NSLP) or 7 C.F.R. 220.7(d) (SBP). *7 C.F.R. 210.16, 220.7*

Note: For more information on contracts regarding consultants, food service management companies (FSMC), and vended meals, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[2] Section 18, *Food Service Contracts*.

USDA Procurement Requirements

The SFA shall comply with requirements of 7 C.F.R. Part 210 (NSLP), Part 220 (SBP), and 2 C.F.R. Part 200, Subpart D and USDA implementing regulations 2 C.F.R. Part 400 and Part 415, as applicable, which implement the applicable requirements, concerning procurement of all goods and services with nonprofit school food service account funds. *7 C.F.R. 210.21(a), 220.16(a)*

District Procurement Procedures

An SFA may use its own procurement procedures which reflect applicable state and local laws and regulations, provided that procurements made with nonprofit school food service account funds adhere to the standards set forth in 7 C.F.R. Part 210 and in

2 C.F.R. Part 200, Subpart D, as applicable. SFA procedures must include a written code of standards of conduct meeting the minimum standards of 2 C.F.R. 200.318, as applicable. [See CBB]

Pre-issuance Review

TDA may impose a pre-issuance review requirement on an SFA's proposed procurement. The SFA must make available, upon request by TDA, its procurement documents, including but not limited to solicitation documents, specifications, evaluation criteria, procurement procedures, proposed contracts and contract terms. The SFA shall comply with TDA requests for changes to procurement procedures and solicitation and contract documents to ensure that, to TDA's satisfaction, such procedures and documents reflect applicable procurement and contract requirements and the requirements of 7 C.F.R. Part 210.

Prohibited Expenditures — Noncompliant Procurement

No expenditure may be made from the nonprofit school food service account for any cost resulting from a procurement failing to meet the requirements of 7 C.F.R. Part 210 (NSLP) or Part 220 (SBP).

7 C.F.R. 210.21(c), 220.16(c)

Conflicts of Interest

A district must disclose in writing any potential conflicts of interest to the USDA awarding agency or pass-through entity (e.g., TDA).

The district must maintain written standards of conduct covering conflicts of interest and governing the performance of its employees in the selection, award and administration of federal awards. No employee, officer or agent may participate in the selection, award, or administration of a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from an entity considered for a federal award. The district may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district.

Districts must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. Districts are responsible for notifying the respective USDA awarding agency in writing of any conflicts of interest that may arise during the period of performance of an award, including those which have been reported by subrecipients, no later than five calendar days following discovery. Upon receipt

of such a disclosure, the respective USDA awarding agency must review and make a determination in writing if a potential or real conflict of interest exists and develop a plan for addressing or mitigating the issue, which may include remedies found at 2 C.F.R. 200.339. USDA awarding agencies must make a determination within 30 calendar days of disclosure unless a longer period of time is necessary due to the complexity of the situation.

2 C.F.R. 400.2

Procurement Training

School nutrition program directors, management, and staff tasked with NSLP procurement responsibilities must complete annual training on federal procurement standards annually.

Procurement training may count towards the professional standards training standards at 7 C.F.R. 210.30. [See CO]

SFAs must retain records to document compliance with these training requirements.

2 C.F.R. 210.21(h)

Cost Reimbursable Contracts

The SFA must include the provisions specified in 7 C.F.R. 210.21(f)(1) (NSLP) or 220.16(e)(1) (SBP) in all cost reimbursable contracts, including contracts with cost reimbursable provisions, and in solicitation documents prepared to obtain offers for such contracts.

Prohibited Expenditures — Noncompliant Contract

No expenditure may be made from the nonprofit school food service account for any cost resulting from a cost reimbursable contract that fails to include the requirements of 7 C.F.R. 210.21 (NSLP) or 220.16 (SBP), nor may any expenditure be made from the nonprofit school food service account that permits or results in the contractor receiving payments in excess of the contractor's actual, net allowable costs.

7 C.F.R. 210.21(f), 220.16(e)

Buy American

Domestic Commodity or Product

“Domestic commodity or product” means an agricultural commodity that is produced in the United States, and a food product that is processed in the United States substantially using agricultural commodities that are produced in the United States under 7 C.F.R. 210.21(d) and 220.16(d).

Requirement

The USDA shall require that an SFA purchase, to the maximum extent practicable, domestic commodities or products.

7 C.F.R. 210.21(d), 220.16(d)

Optional Geographic Preference

An SFA participating in the program may apply a geographic preference when procuring unprocessed locally grown or locally raised

agricultural products, including the use of "locally grown," "locally raised," or "locally caught" as procurement specifications or selection criteria for unprocessed or minimally processed food items. When utilizing the geographic preference to procure such products, the SFA making the purchase has the discretion to determine the local area to which the geographic preference option will be applied, so long as there are an appropriate number of qualified firms able to compete.

For the purpose of applying the optional geographic procurement preference, "unprocessed locally grown or locally raised agricultural products" means only those agricultural products that retain their inherent character. The effects of the following food handling and preservation techniques shall not be considered as changing an agricultural product into a product of a different kind or character: cooling; refrigerating; freezing; size adjustment made by peeling, slicing, dicing, cutting, chopping, shucking, and grinding; forming ground products into patties without any additives or fillers; drying/dehydration; washing; packaging (such as placing eggs in cartons), vacuum packing and bagging (such as placing vegetables in bags or combining two or more types of vegetables or fruits in a single package); the addition of ascorbic acid or other preservatives to prevent oxidation of produce; butchering livestock and poultry; cleaning fish; and the pasteurization of milk.

7 C.F.R. 210.21(g), 220.16(f)

Sale of Milk

An SFA participating in the program, or a person approved by a school participating in the program, must not directly or indirectly restrict the sale or marketing of fluid milk (as described in 7 C.F.R. 210.10(d)(4)) at any time or in any place on school premises or at any school-sponsored event. *7 C.F.R. 210.21(e)*

Dairy Products

A district may not purchase milk, cream, butter, cheese, or a product consisting largely of one or more of those items that has been imported from outside the United States. This provision does not apply to the purchase of milk powder if domestic milk powder is not readily available in the normal course of business. *Health & Safety Code 435.021*

Imported Beef

A district may not purchase beef or a product consisting substantially of beef that has been imported from outside the United States. *Agriculture Code 150.012*

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[1] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx

[2] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx

Free and Reduced-Price Meals

The school food authority (SFA) must ensure that lunches and afterschool snacks are made available free or at a reduced-price to all children who are determined by the SFA to be eligible for such benefits. The determination of a child's eligibility for free or reduced-price lunches and afterschool snacks must be made in accordance with 7 C.F.R. Part 245. *7 C.F.R. 210.23(a)* [For information regarding participation in the School Breakfast Program (SBP), see 7 C.F.R. 220.7 and School Meals Program Options, below.]

[For the definition of “school food authority,” see COA(LEGAL).]

Eligibility Appeals

Each local educational agency (LEA) of a school participating in the National School Lunch Program (NSLP), SBP, or the Special Milk Program (7 C.F.R. Part 215) or of a commodity-only school shall establish a hearing procedure under which:

1. A family can appeal from a decision made by the LEA with respect to an application the family has made for free or reduced-price meals or for free milk, and
2. The LEA can challenge the continued eligibility of any child for a free or reduced-price meal or for free milk. The hearing procedure shall provide for both the family and the local educational agency:
    a. A simple, publicly announced method to make an oral or written request for a hearing;
    b. An opportunity to be assisted or represented by an attorney or other person;
    c. An opportunity to examine, prior to and during the hearing, any documents and records presented to support the decision under appeal;
    d. That the hearing shall be held with reasonable promptness and convenience, and that adequate notice shall be given as to the time and place of the hearing;
    e. An opportunity to present oral or documentary evidence and arguments supporting a position without undue interference;
    f. An opportunity to question or refute any testimony or other evidence and to confront and cross-examine any adverse witnesses;
    g. That the hearing shall be conducted and the decision made by a hearing official who did not participate in making the decision under appeal or in any previously held conference;

h. That the decision of the hearing official shall be based on the oral and documentary evidence presented at the hearing and made a part of the hearing record;

i. That the parties concerned and any designated representative shall be notified in writing of the decision of the hearing official;

j. That a written record shall be prepared with respect to each hearing, which shall include the challenge or the decision under appeal, any documentary evidence and a summary of any oral testimony presented at the hearing, the decision of the hearing official, including the reasons therefor, and a copy of the notification to the parties concerned of the decision of the hearing official; and

k. That the written record of each hearing shall be preserved for a period of three years and shall be available for examination by the parties concerned or their representatives at any reasonable time and place during that period.

7 C.F.R. 245.7

"Local Educational Agency" "Local educational agency" means a public board of education legally constituted within a state for administrative control or direction of public elementary schools or secondary schools in a school district. *7 C.F.R. 245.2*

Claims for Reimbursement

Internal Controls The school food authority shall establish internal controls which ensure the accuracy of meal counts prior to the submission of the monthly claim for reimbursement under the NSLP or the SBP, as applicable. At a minimum, these internal controls shall include an on-site review of the meal counting and claiming system employed by each school within the jurisdiction of the SFA; comparisons of daily free, reduced-price, and paid meal counts against data which will assist in the identification of meal counts in excess of the number of free, reduced-price, and paid meals served each day to children eligible for such meals; and a system for following up on those meal counts which suggest the likelihood of meal counting problems. *7 C.F.R. 210.8(a), 220.11(a)*

On-Site Reviews Every school year, each SFA with more than one school shall perform no less than one on-site review of the counting and claiming system and the readily observable general areas of review cited under 7 C.F.R. 210.18(h) [regarding general areas of review by the Texas Department of Agriculture (TDA)] for each school under its jurisdiction under the NSLP, and for a minimum of 50 percent of schools under its jurisdiction with every school being reviewed at least once every two years under the SBP.

The on-site review shall take place prior to February 1 of each school year. Further, if the review discloses problems with a school's meal counting or claiming procedures or general review areas, the SFA shall ensure that the school implements corrective action and, within 45 days of the review, conduct a follow-up on-site review to determine that the corrective action resolved the problems. Each on-site review shall ensure that the school's claim is based on the counting system and that the counting system, as implemented, yields the actual number of reimbursable free, reduced price, and paid meals, respectively, served for each day of operation.

7 C.F.R. 210.8(a)(1), 220.11(d)(1)

Nondiscrimination and Confidentiality

Nondiscrimination

In the operation of the program, no child shall be denied benefits or be otherwise discriminated against because of race, color, national origin, age, sex, or disability. SFAs shall comply with the requirements of:

1. Title VI of the Civil Rights Act of 1964,
2. Title IX of the Education Amendments of 1972,
3. Section 504 of the Rehabilitation Act of 1973,
4. The Age Discrimination Act of 1975,
5. The U.S. Department of Agriculture (USDA) regulations on nondiscrimination (7 C.F.R. Parts 15, 15a, and 15b), and
6. Food and Nutrition Service (FNS) Instruction 113-1.

7 C.F.R. 210.23(b)

Note: FNS Instruction 113-1,[1] USDA posters[2] and nondiscrimination statement[3] for use by SFAs for all FNS programs, and other information may be found on the USDA FNS Civil Rights website.[4] For information on handling civil rights complaints, see TDA's Food and Nutrition Division *Administrator's Reference Manual*,[5] Section 3, *Civil Rights & Confidentiality*.

SFAs participating in the NSLP, SBP, Special Milk Program, or commodity-only schools shall take all actions that are necessary to ensure compliance with the following nondiscrimination practices for children eligible to receive free and reduced-price meals or free milk:

1. The names of the children shall not be published, posted or announced in any manner;

2. There shall be no overt identification of any of the children by the use of special tokens or tickets or by any other means;

3. The children shall not be required to work for their meals or milk;

4. The children shall not be required to use a separate dining area, go through a separate serving line, enter the dining area through a separate entrance or consume their meals or milk at a different time; and

5. When more than one lunch or breakfast or type of milk is offered which meets the requirements prescribed in applicable federal regulations, the children shall have the same choice of meals or milk that is available to those children who pay the full price for their meal or milk.

7 C.F.R. 245.8

Confidentiality

The use or disclosure of any information obtained from an application for free or reduced-price meals, or from a state or local agency referred to in 7 U.S.C. 1758(b)(3)(F), (4), or (5) shall be limited in accordance with section 9 of the Richard B. Russell National School Lunch Act. *42 U.S.C. 1758(b)(6); 7 C.F.R. 245.6(f)-(j)*

Unauthorized Disclosure or Misuse of Information

In accordance with section 9(b)(6)(C) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(6)(C)), any individual who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by statute or this section, any information obtained under this section will be fined not more than $1,000 or imprisoned for up to one year, or both. *7 C.F.R. 245.6(k)*

School Meals Program Options

If at least 10 percent of the students enrolled in one or more schools in a district are eligible for free or reduced-price breakfasts under the national school breakfast program provided for by the Child Nutrition Act of 1966 (42 U.S.C. 1773), the board shall either:

1. Participate in the national program and extend its benefits to all eligible students in the school or schools; or

2. Develop and implement a locally funded program to provide free meals, including breakfast and lunch, to each student eligible for free meals under federal law and reduced-price meals, including breakfast and lunch, to each student eligible for reduced-price meals under federal law, provided that the reduced price may not exceed the maximum allowable rate under federal law.

A district is permitted to participate in the national program at one or more campuses in the district and provide a locally funded program at one or more other campuses in the district.

Free Breakfast

A campus participating in the national school breakfast program or providing a locally funded program in which 80 percent or more of the students qualify under the national program for a free or reduced-price breakfast shall offer a free breakfast to each student.

Waiver

The commissioner of education shall grant a waiver of the free breakfast requirement, not to exceed one year, to a campus if the board votes to request the waiver at the board's annual meeting to discuss and adopt the budget and the proposed tax rate under Education Code 44.044. Before voting to request a waiver, the board shall list the waiver as a separate item for consideration on the meeting's agenda and provide an opportunity for public comment regarding the waiver at the meeting.

Education Code 33.901

Summer Nutrition Program

Unless the Texas Department of Agriculture (TDA) grants a district a waiver, a district in which 50 percent or more of the students are eligible to participate in the national free or reduced-price lunch program under 42 U.S.C. Section 1751 et seq. shall provide or arrange for the provision of a summer nutrition program for at least 30 days during the period in which district schools are recessed for the summer. *Agriculture Code 12.0029(b)*

"Summer nutrition program" means the Summer Food Service Program under 42 U.S.C. 1761. The term includes the seamless summer option under 42 U.S.C. 1761(a)(8). *Agriculture Code 12.0029(a)(2)*

Notice from TDA

Not later than October 31 of each year, TDA shall notify each qualifying district of the district's responsibility concerning provision of a summer nutrition program during the next period in which school is recessed for the summer. *Agriculture Code 12.0029(c)*

Notice to TDA

Each district that receives a notice from TDA shall, not later than January 31 of the year following the year in which the notice was received, inform TDA in writing that the district intends to provide or arrange for the provision of a summer nutrition program during the next period in which district schools are recessed for the summer; or request in writing that TDA grant the district a waiver of the requirement. *Agriculture Code 12.0029(e)*

Required Documentation

A district that arranges for the provision of a summer nutrition program must enter into an agreement to partner or collaborate with a local governmental entity, educational institution, or private nonprofit organization to ensure meal service for children in the dis-

trict's attendance area and must provide TDA with written documentation of the arrangement no later than April 1 of each year. *4 TAC 25.601(b)*

Waiver

Not later than November 30 of each year, the board of a district that intends to request a waiver must send written notice of the district's intention to the district's local school health advisory council. The notice must include an explanation of the district's reason for requesting a waiver of the requirement. *Agriculture Code 12.0029(d)*

TDA may grant a district a one-year waiver of the requirement to provide or arrange for the provision of a summer nutrition program only if:

1. The district has worked with the TDA field offices to identify another possible provider for the program in the district, and the district provides documentation, verified by TDA, showing that:
    a. There are fewer than 100 children in the district currently eligible for the national free or reduced-price lunch program;
    b. Transportation to enable district students to participate in the program is an insurmountable obstacle to the district's ability to provide or arrange for the provision of the program despite consultation by the district with public transit providers;
    c. The district is unable to provide or arrange for the provision of a program due to renovation or construction of district facilities and the unavailability of an appropriate alternate provider or site; or
    d. The district is unable to provide or arrange for the provision of a program due to another specified extenuating circumstance and the unavailability of an appropriate alternate provider or site; or
2. The cost to the district to provide or arrange for provision of a program would be cost-prohibitive, as determined by TDA using the criteria and methodology established by TDA rule.

Agriculture Code 12.0029(f); 4 TAC 25.601(d), (e)

Alternate Provider

If a district has requested a waiver and has been unable to provide to TDA a list of possible providers for the summer nutrition program, the TDA field offices shall continue to attempt to identify an

alternate provider for the district's summer nutrition program. *Agriculture Code 12.0029(i)*

Community Eligibility Provision

The community eligibility provision (CEP) is an alternative reimbursement option for eligible high-poverty districts. Each CEP cycle lasts up to four years before the LEA or school is required to recalculate their reimbursement rate. LEAs and schools have the option to recalculate sooner, if desired. An LEA may elect this provision for all of its schools, a group of schools, or an individual school. Participating LEAs must offer free breakfasts and lunches for the length of their CEP cycle, not to exceed four successive years, to all children attending participating schools and receive meal reimbursement based on claiming percentages, as described in 7 C.F.R. 245.9(f)(4)(v). *7 C.F.R. 245.9(f); 42 U.S.C. 1759a(a)(1)(F)*

To be eligible to participate in the CEP, an LEA, group of schools, or school must:

1. Have an identified student percentage of at least 25 percent, as of April 1 of the school year prior to participating in the CEP, unless otherwise specified by the USDA Food and Nutrition Service (FNS). Individual schools participating in a group may have less than 25 percent identified students, provided that the average identified student percentage for the group is at least 25 percent.
2. Participate in the NSLP and SBP for the duration of the four-year cycle. Schools that operate on a limited schedule, where it is not operationally feasible to offer both lunch and breakfast, may elect CEP with FNS approval.
3. Comply with the procedures and requirements specified in 7 C.F.R. 245.9(f)(4) to participate in the CEP.

7 C.F.R. 245.9(f)(3)

[For information on other special assistance certification and reimbursement alternatives, see 7 C.F.R. 245.9.]

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[1] FNS Instruction 113-1 document: https://www.fns.usda.gov/cr/fns-instruction-113-1
[2] USDA FNS "And Justice for All" posters: https://www.fns.usda.gov/cr/justice-all-posters-guidance-translations
[3] USDA nondiscrimination statement: https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs
[4] USDA FNS Civil Rights website: https://www.fns.usda.gov/civil-rights
[5] TDA's Food and Nutrition Division *Administrator's Reference Manual*: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.201

Note: See GBA regarding the confidentiality of certain board member information.

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable, post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]
2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]
3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]
5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
6. Not later than the 10th day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]

9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]

10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

12. A district shall post an election notice required under Election Code 85.007. [See BBBA]

13. A district shall post election information under Election Code 4.009. [See BBBA]

14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

16. A district shall post election results under Election Code 65.016. [See BBBB]

17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

18. A district shall post a report filed with the district by a candidate, board member, or specific-purpose committee pursuant to Election Code Chapter 254 not later than the 10th business day after it is received under Election Code 254.0401. [See BBBC]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

28. A district shall post prominently a notice informing property owners of the property tax database maintained by the appraisal district under Tax Code 26.17. [See CCG]

29. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

30. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

31. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]

32. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

33. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

34. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

35. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1-.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

36. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]

37. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]

38. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

39. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

40. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

41. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

42. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

44. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

45. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]

46. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

47. Each year, a district shall post a report on measurable outcomes for each dropout recovery education program offered by the district, under Education Code 29.081(e-6). [See EHBC]

48. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(h). [See EHBG]

49. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

50. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

51. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

52. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

53. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

54. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

55. Each school year, the board shall post a summary of the Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

56. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

57. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

58. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

59. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

60. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

61. A board that allows requestors to use the public information request form created by the attorney general must post the

form on the district website under Government Code 552.235. [See GBAA]

62. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district shall either post online or provide physical copies of the report on library materials under Education Code 35.006. [See EFB]
5. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
6. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
7. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Note: For information on purchasing technological equipment with the instructional materials and technology allotment, see CMD.

Technology Lending Program Grant

A district may apply to the commissioner of education to participate in the technology lending grant program established under Education Code 32.301. *Education Code 32.301(b)*

A district may use a grant awarded under this program or other local funds to purchase, maintain, and insure equipment for a technology lending program. Equipment purchased by a district with a grant is the property of the district. *Education Code 32.303*

Guidelines for Use of Digital Devices

The Texas Education Agency (TEA), in consultation with the Health and Human Services Commission, shall develop and distribute model health and safety guidelines that districts may use to determine best practices for the effective integration of digital devices in public schools.

The board shall adopt a policy for the effective integration of digital devices in the district. In adopting the policy, the board may decide whether to adopt the guidelines for use in the district.

Each district that adopts the guidelines may implement the guidelines in a manner that best meets the district's individual needs and the individual needs of students in the district, including students with intellectual or physical disabilities.

If a district adopts the guidelines, the district shall post the guidelines publicly on the district's internet website.

Education Code 38.0231

Transfer of Equipment to Students

"Data processing" means information technology equipment and related services designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means.

Definitions

"Electronic device" means a device that is capable of connecting to a cellular network or the internet, including a computer, smartphone, or tablet.

"Internet filter" means a software application that is capable of preventing an electronic device from accessing certain websites or displaying certain online material.

Education Code 32.101; Gov't Code 2054.003(3)

Transfers

A district may transfer to a student enrolled in the district:

1. Any data processing equipment donated to the district, including equipment donated by a private donor, or a state eleemosynary institution or state agency under Government Code 2175.905 [see Fees, below];
2. Any equipment purchased by the district, to the extent consistent with the provisions at Use of Public Funds, below; and
3. Any surplus or salvage equipment owned by the district.

Education Code 32.102(a)

Before transferring data processing equipment or an electronic device to a student, a district must:

1. Adopt rules governing transfers, including provisions for technical assistance to the student by the district;
2. Determine that the transfer serves a public purpose and benefits the district;
3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by the district;
4. Adopt rules establishing programs promoting parents as partners in cybersecurity and online safety that involve parents in students' use of transferred equipment or electronic devices; and
5. For the transfer of an electronic device to be used for an educational purpose, install an internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads.

Education Code 32.104

Standards

Note: In accordance with Education Code 32.1021, TEA has provided Standards for Electronic Devices and Software Applications[1] with which school districts are expected to comply.

TEA shall adopt standards for permissible electronic devices and software applications used by a district. In adopting the standards, the agency must:

1. Minimize data collection conducted on students through electronic devices and software applications;

2. Ensure direct and informed parental consent is required for a student's use of a software application, other than a software application necessary for the administration of:

    a. An assessment instrument under Education Code Chapter 39, Subchapter B; or

    b. An assessment relating to college, career, or military readiness for which student performance is considered in evaluating a school district's performance under Education Code 39.054;

3. Ensure software applications do not conduct mental health assessments or other assessments unrelated to educational curricula that are intended to collect information about students without direct and informed parental consent;

4. Ensure that parents are provided the resources necessary to understand cybersecurity risks and online safety regarding their child's use of electronic devices before the child uses an electronic device at the child's school;

5. Specify periods of time during which an electronic device transferred to a student must be deactivated in the interest of student safety;

6. Consider necessary adjustments by age level to the use of electronic devices in the classroom to foster development of students' abilities regarding spending school time and completing assignments without the use of an electronic device;

7. Consider appropriate restrictions on student access to social media websites or applications with an electronic device transferred to a student by a district or school;

8. Require a district, before using a social media application for an educational purpose, to determine that an alternative application that is more secure and provides the same educational functionality as the social media application is unavailable for that educational purpose;

9. Consider the required use of an internet filter capable of notifying appropriate school administrators, who are then required to notify the student's parent, if a student accesses inappropriate or concerning content or words, including content related to:

    a. Self-harm;

    b. Suicide;

c. Violence to others; or

d. Illicit drugs;

10. Assign to the appropriate officer of a district the duty to receive complaints or concerns regarding student use of electronic devices, including cybersecurity and online safety concerns, from district staff, other students, or parents; and

11. Provide methods by which a district may ensure an operator, as that term is defined by Education Code 32.151, that contracts with the district to provide software applications complies with Subchapter D.

Education Code 32.1021

Donations

A district may accept:

1. Donations of data processing equipment for transfer under these provisions; and

2. Gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment.

Education Code 32.102(b)

Fees

A state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from a district for surplus or salvage data processing equipment transferred to the district. *Gov't Code 2175.905(c)*

Use of Public Funds

A district may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student; and

2. Store, transport, or transfer data processing equipment under these provisions.

Education Code 32.105

Eligibility

A student is eligible to receive data processing equipment under these provisions only if the student does not otherwise have home access to data processing equipment, as determined by the district. A district shall give preference to educationally disadvantaged students. *Education Code 32.103*

Return of Equipment

Except as provided below, a student who receives data processing equipment from a district under these provisions shall return the equipment to the district not later than the earliest of:

1. Five years after the date the student receives the equipment;

2. The date the student graduates;

3. The date the student transfers to another district; or

4. The date the student withdraws from school.

The requirements above do not apply if, at the time the student is required to return the equipment, the district determines that the equipment has no marketable value.

Education Code 32.106

Prohibited Applications on District-Owned Devices

"Covered application" means the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited, or a social media application or service specified by proclamation of the governor to pose a risk to the state. *Gov't Code 620.001(1), .005.*

A district shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the district and requiring the removal of covered applications from those devices. The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for districts to use in developing the required policy. *Gov't Code 620.003*

The district's policy may provide for the installation and use of a covered application to the extent necessary for providing law enforcement or developing or implementing information security measures. A policy allowing the installation and use of a covered application must require the use of measures to mitigate risks posed to the state during the use of the covered application and the documentation of those measures. *Gov't Code 620.004*

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[1] TEA Standards for Electronic Devices and Software Applications: https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/standards-for-permissible-electronic-devices-and-software-applications.pdf

Table of Contents

Definition **3**
Board Authority **3**
Delegation of Authority 3
Contracts Valued at or Above $50,000 ..... **4**
Exceptions 4
Notice Publication **4**
Contract Selection Criteria **5**
Experience Modifier 5
Using Method Other Than Competitive Bidding **6**
Determine Best Value 6
Publish Criteria 6
Make Evaluations Public 6
Submission **6**
Documents Related to Evaluation and Ranking **6**
Uniform General Conditions for Contracts **7**
Right to Work **7**
Collective Bargaining 7
Out-of-State Bidders **7**
Change Orders **7**
Unsigned Change Orders 8
Inspection, Verification, and Testing **8**
Impact Fees **9**
Design Professionals **9**
Architects and Engineers 9
Procuring Architectural or Engineering Services 11
Contracts for Engineering or Architectural Services 12
Payment and Performance Bonds **13**
Failure to Obtain Payment Bond 13
Bond for Insured Loss 14
Prevailing Wage on Public Works **14**
Enforcement 15
Retainage and Reimbursement 16
Penalty for Noncompliance 16
Criminal Offense 16

Required Workers' Compensation Coverage 16
Exception 18
Definitions 18
Criminal Offenses.....18
Enforcement Actions 18
Defects in Facilities.....18
Attorney Fees.....20
Construction Liability Claims.....20

Note: For information on the new instructional facilities allotment, see CBA.

For additional legal requirements applicable to purchases with federal funds, see CBB.

For information on procuring goods and services under Education Code Chapter 44, see CH.

For required vendor disclosures and contract provisions, including prohibitions, see CHE.

For provisions pertaining to criminal history record information on contractors, see CJA(LEGAL).

For legal requirements related to energy savings performance contracts, see CL.

For facility standards, see CS.

Definition

"Public work contract" means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. *Gov't Code 2253.001(4)*

Board Authority

A district may adopt rules as necessary to implement Government Code Chapter 2269. *Gov't Code 2269.051; 19 TAC 61.1040(e)(2)(H)*

Delegation of Authority

The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person. *Gov't Code 2269.053(a)*

The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request. *Gov't Code 2269.053(b); Education Code 44.0312(a)*

If the district fails to provide that notice, a ranking, selection, or evaluation of bids, proposals, or qualifications for construction services other than by the board in an open public meeting is advisory only. *Education Code 44.0312(a); 19 TAC 61.1040(e)(2)(E)*

A superintendent shall ensure that a requirement to specify the level of delegation of authority is included in the bid specifications when procuring construction services to select a contractor, in accordance with Education Code 44.0312. *19 TAC 61.1040(e)(2)(F)*

[For information regarding delegation in the event of a catastrophe, emergency, or natural disaster, see CH.]

Contracts Valued at or Above $50,000

Except as provided by Education Code Chapter 44, Subchapter B, all district contracts for the purchase of goods and services valued at $50,000 or more in the aggregate for each 12-month period shall be made by the method, of the following methods, that provides the best value for a district [see also CH]:

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*
    a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
    b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
    c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
    d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
    e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
    f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

Education Code 44.031(a); Gov't Code Ch. 2269

Exceptions

Emergency Damage or Destruction

For information on procurement options when school equipment, a facility, or personal property is destroyed or severely damaged as a result of an unforeseen catastrophe or emergency, under Education Code 44.031, see CH.

Contracts Requiring a Bond

A reverse auction procedure may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. "Reverse auction procedure" has the meaning assigned by Government Code 2155.062 or a procedure similar to that described by Section 2155.062. *Gov't Code 2253.021(h)*

Notice Publication

A board shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law.

For a contract entered into by a board under a method provided by Government Code 2269, the board shall publish notice of the time and place the bid or proposal or request for qualifications will be received and opened in a manner prescribed by law.

Gov't Code 2269.052(a)-(b)

[See CH for additional notice publication requirements.]

Contract Selection Criteria

In determining the award of a contract under Government Code Chapter 2269, the district shall consider and apply:

1. Any existing laws, including any criteria, related to historically underutilized businesses; and
2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

In determining the award of a contract, the district may consider:

1. The price.
2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.
4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

Gov't Code 2269.055

Experience Modifier *Definitions*

"Contract" means a contract awarded by a district that is:

1. A construction contract, as defined by Business and Commerce Code 272.0001; or
2. A contract for constructing, altering, or repairing a public building or carrying out or completing any public work.

"Contract solicitation" means a request for bids, proposals, qualifications, offers, or other responses from potential contractors under a contract.

"Experience modifier" means a factor expressed as a value that:

1. Is assigned to an employer seeking to purchase a workers' compensation insurance policy in this state;
2. Affects the premium amount for the policy; and
3. Is based on the employer's past loss experience.

Voidable Contract Provisions

An offer to contract or a contract solicitation may not require a specified experience modifier in order to accept the offer or respond to the contract solicitation.

A contract or an agreement collateral to or affecting a contract may not require the contractor to have a specified experience modifier.

A contract solicitation, an offer, a contract, or an agreement collateral to or affecting a contract that violates these requirements is voidable as against public policy.

Gov't Code 2252.909

Using Method Other Than Competitive Bidding

The board that considers a construction contract using a method authorized by Government Code Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the district.

Determine Best Value

Publish Criteria

The district shall base its selection among offerors on applicable criteria listed for the particular method used. The district shall publish in the request for proposals or qualifications:

1. The criteria that will be used to evaluate the offerors;
2. The applicable weighted value for each criterion; and
3. A detailed methodology for scoring each criterion.

Make Evaluations Public

The district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded.

Gov't Code 2269.056

Submission

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2269.059*

Documents Related to Evaluation and Ranking

An offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under Government Code Chapter 2269 may, after the contract is awarded, make a request in writing to the district to provide documents related to the evaluation of the offeror's submission.

Not later than the 30th day after the date a request is made, the district shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission.

Gov't Code 2269.060

Uniform General Conditions for Contracts

After reviewing the uniform general conditions adopted by the Texas Facilities Commission under Government Code 2166.302, a school district may adopt uniform general conditions to be incorporated in all district building construction contracts. *Education Code 44.035*

Right to Work

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district:

1. May not consider whether a person is a member of or has another relationship with any organization; and
2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

Gov't Code 2269.054

Collective Bargaining

A district awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not:

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

Gov't Code 2269.0541(a)

Out-of-State Bidders

For legal requirements regarding out-of-state bidders, see CH.

Change Orders

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of $1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than $1 million increases the contract amount to $1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

Unsigned Change Orders

A vendor may elect not to proceed with additional work directed by a district under a public work contract if:

1. The vendor has not received a written, fully executed change order for the district-directed additional work; and
2. The aggregate actual or anticipated value of the additional work under the vendor's contract terms plus any previous district-directed additional work for which the vendor has not received a written, fully executed change order exceeds 10 percent of the vendor's original public work contract amount.

A subcontractor may elect not to proceed with additional work directed by a vendor under a subcontract if:

1. The subcontractor has not received a written, fully executed change order for the district-directed additional work from the vendor; and
2. The aggregate actual or anticipated value of the additional work under the subcontractor's subcontract terms plus any previous district-directed additional work for which the subcontractor has not received a written, fully executed change order exceeds 10 percent of the subcontractor's subcontract amount.

A vendor or subcontractor who elects not to proceed with additional work is not responsible for damages associated with the election not to proceed.

Gov't Code 2251.0521

Inspection, Verification, and Testing

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for

which it contracts in accordance with Government Code 2254.004. *Gov't Code 2269.058*

Note: For additional requirements related to code compliance, including fees and contracts, see 19 Administrative Code 61.1040(e)(5).

Impact Fees

A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees. *Local Gov't Code 395.022*

Design Professionals

A district shall designate one design professional to be the prime design professional for a capital improvement project and shall contractually engage the prime design professional to review and coordinate the design of the project, allowing the prime design professional to rely on and contract for other design professionals where appropriate. *19 TAC 61.1040(a)(4), (e)(4)(D)*

A district shall require any design professional contractually engaged to procure professional design services from any other design professional as a subconsultant to select and subcontract the professional design services based on the qualification-based selection process established in Government Code Chapter 2254. [See Procuring Architectural or Engineering Services, below] *19 TAC 61.1040(e)(5)(B)*

Architects and Engineers

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

Gov't Code 2269.057

Registered Architect

An architectural plan or specification for any of the following may be prepared only by an architect:

1. A new building having construction costs exceeding $100,000 that is to be:

    a. Constructed and owned by a district; and

b. Used for education, assembly, or office occupancy; or

2. An alteration or addition having construction costs exceeding $50,000 that:

a. Is to be made to an existing building that:

(1) Is owned by a district; and

(2) Is or will be used for education, assembly, or office occupancy; and

b. Requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This provision does not prohibit an owner of a building from contracting with an architect or engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

Occupations Code 1051.703; 22 TAC 1.212

Registered Engineer

A district may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

1. The engineering plans, specifications, and estimates have been prepared by an engineer; and

2. The engineering construction is to be performed under the direct supervision of an engineer.

Occupations Code 1001.407

The following work is exempt from Occupations Code Chapter 1001 (Texas Engineering Practice Act):

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is $8,000 or less; or

2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is $20,000 or less.

Occupations Code 1001.053

Certification for Purchases Through Purchasing Cooperatives

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under Government Code Chapter 791 in an amount greater than $50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupation Code Chapter 1001 or 1051; or

2. The plans and specifications required under Occupation Code Chapters 1001 and 1051 have been prepared.

"Purchasing cooperative" means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov't Code 791.011(j)

Note: For legal provisions related to interlocal contracts, generally, see GRB.

For legal provisions related to using interlocal contracts for purchasing goods and services, see CH.

Procuring Architectural or Engineering Services

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect. *Education Code 44.031(f)* [See CH for information on the Professional Services Procurement Act generally.]

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and

2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The district shall continue this process to select and negotiate with providers until a contract is entered into.

Gov't Code 2254.004

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

Contracts for Engineering or Architectural Services

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

Indemnification

Duty to Defend

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent, employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

District as Additional Insured

A district may require in a contract for engineering or architectural services to which the district is a party that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

Standard of Care

A contract for engineering or architectural services to which a district is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of

care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Nothing in these provisions prohibits a district in a contract for engineering or architectural services to which the district is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.

Local Gov't Code 271.904

Payment and Performance Bonds

A district that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the district:

1. A performance bond if the contract is in excess of $100,000; and

2. A payment bond if the contract is in excess of $25,000.

A bond required by this provision must be executed by a corporate surety in accordance with Insurance Code Article 7.19-1 (now Insurance Code 3503.001-.005). A bond for a public work contract with a district must be payable to and its form must be approved by the awarding board.

Gov't Code 2253.021(a), (d)-(e)

The performance bond is solely for the protection of the district awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents. *Gov't Code 2253.021(b)*

The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material, and in the amount of the contract. *Gov't Code 2253.021(c)*

Failure to Obtain Payment Bond

If a district fails to obtain from a prime contractor a payment bond as required above or fails to include in a lease the lease terms required by Government Code 2252.909 [see CDB]:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and

2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property

Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

Gov't Code 2253.027(a)

Bond for Insured Loss

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and
2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

Exception to Bond Requirement

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

Gov't Code 2253.022

Prevailing Wage on Public Works

"Worker" includes a laborer or mechanic. *Gov't Code 2258.001(3)*

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and
2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

Gov't Code 2258.021

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or

2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The board's determination of the general prevailing rates of per diem wages is final.

Gov't Code 2258.022(a), (c)-(e)

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. *Gov't Code 2258.022(b)*

Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and

2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must

make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code 2258.051-.052(a)-(c)

Retainage and Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. *Gov't Code 2258.052(d)*

Note: Arbitration of unresolved issues is governed by Government Code 2258.053-.055.

A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.056(a)-(b)*

Penalty for Noncompliance

The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, $60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

Criminal Offense

An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. *Gov't Code 2258.058(a)*

Required Workers' Compensation Coverage

A district shall ensure a contract for construction services required to be procured by a method in Government Code Chapter 2269 specifies the contractor's responsibilities for site safety and requires compliance with the requirement to provide workers' compensation insurance in accordance with Labor Code 406.096, below. *19 TAC 61.1040(e)(3)(D)*

A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. *Labor Code 406.096(a)-(b)*

A district that enters into a building or construction contract on a project shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7).

2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d).

3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project.

4. Obtain from the contractor a new certificate of coverage showing extension of coverage:

    a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and

    b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.

5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.

6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.

7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accom-

modate the specific document in which they are contained or to impose stricter standards of documentation.

28 TAC 110.110(c)

Exception — This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of Labor Code 406.097(c), and who are explicitly excluded from coverage in accordance with Labor Code 406.097(a). *28 TAC 110.110(i)*

Definitions — "Persons providing services on the project" includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the project. "Services" includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. *28 TAC 110.110(a)(7)*

"Project" includes the provision of all services related to a building or construction contract for a district. *28 TAC 110.110(a)(8)*

Criminal Offenses — For information on criminal offenses for violations of Education Code 44.031, see CH.

Enforcement Actions — Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the 15th day after the date on which the contract is awarded. *Gov't Code 2269.452*

Defects in Facilities — A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days.

The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state's share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;
2. The replacement of the facility on which the action is brought;
3. The reimbursement of the district for a repair or replacement; or
4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation, or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

Definitions

"Net proceeds" means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

"State's share" means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 44.151

Attorney General Enforcement

If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state's share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed $20,000 for each violation;
2. The attorney general's reasonable costs for investigating and prosecuting the violation; or
3. If applicable, the amount of the state's share.

Education Code 44.152(a)-(b)

Attorney Fees

A governmental contract may not provide for the award of attorney's fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney's fees to each other party to the contract if that party prevails in the dispute.

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment.

Gov't Code 2252.904

Construction Liability Claims

To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272, which may not be waived. A purported waiver of Chapter 2272 is void. *Gov't Code 2272.002(a), .0025*

Intellectual Property All copyrights, trademarks, and other intellectual property rights belonging to the District shall remain with the District at all times. Except as provided by law, policy, or written authorization from the Superintendent, the use of District intellectual property shall be limited to District-related purposes.

Students — A student shall retain all rights to their own work created as part of instruction or using District technology resources.

Employees — As an agent of the District, an employee, including a student employee, shall not have rights to work created on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of District employment, including the right to obtain patents or copyrights.

District Ownership

Employee Ownership — A District employee shall own any work or work product produced on personal time and with personal equipment and materials, including the right to obtain patents or copyrights.

Exception — The Superintendent shall have the authority to permit use of District materials and equipment in developing the employee's own projects, provided the employee agrees in writing to grant to the District a nonexclusive, nontransferable, perpetual, royalty-free, District-wide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.

Independent Contractors — The District may hire an independent contractor for specially commissioned works under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

Return of Intellectual Property — Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the Superintendent, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricu-

lar purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

Use of District technology in violation of any law, including copyright law, is prohibited. Only appropriately licensed images, applications, programs, or other software may be used with District technology resources. The District's technology resources shall not be used to post, publicize, or duplicate information in violation of copyright law. The Superintendent shall employ all reasonable measures to prevent the use of District technology resources in violation of the law. Any person using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

Performances and Displays

The display and performance of copyrighted material, including motion pictures, dramatic works, musical performances, or other audio and visual works, may only occur as part of instructional activities and in accordance with the following:

- As a regular part of teaching and directly related to the curriculum;
- During face-to-face teaching activities;
- When viewed in a classroom or designated place of instruction; and
- With a lawfully made copy or through authorized access.

Designated Agent

The District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The District shall include on its website information on how to contact the District's designated agent and a copy of the District's copyright policy. Upon notification, the District's designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

School-Related Use

The District grants permission to students, student organizations, parent organizations and other District-affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a

campus, or the District, if the use is in furtherance of a school-related business or activity. The Superintendent shall determine what constitutes use in furtherance of a school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without written authorization from the Superintendent. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses District or campus trademarks without appropriate authorization may be subject to legal action.

Please Note: *This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.*

SECTION D: PERSONNEL

DA	EMPLOYMENT OBJECTIVES
DAA	Equal Employment Opportunity
DAC	Objective Criteria for Personnel Decisions
DB	EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
DBA	Credentials and Records
DBAA	Pre-Employment Reviews
DBB	Medical Examinations and Communicable Diseases
DBD	Conflict of Interest
DBE	Nepotism
DC	EMPLOYMENT PRACTICES
DCA	Probationary Contracts
DCB	Term Contracts
DCC	Continuing Contracts
DCD	At-Will Employment
DCE	Other Types of Contracts
DE	COMPENSATION AND BENEFITS
DEA	Compensation Plan
DEAA	Incentives and Stipends
DEAB	Wage and Hour Laws
DEB	Fringe Benefits
DEC	Leaves and Absences
DECA	Family and Medical Leave
DECB	Military Leave
DED	Vacations and Holidays
DEE	Expense Reimbursement
DEG	Retirement
DF	TERMINATION OF EMPLOYMENT
DFA	Probationary Contracts
DFAA	Suspension/Termination During Contract
DFAB	Termination at End of Year
DFAC	Return to Probationary Status
DFB	Term Contracts
DFBA	Suspension/Termination During Contract
DFBB	Nonrenewal
DFC	Continuing Contracts
DFCA	Suspension/Termination
DFD	Hearings Before Hearing Examiner
DFE	Resignation
DFF	Reduction in Force
DFFA	Financial Exigency

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SECTION D: PERSONNEL

DFFB	Program Change
DFFC	Continuing Contracts
DG	EMPLOYEE RIGHTS AND PRIVILEGES
DGA	Freedom of Association
DGB	Personnel-Management Relations
DGBA	Employee Complaints/Grievances
DGC	Immunity
DH	EMPLOYEE STANDARDS OF CONDUCT
DHA	Gifts and Solicitations
DHB	Reports to State Board for Educator Certification
DHC	Reports to Texas Education Agency
DHE	Searches and Alcohol/Drug Testing
DI	EMPLOYEE WELFARE
DIA	Freedom from Discrimination, Harassment, and Retaliation
DJ	EMPLOYEE RECOGNITION AND AWARDS
DK	ASSIGNMENT AND SCHEDULES
DL	WORK LOAD
DLA	Staff Meetings
DLB	Required Plans and Reports
DM	PROFESSIONAL DEVELOPMENT
DMA	Required Staff Development
DMB	Career Advancement
DMC	Continuing Professional Education
DMD	Professional Meetings and Visitations
DME	Research and Publication
DN	PERFORMANCE APPRAISAL
DNA	Evaluation of Teachers
DNB	Evaluation of Campus Administrators
DP	PERSONNEL POSITIONS
DPB	Substitute, Temporary, and Part-Time Positions

Note: This policy addresses the prohibition against discrimination, harassment, and retaliation in hiring and discharging employees and with respect to compensation, terms, conditions, or privileges of employment. For provisions related to complaints of discrimination, harassment, and retaliation based on a protected characteristic, see DIA.

Table of Contents

Unlawful Employment Discrimination 3
Federal Law 3
State Law 4
Discriminatory Practices 4
Disparate Treatment 4
Disparate Impact 4
Limited Exception—Bona Fide Job Qualification 4
Racial Discrimination 4
Religious Discrimination 4
Burden on Free Exercise 5
Unlawful Inquiry into Religious Affiliation 5
Sex Discrimination 5
Pregnancy 5
Gay and Transgender 5
Gender Stereotypes 5
Equal Pay 5
Age Discrimination 5
Bona Fide Employee Benefit Plan 5
Disability Discrimination 6
Discrimination Based on Lack of Disability 6
Definition of Disability 6
Other Definitions 7
Reasonable Accommodations 8
Discrimination Based on Relationship 8
Illegal Drugs and Alcohol 8
Qualification Standards 9
Service Animals 9
Genetic Information Nondiscrimination Act 10

Definitions 10
Prohibited Practices 10
Manifested Condition 11
Inadvertent Acquisition....11
Exceptions 11
Requests for Medical Information 12
Confidentiality 13
Pregnant Workers Fairness Act-....15
Interactive Process 15
Denial of Employment Opportunities 15
Required Leave....15
Adverse Action....15
Definitions 15
Other Forms of Discrimination....19
Military Service....19
Bankruptcy Discrimination 19
Student Loan Repayment 19
Harassment-Free Workplace 19
Sexual Harassment....19
National Origin Harassment....21
Severe and Pervasive....21
Prevention....21
Responsibility for Harassment by Third Parties 21
Prohibition on Retaliation....22
Notices....22
Section 504 Notice....22
Employment Postings 22

Unlawful Employment Discrimination

It is an unlawful employment practice for a district to fail or refuse to hire or to discharge or to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment because of such individual's:

1. Race, color, or national origin;
2. Religion;
3. Sex;
4. Age;
5. Disability;
6. Genetic information; or
7. Pregnancy.

Federal Law

Section 1981 of the Civil Rights Act of 1866 (Section 1981) — race. *42 U.S.C. 1981*

Title VII of the Civil Rights Act of 1964 (Title VII) — race, color, religion, sex, and national origin. *42 U.S.C. 2000e et seq.*

Age Discrimination in Employment Act of 1967 (ADEA) — age, over 40. *29 U.S.C. 621 et seq.*

Section 504 of the Rehabilitation Act of 1973 (Section 504) — disability in programs receiving federal funds. *29 U.S.C. 794*

Title I of the Americans with Disabilities Act of 1990 (ADA) — disability. *42 U.S.C. 12101 et seq.*

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) — genetic information. *42 U.S.C. 2000ff et seq.*

Title IX of the Education Amendments of 1972 (Title IX) — sex. *20 U.S.C. 1681*

Pregnant Workers Fairness Act (PWFA) — pregnancy. *42 U.S.C. 2000gg et seq.*

Note: Title VII, the ADA, GINA, and PWFA do not apply to employers unless the employer has 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. *42 U.S.C. 2000e(b); 42 U.S.C. 12111(5); 42 U.S.C. 2000ff(2)(B); 42 U.S.C. 2000gg(2)(B)*

State Law	Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. *Labor Code 21.051, .402* State policy on employment of persons with disabilities. *Human Resources Code 121.003(f)*
Discriminatory Practices	Title VII proscribes employment practices that are overtly discriminatory (disparate treatment), as well as those that are fair in form but discriminatory in practice (disparate impact). *Wards Cove Packing Co. v. Atonio, 490 U.S. 642 (1989)*
Disparate Treatment	Disparate treatment (intentional discrimination) occurs when members of a protected group have been denied the same employment, promotion, membership, or other employment opportunities as have been available to other employees or applicants. *29 C.F.R. 1607.11*
Disparate Impact	Disparate impact occurs when an employer uses a particular employment practice that causes a disparate (disproportionate) impact on a protected group and the employer fails to demonstrate that the challenged practice is job-related and consistent with business necessity. *42 U.S.C. 2000e-2(k)(1)(A); Labor Code 21.115, .122*
Limited Exception — Bona Fide Job Qualification	A district may take employment actions based on religion, sex, national origin, or age in those certain instances where religion, sex, national origin, or age is a bona fide occupational qualification. *42 U.S.C. 2000e-2(e); 29 U.S.C. 623(f); Labor Code 21.119*
Racial Discrimination	The prohibition against discrimination because of race or on the basis of race includes discrimination because of or on the basis of an employee's hair texture or protective hairstyle commonly or historically associated with race. A district commits an unlawful employment practice if the district adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. "Protective hairstyle" includes braids, locks, and twists. *Labor Code 21.1095*
Religious Discrimination	The prohibition against discrimination on the basis of religion includes all aspects of religious observances and practice, as well as religious belief, unless a district demonstrates that it is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship to the district's business. "Undue hardship" means more than a *de*

minimus (minimal) cost. *42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108*

Burden on Free Exercise — A district may not substantially burden an employee's free exercise of religion, unless the burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that interest. *Civ. Prac. & Rem. Code 110.003*

Unlawful Inquiry into Religious Affiliation — A person employed or maintained to obtain or aid in obtaining positions for public school employees may not directly or indirectly ask about, orally or in writing, the religion or religious affiliation of anyone applying for employment in a public school of this state. A violation of this provision is a Class B misdemeanor. A person who violates this provision is subject to civil penalties. *Education Code 22.901*

Sex Discrimination — The prohibition against discrimination because of sex includes discrimination on the basis of pregnancy, childbirth, or related medical conditions. A district shall treat women affected by pregnancy, childbirth, or related medical conditions the same as other employees for all employment-related purposes, including receipt of benefits under fringe benefit programs. *42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106*

Pregnancy

Gay and Transgender — The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. *Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)*

Gender Stereotypes — A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. *Price Waterhouse v. Hopkins, 490 U.S. 228 (1989)*

Equal Pay — A district may not pay an employee at a rate less than the rate the district pays employees of the opposite sex for equal work on jobs the performance of which require equal skill, effort, or responsibility and which are performed under similar working conditions. This rule does not apply if the payment is pursuant to a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on any other factor other than sex. *29 U.S.C. 206(d) (Equal Pay Act); 34 C.F.R. 106.54 (Title IX)*

Age Discrimination — The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. *29 U.S.C. 631; Labor Code 21.101*

Bona Fide Employee Benefit Plan — A district may take an employment action on the basis of age pursuant to a bona fide seniority system or a bona fide employee benefit plan. However, a bona fide employee benefit plan shall not excuse the failure to hire any individual and no such benefit plan shall

require or permit the involuntary retirement of any individual because of age. *29 U.S.C. 623(f); Labor Code 21.102*

Disability Discrimination

A district may not discriminate against a qualified individual on the basis of disability in job application procedures, hiring, advancement, or discharge of employees, compensation, job training, and other terms, conditions, and privileges of employment. *42 U.S.C. 12112(a); 29 C.F.R. 1630.4; Labor Code 21.051*

In addition, each district that receives assistance under the Individuals with Disabilities Education Act (IDEA) must make positive efforts to employ, and advance in employment, qualified individuals with disabilities in programs assisted by the IDEA. *34 C.F.R. 300.177(b)*

Discrimination Based on Lack of Disability

The ADA and the TCHRA do not provide a basis for a claim that an individual was subject to discrimination because of the individual's lack of disability. *42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)*

Definition of Disability

"Disability" means:

1. An actual disability: a physical or mental impairment [see definition, below] that substantially limits one or more of an individual's major life activities;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

An impairment that substantially limits one major life activity need not limit other major life activities in order to be considered a disability. An impairment that is episodic or in remission is a disability if it would substantially limit a major life activity when active.

"Regarded as" Having an Impairment

An individual meets the requirement of being "regarded as" having an impairment if the individual establishes that he or she has been subjected to an action prohibited by the ADA because of an actual or perceived physical or mental impairment whether or not the impairment limits or is perceived to limit a major life activity.

Transitory and Minor

The "regarded as" prong of the definition does not apply to impairments that are transitory or minor. A transitory impairment is one with an actual or expected duration of six months or less. The "transitory" exception does not apply to the "actual disability" or "record of disability" prongs of the definition.

Mitigating Measures

The determination of whether an impairment substantially limits a major life activity shall be made without regard to the ameliorative effects of mitigating measures, such as medication, medical supplies, low-vision devices, prosthetics, hearing aids, mobility de-

vices, oxygen therapy, assistive technology, or learned behavioral or adaptive neurological modifications.

The ameliorative effects of ordinary eyeglasses or contact lenses shall be considered in determining whether an impairment substantially limits a major life activity. Ordinary eyeglasses and contact lenses are lenses that are intended to fully correct visual acuity or to eliminate refractive error.

42 U.S.C. 12102(1), (3), (4); 29 C.F.R. 1630.2(g), (j)(1); Labor Code 21.002, .0021

Other Definitions

“Physical or mental impairment” means:

Physical or Mental Impairment

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems, such as neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine; or

2. Any mental or psychological disorder, such as an intellectual disability (formerly termed “mental retardation”), organic brain syndrome, emotional or mental illness, and specific learning disabilities.

29 C.F.R. 1630.2(h)

Major Life Activities

“Major life activities” include caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, sitting, reaching, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, interacting with others, and working.

“Major life activities” also include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within the body system.

42 U.S.C. 12102(2); 29 C.F.R. 1630.2(i); Labor Code 21.002

Qualified Individual

“Qualified individual” means an individual who:

1. Satisfies the requisite skill, experience, education, and other job-related requirements of the employment position such individual holds or desires; and

2. With or without reasonable accommodation, can perform the essential functions of such position. Consideration shall be given to a district's judgment as to what functions of a job are essential. A written job description prepared before advertising or interviewing applicants for the job is evidence of the job's essential functions.

42 U.S.C. 12111(8); 29 C.F.R. 1630.2(m)

Reasonable Accommodations

A district is required, absent undue hardship, to make a reasonable accommodation to an otherwise qualified individual who meets the definition of disability under the "actual disability" or "record of disability" prongs. A district is not required to provide a reasonable accommodation to an individual who meets the definition of disability solely under the "regarded as" prong. *42 U.S.C. 12112(b)(5); 29 C.F.R. 1630.2(o)(4), .9; 29 U.S.C. 794; 34 C.F.R. 104.11; Labor Code 21.128* [See DBB regarding medical examinations and inquiries under the ADA]

"Reasonable accommodation" includes:

1. Making existing facilities used by employees readily accessible to and usable by individuals with disabilities; and

2. Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities.

42 U.S.C. 12111(9); 29 C.F.R. 1630.2(o); 34 C.F.R. 104.12(b)

"Undue hardship" means an action requiring significant difficulty or expense when considered in light of the nature and cost of the accommodation needed, overall financial resources of the affected facility and the district, and other factors set out in law. *42 U.S.C. 12111(10); 29 C.F.R. 1630.2(p); 34 C.F.R. 104.12(c)*

Discrimination Based on Relationship

A district shall not exclude or deny equal jobs or benefits to, or otherwise discriminate against, a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a family, business, social, or other relationship or association. *42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8; 34 C.F.R. 104.11*

Illegal Drugs and Alcohol

The term "qualified individual with a disability" does not include any employee or applicant who is currently engaging in the illegal use of drugs, when a district acts on the basis of such use.

Drug Testing	A district is not prohibited from conducting drug testing of employees and applicants for the illegal use of drugs or making employment decisions based on the results of such tests. *42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A)* [See DHE]
Alcohol Use	The term "qualified individual with a disability" does not include an individual who is an alcoholic and whose current use of alcohol prevents the employee from performing the duties of his or her job or whose employment, by reason of such current alcohol abuse, would constitute a direct threat to property or the safety of others. *42 U.S.C. 12114(a); 29 U.S.C. 705(20)(C); 29 C.F.R. 1630.3(a); 28 C.F.R. 35.104; Labor Code 21.002(6)(A)*
Qualification Standards	It is unlawful for a district to use qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities, on the basis of disability, unless the standard, test, or other selection criteria, as used by the district, is shown to be job related for the position in question and is consistent with business necessity. *29 C.F.R. 1630.10(a)*
Direct Threat to Health or Safety	As a qualification standard, a district may require that an individual not pose a direct threat to the health or safety of other individuals in the workplace. "Direct threat" means a significant risk to the health or safety of the individual or others that cannot be eliminated by reasonable accommodation. *42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)*
Vision Standards and Tests	A district shall not use qualification standards, employment tests, or other selection criteria based on an individual's uncorrected vision unless the standard, test, or other selection criteria, as used by the district, is shown to be job-related for the position in question and consistent with business necessity. *42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)*
Communicable Diseases	A district may refuse to assign or continue to assign an individual to a job involving food handling if the individual has an infectious or communicable disease that is transmitted to others through handling of food. *42 U.S.C. 12113(e); 29 U.S.C. 705(20)(D); 29 C.F.R. 1630.16(e); Labor Code 21.002(6)(B)*
Service Animals	A district that is subject to the jurisdiction of Title I of the ADA (employment discrimination) or to Section 504 of the Rehabilitation Act (employment discrimination) shall comply with the reasonable accommodation requirements of those laws with respect to service animals. [See Reasonable Accommodations, above] A district that is not subject to either Title I or Section 504 shall comply with Title II of the ADA (discrimination by public entity). An

employer that is subject to Title II shall comply with 28 C.F.R. Part 35, including the requirements relating to service animals at 28 C.F.R. 35.136 [see FBA]. *28 C.F.R. 35.140*

Genetic Information Nondiscrimination Act

For the purpose of compliance with the Genetic Information Nondiscrimination Act (GINA), see 29 C.F.R. 1635.3(c) for the definition of "genetic information."

Definitions

"Genetic information" does not include information about the sex or age of the individual, the sex or age of family members, or information about the race or ethnicity of the individual or family members that is not derived from a genetic test.

29 C.F.R. 1635.3(c)

[For the definition of "genetic tests" under GINA, see 29 C.F.R. 1635.3(f).]

A test for the presence of alcohol or illegal drugs is not a genetic test. However, a test to determine whether an individual has a genetic predisposition for alcoholism or drug use is a genetic test. *29 C.F.R. 1635.3(f)*

Prohibited Practices

Discrimination

A district shall not discriminate against an individual on the basis of genetic information in regard to hiring, discharge, compensation, or terms, conditions, or privileges of employment. Notwithstanding the foregoing, a cause of action for disparate impact is not available under GINA. *42 U.S.C. 2000ff-1(a); 29 C.F.R. 1635.4*

Acquisition

Except as set forth below or otherwise provided in the GINA regulations, a district shall not request, require, or purchase genetic information of an individual or family member of the individual. *42 U.S.C. 2000ff-1(b); 29 C.F.R. 1635.8(a)*

"Request" includes:

1. Conducting an internet search on an individual in a way that is likely to result in a district's obtaining genetic information;
2. Actively listening to third-party conversations or searching an individual's personal effects for the purpose of obtaining genetic information; and
3. Making requests for information about an individual's current health status in a way that is likely to result in a district's obtaining genetic information.

29 C.F.R. 1635.8(a)

Disclosure

A district that possesses genetic information, regardless of how the district obtained the information, shall not disclose the information

except as set forth in the GINA regulations. *29 C.F.R. 1635.9(b)* [See Confidentiality, below]

Manifested Condition

A district shall not be considered to be in violation of the GINA regulations based on the use, acquisition, or disclosure of medical information about a manifested disease, disorder, or pathological condition of an employee or member, even if the disease, disorder, or pathological condition has or may have a genetic basis or component. However, genetic information about a manifested disease, disorder, or pathological condition is subject to the requirements and prohibitions of GINA. *29 C.F.R. 1635.12.*

[For additional information about manifested disease, see 29 C.F.R. 1653.3(g).]

Inadvertent Acquisition

The general prohibition against requesting, requiring, or purchasing genetic information does not apply where a district inadvertently requests or requires genetic information of the individual or family member of the individual. This exception applies in situations where a manager or supervisor learns genetic information about an individual by:

1. Overhearing a conversation between the individual and others;
2. Receiving the information during a casual conversation, including in response to an ordinary expression of concern that is the subject of the conversation. This exception does not apply where a manager or supervisor follows up with questions that are probing in nature, such as whether other family members have the condition or whether the individual has been tested for the condition, because the supervisor or official should know that these questions are likely to result in the acquisition of genetic information;
3. Receiving unsolicited information (e.g., where a manager or supervisor receives an unsolicited email about the health of an employee's family member from a co-worker); or
4. Accessing a social media platform that the manager or supervisor was given permission to access by the creator of the profile at issue (e.g., a supervisor and employee are connected on a social networking site and the employee provides family medical history on their page).

29 C.F.R. 1635.8(b)(1)(ii)

Exceptions

Leave Requests

The general prohibition against requesting, requiring, or purchasing genetic information does not apply where the district requests family medical history to comply with the certification provisions or the

Family and Medical Leave Act (FMLA) or state or local family and medical leave laws, or pursuant to a policy (even in the absence of requirements of federal, state, or local leave laws) that permits the use of leave to care for a sick family member and that requires all employees to provide information about the health condition of the family member to substantiate the need for leave. *29 C.F.R. 1635.8(b)(3)*

[For additional exceptions to the general prohibition against requesting, requiring, or purchasing genetic information, see 29 C.F.R. 1635.8(b)(2)-(5).]

Requests for Medical Information

If a district acquires genetic information in response to a lawful request for medical information, the acquisition of genetic information will not generally be considered inadvertent unless the district directs the individual and/or health-care provider from whom it requested medical information not to provide genetic information [see Safe Harbor, below]. *29 C.F.R. 1635.8(b)(1)(i)(A)*

Situations involving lawful requests for medical information include, for example:

1. Requests for documentation to support a request for reasonable accommodation under federal, state, or local law;
2. Requests for medical information as required, authorized, or permitted by federal, state, or local law, such as where an employee requests leave under the FMLA to attend to the employee's own serious health condition or where an employee complies with the FMLA's employee return to work certification requirements; or
3. Requests for documentation to support leave that is not governed by federal, state, or local laws requiring leave, as long as the documentation required to support the request otherwise complies with the requirements of the ADA and other laws limiting a district's access to medical information.

29 C.F.R. 1635.8(b)(1)(i)(D)

Safe Harbor

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as the following:

"The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers and other entities covered by GINA Title II from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for

medical in-formation. 'Genetic information,' as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services."

A district's failure to give such a notice or to use this or similar language will not prevent the district from establishing that a particular receipt of genetic information was inadvertent if the request for medical information was not likely to result in a district's obtaining genetic information (for example, where an overly broad response is received in response to a tailored request for medical information).

29 C.F.R. 1635.8(b)(1)(i)(B), (C)

Employment Examinations

The prohibition on acquisition of genetic information applies to medical examinations related to employment. A district shall tell health-care providers not to collect genetic information, including family medical history, as part of a medical examination intended to determine the ability to perform a job.

Remedial Measures

A district shall take additional reasonable measures within its control if it learns that genetic information is being requested or required in medical examinations related to employment. Such reasonable measures may depend on the facts and circumstances under which a request for genetic information was made, and may include no longer using the services of a health-care professional who continues to request or require genetic information during medical examinations after being informed not to do so.

29 C.F.R. 1635.8(d)

Confidentiality

A district that possesses genetic information in writing about an employee must maintain such information on forms and in medical files (including where the information exists in electronic forms and files) that are separate from personnel files. A district must treat such information as a confidential medical record. A district may maintain genetic information about an employee in the same file in which it maintains confidential medical information under the ADA.

Genetic information placed in personnel files before November 21, 2009, need not be removed. A district will not be liable under the GINA regulations for the mere existence of the information in the file. However, the prohibitions on use and disclosure of genetic information apply to all genetic information that meets the statutory

definition, including genetic information requested, required, or purchased before November 21, 2009.

Genetic information that a district receives orally need not be reduced to writing but may not be disclosed, except as permitted by 29 C.F.R. part 1635.

Genetic information that a district acquires through sources that are commercially and publicly available, as provided by 29 C.F.R. 1635.8(b)(4), is not considered confidential genetic information but may not be used to discriminate against an individual.

29 C.F.R. 1635.9(a)

Disclosure Permitted

A district that possesses any genetic information, regardless of how the district obtained the information (except for genetic information acquired through commercially and publicly available sources), may disclose the information:

1. To the employee (or family member if the family member is receiving genetic services) about whom the information pertains upon receipt of the employee's written request;

2. To an occupational or other health researcher if the research is conducted in compliance with the regulations and protections at 45 C.F.R. part 46;

3. In response to an order of a court. The district may disclose only the genetic information expressly authorized by the order. If the order was secured without the knowledge of the employee to whom the information refers, the district shall inform the employee of the order and any genetic information that was disclosed pursuant to the order;

4. To government officials investigating compliance with Title II of GINA if the information is relevant to the investigation;

5. To the extent the information is disclosed in support of an employee's compliance with the certification provisions of the FMLA or certification requirements under state family and medical leave laws; or

6. To a federal, state, or local public health agency, only with regard to information about the manifestation of a disease or disorder that concerns a contagious disease that presents an imminent hazard of death or life-threatening illness, provided that the individual whose family member is the subject of the disclosure is notified of such disclosure.

29 C.F.R. 1635.9(b)

Relationship to HIPAA Privacy Regulations	The GINA regulations do not apply to the use or disclosure of genetic information that is protected health information subject to regulation under the Health Insurance Portability and Accountability Act of 1996 (HIPAA). *29 C.F.R. 1635.9(c)* [See CRD(LEGAL)]
Pregnant Workers Fairness Act	It is an unlawful employment practice for a district not to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity. *42 U.S.C. 2000gg-1(1); 29 C.F.R. 1636.3(a)*
Interactive Process	It is an unlawful employment practice for a district to require a qualified employee affected by pregnancy, childbirth, or related medical conditions to accept an accommodation other than any reasonable accommodation arrived at through the interactive process referred to in 42 U.S.C. 2000gg(7) and described in 29 C.F.R. 1636.3(k). *42 U.S.C. 2000gg-1(2); 29 C.F.R. 1636.4(b)*
Denial of Employment Opportunities	It is an unlawful employment practice for a district to deny employment opportunities to a qualified employee if such denial is based on the need, or potential need, of the covered entity to make reasonable accommodations to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee. *42 U.S.C. 2000gg-1(3); 29 C.F.R. 1636.4(c)*
Required Leave	It is an unlawful employment practice for a district to require a qualified employee to take leave, whether paid or unpaid, if another reasonable accommodation can be provided to the known limitations related to the pregnancy, childbirth, or related medical conditions of the qualified employee that does not result in an undue hardship for the covered entity; but nothing in this provision prohibits leave as a reasonable accommodation if that is the reasonable accommodation requested or selected by the employee, or if it is the only reasonable accommodation that does not cause an undue hardship. *42 U.S.C. 2000gg-1(4); 29 C.F.R. 1636.4(d)*
Adverse Action	It is an unlawful employment practice for a district to take adverse action in terms, conditions, or privileges of employment against a qualified employee on account of the employee requesting or using a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of the employee. *42 U.S.C. 2000gg-1(5); 29 C.F.R. 1636.4(e)*
Definitions *Known Limitation*	"Known limitation" means physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions that the employee or employee's representative has

communicated to the district whether or not such condition meets the definition of disability specified in the ADA (42 U.S.C. 12102).

"Known," in terms of limitation, means the employee or the employee's representative has communicated the limitation to the employer.

"Limitation" means a physical or mental condition related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, of the specific employee in question.

42 U.S.C. 2000gg(4); 29 C.F.R 1636.3(a)

Communicated to the Employer

"Communicated to the employer," with respect to a known limitation, means an employee or the employee's representative has made the employer aware of the limitation by communicating with a supervisor, a manager, someone who has supervisory authority for the employee or who regularly directs the employee's tasks (or the equivalent for an applicant), human resources personnel, or another appropriate official, or by following the steps in the district's policy to request an accommodation. The communication may be made orally, in writing, or by another effective means. The communication need not be in writing, be in a specific format, use specific words, or be on a specific form in order for it to be considered "communicated to the employer." *29 C.F.R. 1636.3(d)*

Consideration of Mitigating Measures

The determination of whether an employee has a limitation shall be made without regard to the ameliorative effects of mitigating measures. The non-ameliorative effects of mitigating measures, such as negative side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an employee has a limitation. *29 C.F.R. 1636.3(e)*

Qualified Employee

The term 'qualified employee' means an employee or applicant who, with or without reasonable accommodation, can perform the essential functions of the employment position, except that an employee or applicant shall be considered qualified if:

1. Any inability to perform an essential function is for a temporary period, where "temporary" means lasting for a limited time, not permanent, and may extend beyond ''in the near future."

2. The essential function(s) could be performed in the near future. This determination is made on a case-by-case basis. If the employee is pregnant, it is presumed that the employee could perform the essential function(s) in the near future because they could perform the essential function(s) within generally 40 weeks of its suspension.

3. The inability to perform the essential function(s) can be reasonably accommodated. This may be accomplished by temporary suspension of the essential function(s) and the employee performing the remaining functions of their position or, depending on the position, other arrangements, including, but not limited to: the employee performing the remaining functions of their position and other functions assigned by the covered entity; the employee performing the functions of a different job to which the covered entity temporarily transfers or assigns the employee; or the employee being assigned to light duty or modified duty or participating in the covered entity's light or modified duty program.

42 U.S.C. 2000gg(6); 29 C.F.R. 1636.3(f)

Exception

An employee with known limitations related to pregnancy, childbirth, or related medical conditions is not required to accept an accommodation. However, if such employee rejects a reasonable accommodation that is necessary to enable the employee to perform an essential function of the position held or desired or to apply for the position, or rejects temporary suspension of an essential function if the employee is qualified under 29 C.F.R. 1636.3(f)(2), and, as a result of that rejection, cannot perform an essential function of the position, or cannot apply, the employee will not be considered "qualified." *29 C.F.R. 1636.3(a)(2)*

Reasonable Accommodation

With respect to an employee or applicant with a known limitation under the PWFA, reasonable accommodation includes:

1. Modifications or adjustments to a job application process that enable a qualified application with a known limitation under the PWFA to be considered for the position such qualified applicant desires;

2. Modifications or adjustments to the work environment, or to the manner or circumstances under which the position held or desired is customarily performed, that enable a qualified employee with a known limitation under the PWFA to perform the essential functions of the position;

3. Modifications or adjustments that enable a district's employee with a known limitation under the PWFA to enjoy equal benefits and privileges of employment as are enjoyed by its other similarly situated employees without known limitations; or

4. Temporary suspension of essential functions and/or modifications or adjustments that permit the temporary suspension of essential functions.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(h)

Unnecessary Delay

An unnecessary delay in providing a reasonable accommodation to the known limitations related to the pregnancy, childbirth, or related medical conditions of a qualified employee may result in a violation of the PWFA even if the covered entity eventually provides the reasonable accommodation. In determining whether there has been an unnecessary delay, factors to be considered are described in 29 C.F.R. 1636.4(a)(1)(i)-(vii). *29 C.F.R. 1636.4(a)(1)*

Undue Hardship

Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by a covered entity, when considered in light of the following factors:

1. The nature and net cost of the accommodation needed under the PWFA;
2. The overall financial resources of the facility or facilities involved in the provision of the reasonable accommodation, the number of persons employed at such facility, and the effect on expenses and resources;
3. The overall financial resources of the covered entity, the overall size of the business of the covered entity with respect to the number of its employees, and the number, type, and location of its facilities;
4. The type of operation or operations of the covered entity, including the composition, structure, and functions of the workforce of such entity, and the geographic separateness and administrative or fiscal relationship of the facility or facilities in question to the covered entity; and
5. The impact of the accommodation upon the operation of the facility, including the impact on the ability of other employees to perform their duties and the impact on the facility's ability to conduct business.

42 U.S.C. 2000gg(7); 29 C.F.R. 1636.3(j)

Temporary Suspension of an Essential Function

If an employee with a known limitation under the PWFA meets the definition of ''qualified employee'' under this provision and needs one or more essential functions of the relevant position to be temporarily suspended, the covered entity must provide the accommodation unless doing so would impose an undue hardship on the covered entity when considered in light of the factors provided in 29 C.F.R. 1636.3(j)(2)(i) through (v) of this provision as well as the factors described in 29 C.F.R. 1636.3(j)(3)(i)-(vi). *29 C.F.R. 1636.3(j)(3)*

Predictable Assessments

The individualized assessment of whether a modification listed in 29 C.F.R. 1636.3(j)(4)(i) through (iv) of this provision is a reasonable accommodation that would cause undue hardship will, in virtually all cases, result in a determination that the four modifications are reasonable accommodations that will not impose an undue hardship under the PWFA when they are requested as workplace accommodations by an employee who is pregnant. Therefore, with respect to these modifications, the individualized assessment should be particularly simple and straightforward:

1. Allowing an employee to carry or keep water near and drink, as needed;
2. Allowing an employee to take additional restroom breaks, as needed;
3. Allowing an employee whose work requires standing to sit and whose work requires sitting to stand, as needed; and
4. Allowing an employee to take breaks to eat and drink, as needed.

29 C.F.R. 1636.3(j)(4)

Other Forms of Discrimination

Military Service

A district shall not deny initial employment, reemployment, retention in employment, promotion, or any benefit of employment on the basis of membership in a uniformed service, performance in a uniformed service, application for uniformed service, or obligation to a uniformed service. A district shall not take adverse employment action or discriminate against any person who takes action to enforce protections afforded by the Uniformed Services Employment and Re-employment Rights Act (USERRA). *38 U.S.C. 4311* [See also DECB]

Bankruptcy Discrimination

A district may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person that is or has been a debtor under federal bankruptcy laws, solely because the bankrupt or debtor is or has been a debtor under federal bankruptcy laws; was insolvent before the commencement of a bankruptcy case or during the case but before the debtor was granted or denied a discharge; or has not paid a debt that is dischargeable in the bankruptcy case or that was discharged under the bankruptcy laws. *11 U.S.C. 525(a)*

Student Loan Repayment

A district that issues a license may not take disciplinary action against a person based on the person's default on a student loan or breach of a student loan repayment contract or scholarship contract including by:

1. Denying the person's application for a license or license renewal;
2. Suspending the person's license; or
3. Taking other disciplinary action against the person.

Occupations Code 56.001, .003

Harassment-Free Workplace

Harassment on the basis of a protected characteristic is a violation of Title VII. A district has an affirmative duty, under Title VII, to maintain a working environment free of harassment on the basis of sex, race, color, religion, and national origin. *42 U.S.C. 2000e, et seq.; 29 C.F.R. 1604.11(a), 1606.8(a)*

Sexual Harassment

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Where employment opportunities or benefits are granted because of an individual's submission to the employer's sexual advances or requests for sexual favors, the employer may be held liable for unlawful sex discrimination against other persons who were qualified for but denied that employment opportunity or benefit.

29 C.F.R. 1604.11(a), (g); Labor Code 21.141

An employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. *Labor Code 21.142; 40 TAC 819.12(k)*

Same-Sex Harassment

Same-sex sexual harassment constitutes sexual harassment. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

Criminal Offense — Official Oppression

A public servant acting under color of the public servant's office or employment commits an offense if the public servant intentionally subjects another to sexual harassment.

A public servant acts under color of the public servant's office or employment if the person acts or purports to act in an official capacity or takes advantage of such actual or purported capacity.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature, submission to which is made a term or condition of a person's exercise or enjoyment of any right, privilege, power, or immunity, either explicitly or implicitly.

Penal Code 39.03(a)(3), (b), (c)

Unpaid Interns

A district commits an unlawful employment practice if sexual harassment of an unpaid intern occurs and the district or its agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action. *Labor Code 21.1065*

Prohibition on Use of Public Funds

A district may not use public money to settle or otherwise pay a sexual harassment claim made against a person who is an elected or appointed member of the board or an officer or employee of the district. *Local Gov't Code 180.009*

National Origin Harassment

Ethnic slurs and other verbal or physical conduct relating to an individual's national origin constitute harassment when this conduct:

1. Has the purpose or effect of creating an intimidating, hostile, or offensive working environment;
2. Has the purpose or effect of unreasonably interfering with an individual's work performance; or
3. Otherwise adversely affects an individual's employment opportunities.

29 C.F.R. 1606.8(b)

Severe and Pervasive

Harassment violates Title VII if it is sufficiently severe and pervasive to alter the conditions of employment. *Pennsylvania State Police v. Suders, 542 U.S. 129 (2004)*

Title VII does not prohibit all verbal and physical harassment in the workplace. For example, harassment between men and women is not automatically unlawful sexual harassment merely because the words used have sexual content or connotations. *Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)*

Prevention

A district should take all steps necessary to prevent unlawful harassment from occurring, such as affirmatively raising the subject, expressing strong disapproval, developing appropriate penalties, informing employees of their right to raise and how to raise the is-

sue of harassment under Title VII, and developing methods to sensitize all concerned. *29 C.F.R. 1604.11(f)*

Responsibility for Harassment by Third Parties

A district is responsible for acts of unlawful harassment by fellow employees and by nonemployees if the district, its agents, or its supervisory employees knew or should have known of the conduct, unless the district takes immediate and appropriate corrective action. *29 C.F.R. 1604.11(d), (e), 1606.8(d), (e)*

When no tangible employment action is taken, a district may raise the following affirmative defense:

1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and
2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise.

Burlington Indus., Inc. v. Ellerth, 524 U.S. 742 (1998); Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Prohibition on Retaliation

A district may not discriminate against any employee or applicant for employment because the employee or applicant has opposed any unlawful, discriminatory employment practices or participated in the investigation of any complaint related to an unlawful, discriminatory employment practice. *29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); 42 U.S.C. 2000ff-6(f) (GINA); 42 U.S.C. 2000gg-2(f) (PWFA); Labor Code 21.055; 40 TAC 819.12(e)*

Notices

A district shall post in conspicuous places upon its premises a notice setting forth the information the Equal Employment Opportunity Commission deems appropriate to effectuate the purposes of the anti-discrimination laws. *29 U.S.C. 627; 42 U.S.C. 2000e-10*

Section 504 Notice

A district that employs 15 or more persons shall take appropriate steps to notify applicants and employees, including those with impaired vision or hearing, that it does not discriminate on the basis of disability.

The notice shall state:

1. That the district does not discriminate in employment in its programs and activities; and
2. The identity of the district's 504 coordinator.

Methods of notification may include:

1. Posting of notices;

2. Publication in newspapers and magazines;

3. Placing notices in district publications; and

4. Distributing memoranda or other written communications.

If a district publishes or uses recruitment materials containing general information that it makes available to applicants or employees, it shall include in those materials a statement of its nondiscrimination policy.

34 C.F.R. 104.8

Employment Postings

A district shall not print or publish any notice or advertisement relating to district employment that indicates any preference, limitation, specification, or discrimination based on race, color, religion, sex, disability, or national origin, unless the characteristic is a bona fide occupational qualification. *42 U.S.C. 2000e-3(b); Labor Code 21.059*

School Bus Drivers

A person shall not drive a school bus, school activity bus, or multifunction school activity bus unless he or she is physically qualified to do so. Each school bus driver shall undergo and successfully complete an annual physical examination in accordance with the requirements of 49 C.F.R. 391.41 and 391.43, which list those physical and mental conditions for which the medical examiner is directed to disqualify an applicant. A driver shall not operate a school bus, school activity bus, or multifunction school activity bus unless he or she has in his or her possession the original, or photographic copy, of the medical examiner's certificate stating that the driver is physically qualified to drive a school bus, school activity bus, or multifunction school activity bus. *Transp. Code 521.022; 37 TAC 14.12*

A person disqualified on the basis of the medical examination may request special consideration in accordance with 37 Administrative Code 14.13.

Definitions

The definitions related to individuals with disabilities and exceptions to those definitions included in policy DAA shall be used in applying and interpreting this policy and any local policy adopted in conjunction with this policy.

Bloodborne Pathogen Control

A district that employs employees who provide services in a public or private facility providing health care-related services, or who otherwise have a risk of exposure to blood or other material potentially containing bloodborne pathogens in connection with exposure to sharps shall comply with the minimum standards set by the Texas Department of State Health Services (TDSHS). This includes a district that operates a public school health clinic.

"Sharp" Defined

A "sharp" is an object used or encountered in a health-care setting that can be reasonably anticipated to penetrate the skin or any other part of the body and to result in an exposure incident, including a needle device, a scalpel, a lancet, a piece of broken glass, a broken capillary tube, an exposed end of a dental wire, or a dental knife, drill, or bur.

Exposure Control Plan

The TDSHS has developed an exposure control plan as a model plan to achieve the minimum standards in Health and Safety Code 81.304. The plan is designed to minimize exposure of employees to bloodborne pathogens and includes policies relating to occupational exposure to bloodborne pathogens, training and educational requirements for employees, measures to increase vaccination of employees, and increased use of personnel protective equipment by employees.

The TDSHS Bloodborne Pathogens Exposure Control Plan requires a district to:

1. Develop, review annually, update as necessary, and document its actions regarding a comprehensive exposure control plan appropriate to the district and its particular facilities;
2. Provide, at district expense, personal protective equipment and Hepatitis B vaccinations to affected employees, and if an employee declines to be vaccinated, maintain a record of the employee's written refusal;
3. Provide to affected employees pre-service and annual refresher training as described in the TDSHS Exposure Control Plan;
4. Record all exposure incidents (e.g., "sticks" by needles or other "sharps") in a sharps injury log and report the sharps injury to TDSHS on a standardized form; and
5. Provide a post-exposure evaluation and follow up with an employee who has a sharps injury.

Health and Safety Code 81.301-.306; 25 TAC Ch. 96

Cost of Testing

If certified emergency medical services personnel, an emergency response employee or volunteer, or a first responder who renders assistance at the scene of an emergency or during transport to the hospital is accidentally exposed to blood or other body fluids of a patient, the hospital to which the patient is transported shall take reasonable steps to test the patient for hepatitis B, hepatitis C, HIV, or any reportable disease. A district that employs the person, or for which the person works as a volunteer in connection with rendering the assistance, is responsible for paying the costs of the test. *Health and Safety Code 81.095(b)*

Genetic Information

Any receipt of genetic information in response to a request for medical information shall be deemed inadvertent if a district uses language such as that at 29 C.F.R. 1635.8(b)(1)(i)(B). *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAA]

Pre-employment Inquiries and Employment Entrance Examinations

A district shall not conduct a medical examination or make inquiries of a job applicant as to whether such applicant is an individual with a disability or as to the nature or severity of a disability, except as provided below. However, a district is permitted to make pre-employment inquiries into the ability of an applicant to perform job-related functions, such as asking an applicant to describe or demonstrate how, with or without reasonable accommodation, the applicant will be able to perform job-related functions. *42 U.S.C. 12112(d)(2); 29 C.F.R. 1630.14(a)*

A district may require a medical examination (and/or inquiry) after an offer of employment has been made to a job applicant and prior

to the beginning of employment duties and may condition the offer on the results of such examination (and/or inquiry), provided all entering employees in the same job category are subjected to such an examination (and/or inquiry) regardless of disability.

The results of an employment entrance medical examination shall be used only to determine the applicant's ability to perform job-related functions.

42 U.S.C. 12112(d)(3); 29 C.F.R. 1630.14(b)

Confidentiality

Information obtained regarding the medical condition or history of the applicant shall be collected and maintained on separate forms and in separate medical files and shall be treated as confidential medical records. However, supervisors and managers may be informed regarding necessary restrictions on the employee's work or duties and necessary accommodation; first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment. *29 C.F.R. 1630.14(b), (c)*

Examination During Employment

The district may require a medical examination (and/or inquiry) of an employee that is job related and consistent with business necessity and may make inquiries into the ability of an employee to perform job-related functions.

Placement on Temporary Disability

The board may adopt a policy providing for placing an educator on leave of absence for temporary disability if, in the board's judgment and in consultation with a physician who has performed a thorough medical examination of the educator, the educator's condition interferes with the performance of regular duties. Such a policy must reserve to the educator the right to present to the board testimony or other information relevant to the educator's fitness to continue the performance of regular duties. [See also DEC]

The results of an employee's medical examination shall be used only to determine the employee's ability to perform job-related functions.

42 U.S.C. 12112(d)(3)-(4); 29 C.F.R. 1630.14(c); Education Code 21.409(c)

Note: This policy summarizes the Family and Medical Leave Act (FMLA) and implementing regulations, including FML for an employee seeking leave because of a relative's military service. For provisions on leaves in general, see DEC. For provisions addressing leave for an employee's military service, see DECB.

Table of Contents

General Provisions....2
Covered Employer....2
Eligible Employee....2
Qualifying Reasons for Leave....2
Definitions....3
Leave Entitlement and Use....5
Amount of Leave....5
Intermittent or Reduced Leave Schedule....6
Special Rules for Instructional Employees....7
Leave at the End of a Semester....8
Substitution of Paid Leave....9
Maintenance of Health Benefits....10
Right to Reinstatement....11
Notices and Medical Certification....12
Employer Notices....12
Employee Notice....14
Certification of Leave....15
Miscellaneous Provisions....18
Records....18

General Provisions

Covered Employer

All public elementary and secondary schools are "covered employers" under the FMLA, without regard to the number of employees employed. The term "employer" includes any person who acts directly or indirectly in the interest of a district to any of the district's employees. *29 U.S.C. 2611(4), 2618(a); 29 C.F.R. 825.104(a)*

Eligible Employee

"Eligible employee" means an employee who:

1. Has been employed by a district for at least 12 months. The 12 months need not be consecutive;
2. Has been employed by a district for at least 1,250 hours of service during the 12-months immediately preceding the commencement of leave; and
3. Is employed at a worksite where 50 or more employees are employed by the district within 75 miles of that worksite.

29 U.S.C. 2611(2); 29 C.F.R. 825.110

[A district that has no eligible employees must comply with the requirements at General Notice, below.]

Qualifying Reasons for Leave

A district shall grant leave to eligible employees:

1. For the birth of a son or daughter, and to care for the newborn child;
2. For placement with the employee of a son or daughter for adoption or foster care [For the definitions of "adoption" and "foster care," see 29 C.F.R. 825.122.];
3. To care for the employee's spouse, son or daughter, or parent with a serious health condition;
4. Because of a serious health condition that makes the employee unable to perform the functions of the employee's job [For the definition of "serious health condition," see 29 C.F.R. 825.113.];
5. Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty or call to covered active duty status (or has been notified of an impending call or order to covered active duty) [For the definition of "military member," see 29 C.F.R. 825.126(b). For the definition of "covered active duty" and "call to covered active duty status," see 29 C.F.R. 825.102.]; and
6. To care for a covered service member with a serious injury or illness incurred in the line of duty if the employee is the spouse, son, daughter, parent, or next of kin of the service

member. [For the definitions of “covered service member” and “serious injury or illness,” see 29 C.F.R. 825.102, .122.]

29 U.S.C. 2612(a); 29 C.F.R. 825.112

For provisions regarding treatment for substance abuse, see 29 C.F.R. 825.119.

Qualifying Exigency

An eligible employee may take FMLA leave for one or more of the following qualifying exigencies:

1. Short-notice deployment.
2. Military events and related activities.
3. Childcare and school activities.
4. Financial and legal arrangements.
5. Counseling.
6. Rest and recuperation.
7. Post-deployment activities.
8. Parental care.
9. Additional activities, provided that the district and employee agree that the leave shall qualify as an exigency and agree to both the timing and duration.

29 C.F.R. 825.126

Pregnancy or Birth

Both parents are entitled to FMLA leave to be with a healthy newborn child (i.e., bonding time) during the 12-month period beginning on the date of birth. In addition, the expectant mother is entitled to FMLA leave for incapacity due to pregnancy, for prenatal care, or for her own serious health condition following the birth of the child. The expectant mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health-care provider during the absence and even if the absence does not last for more than three consecutive calendar days. A spouse is entitled to FMLA leave if needed to care for a pregnant spouse who is incapacitated, during her prenatal care, or following the birth of a child if the spouse has a serious health condition. [For the definition of “needed to care for,” see 29 C.F.R. 825.124.] *29 C.F.R. 825.120*

Definitions

“Equivalent Position”

An “equivalent position” is one that is virtually identical to the employee's former position in terms of pay, benefits, and working conditions, including privileges, perquisites, and status. It must involve the same or substantially similar duties and responsibilities, which

must entail substantially equivalent skill, effort, responsibility, and authority. *29 C.F.R. 825.215(a)*

"Next of Kin" "Next of kin of a covered service member" (for purposes of military caregiver leave) means:

1. The blood relative specifically designated in writing by the covered service member as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. The designated individual shall be deemed to be the covered service member's only next of kin; or
2. When no such designation has been made, the nearest blood relative other than the covered service member's spouse, parent, son, or daughter, in the following order of priority:
    a. Blood relatives who have been granted legal custody of the covered service member by court decree or statutory provisions,
    b. Brothers and sisters,
    c. Grandparents,
    d. Aunts and uncles, and
    e. First cousins.

    If there are multiple family members with the same level of relationship to the covered service member, all such family members shall be considered the covered service member's next of kin and may take FMLA leave to provide care to the covered service member, either consecutively or simultaneously.

29 C.F.R. 825.127(d)(3)

"Parent" "Parent" (for purposes of family, medical, and qualifying exigency leave) means a biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter. This term does not include parents "in law." *29 C.F.R. 825.122*

For the definition of "parent of a covered service member" for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(2).

"Son or Daughter" "Son or daughter" (for purposes of family and medical leave) means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability" at the time that FMLA leave is to commence. *29 C.F.R. 825.122*

For the definition of “son or daughter on active duty or call to active duty status” for purposes of qualifying exigency leave, see 29 C.F.R. 825.122.

For the definition of “son or daughter of a covered service member” for purposes of military caregiver leave, see 29 C.F.R. 825.127(d)(1).

“Spouse”

“Spouse” means a husband or wife. For purposes of this definition, husband or wife refers to the other person with whom an individual entered into marriage as defined or recognized under state law for purposes of marriage in the state in which the marriage was entered into or, in the case of a marriage entered into outside of any state, if the marriage is valid in the place where entered into and could have been entered into in at least one state.

This definition includes an individual in a same-sex or common law marriage that either:

1. Was entered into in a state that recognizes such marriages; or
2. If entered into outside of any state, is valid in the place where entered into and could have been entered into in at least one state.

29 C.F.R. 825.102, .122

Leave Entitlement and Use

Amount of Leave

Except in the case of military caregiver leave, an eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during a 12-month period for any one or more of the qualifying reasons.

Spouses who are employed by the same district may be limited to a combined total of 12 weeks of FMLA leave during any 12-month period if leave is taken for the birth of a son or daughter, the placement of a child for adoption or foster care, or to care for a parent with a serious health condition.

29 U.S.C. 2612(a), (f); 29 C.F.R. 825.120(a)(3), .200, .201

Determining the 12-Month Period

Except with respect to military caregiver leave, a district may choose any one of the following methods for determining the “12-month period” in which the 12 weeks of leave entitlement occurs:

1. The calendar year;
2. Any fixed 12-month “leave year,” such as a fiscal year or a year starting on an employee's “anniversary” date;
3. The 12-month period measured forward from the date any employee's first FMLA leave begins; or

4. A “rolling” 12-month period measured backward from the date an employee uses any FMLA leave.

29 C.F.R. 825.200(b)

Military Caregiver Leave

In the case of military caregiver leave, an eligible employee’s FMLA leave entitlement is limited to a total of 26 workweeks of leave during a “single 12-month period.” The “single 12-month period” is measured forward from the date an employee’s first FMLA leave to care for the covered service member begins, regardless of the method used by a district to determine the 12-month period for other FMLA leaves. During the “single 12-month period,” an eligible employee’s FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason. *29 C.F.R. 825.200(f), (g)*

Spouses who are employed by the same district may be limited to a combined total of 26 weeks of FMLA leave during the “single 12-month period” if leave is taken as military caregiver leave, for the birth of a son or daughter, for the placement of a child for adoption or foster care, or to care for a parent with a serious health condition. *29 C.F.R. 825.127(e)(3)*

Summer Vacation and Other Extended Breaks

If a district’s activity temporarily ceases and employees generally are not expected to report for work for one or more weeks (e.g., a school closing for two weeks for the Christmas/New Year holiday), those days do not count against the employee’s FMLA leave entitlement. Similarly, the period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.200(h), .601(a)*

Intermittent or Reduced Leave Schedule

FMLA leave may be taken intermittently or on a reduced leave schedule under certain circumstances. “Intermittent leave” is FMLA leave taken in separate blocks of time due to a single qualifying reason. A “reduced leave schedule” is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday.

For leave taken because of the employee’s own serious health condition, to care for a spouse, parent, son, or daughter with a serious health condition, or military caregiver leave, there must be a medical need for leave and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. Leave due to a qualifying exigency may also be taken on an intermittent or reduced schedule basis.

When leave is taken after the birth of a healthy child or placement of a healthy child for adoption or foster care, an employee may

take leave intermittently or on a reduced leave schedule only if the district agrees.

29 U.S.C. 2612(b); 29 C.F.R. 825.102, .202

Transfer to Alternative Position

If an employee requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment, a district may require the employee to transfer temporarily to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. *29 U.S.C. 2612(b)(2); 29 C.F.R. 825.204*

Calculating Leave Use

When an employee takes leave on an intermittent or reduced schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. A district must account for intermittent or reduced schedule leave using an increment no greater than the shortest period of time that the district uses to account for use of other forms of leave, provided the increment is not greater than one hour. *29 C.F.R. 825.205*

Special Rules for Instructional Employees

Special rules apply to certain employees of school districts. These special rules affect leave taken intermittently or on a reduced schedule, or taken near the end of an academic term (semester) by instructional employees.

"Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

29 C.F.R. 825.600

Failure to Provide Notice of Foreseeable Leave

If an instructional employee does not give required notice of foreseeable leave to be taken intermittently or on a reduced schedule, a district may require the employee to take leave of a particular duration or to transfer temporarily to an alternative position. Alternatively, a district may require the employee to delay the taking of leave until the notice provision is met. *29 C.F.R. 825.601(b)*

20 Percent Rule

If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member with a serious health condition, to care for a covered service member, or for the employee's own serious health condition; the leave is foreseeable based on planned medical treatment; and the employee would be on leave for more than 20 percent of the total

number of working days over the period the leave would extend, a district may require the employee to choose:

1. To take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

2. To transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

"Periods of a particular duration" means a block or blocks of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave. If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

29 U.S.C. 2618(c); 29 C.F.R. 825.601, .603

Leave at the End of a Semester

As a rule, a district may not require an employee to take more FMLA leave than the employee needs. The FMLA recognizes exceptions where instructional employees begin leave near the end of a semester. As set forth below, the district may in certain cases require the employee to take leave until the end of the semester.

The school semester, or "academic term," typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of the FMLA.

If a district requires the employee to take leave until the end of the semester, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. Any additional leave required by the district to the end of the semester is not counted as FMLA leave; however, the district shall maintain the employee's group health insurance and restore the employee to the same or equivalent job, including other benefits, at the end of the leave.

29 U.S.C. 2618(d); 29 C.F.R. 825.603

More Than Five Weeks Before End of Semester

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave more than five weeks before the end of the semester;

2. The leave will last at least three weeks; and

3. The employee would return to work during the three-week period before the end of the semester.

During Last Five Weeks of Semester

A district may require an instructional employee to continue taking leave until the end of the semester if:

1. The employee begins leave during the last five weeks of the semester for any reason other than the employee's own serious health condition or a qualifying exigency;
2. The leave will last more than two weeks; and
3. The employee would return to work during the two-week period before the end of the semester.

During Last Three Weeks of Semester

A district may require an instructional employee to continue taking leave until the end of the semester if the employee begins leave during the three-week period before the end of the semester for any reason other than the employee's own serious health condition or a qualifying exigency.

29 C.F.R. 825.602

Substitution of Paid Leave

Generally, FMLA leave is unpaid leave. However, an employee may choose to substitute accrued paid leave for unpaid FMLA leave. If an employee does not choose to substitute accrued paid leave, a district may require the employee to do so. The term "substitute" means that the paid leave provided by the district, and accrued pursuant to established policies of the district, will run concurrently with the unpaid FMLA leave. An employee's ability to substitute accrued paid leave is determined by the terms and conditions of the district's normal leave policy. *29 U.S.C. 2612(d); 29 C.F.R. 825.207(a)*

Compensatory Time

If an employee requests and is permitted to use accrued compensatory time to receive pay during FMLA leave, or if a district requires such use, the compensatory time taken may be counted against the employee's FMLA leave entitlement. *29 C.F.R. 825.207(f)*

FMLA and Workers' Compensation

A serious health condition may result from injury to the employee "on or off" the job. If a district designates the leave as FMLA leave, the leave counts against the employee's FMLA leave entitlement. Because the workers' compensation absence is not unpaid, neither the employee nor the district may require the substitution of paid leave. However, a district and an employee may agree, where state law permits, to have paid leave supplement workers' compensation benefits.

If the health-care provider treating the employee for the workers' compensation injury certifies that the employee is able to return to a “light duty job” but is unable to return to the same or equivalent job, the employee may decline the district’s offer of a “light duty job.” As a result, the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the employee's FMLA leave entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the district may require the use of accrued paid leave.

29 C.F.R. 825.207(e)

Maintenance of Health Benefits

During any FMLA leave, a district must maintain the employee's coverage under any group health plan on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period.

An employee may choose not to retain group health plan coverage during FMLA leave. However, when the employee returns from leave, the employee is entitled to be reinstated on the same terms as before taking leave without any qualifying period, physical examination, exclusion of pre-existing conditions, and the like.

29 U.S.C. 2614(c); 29 C.F.R. 825.209

Payment of Premiums

During FMLA leave, the employee must continue to pay the employee’s share of group health plan premiums. If premiums are raised or lowered, the employee would be required to pay the new premium rates. *29 C.F.R. 825.210*

Failure to Pay Premiums

Unless a district has an established policy providing a longer grace period, a district’s obligations to maintain health insurance coverage cease if an employee's premium payment is more than 30 days late. In order to terminate the employee’s coverage, the district must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. Coverage for the employee may be terminated at the end of the 30-day grace period, if the required 15-day notice has been provided.

Upon the employee's return from FMLA leave, the district must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed. The employee may not be required to meet any qualification requirements imposed by the

plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage.

29 C.F.R. 825.212

Recovery of Benefit Cost

If an employee fails to return to work after FMLA leave has been exhausted or expires, a district may recover from the employee its share of health plan premiums during the employee's unpaid FMLA leave, unless the employee's failure to return is due to one of the reasons set forth in the regulations. A district may not recover its share of health insurance premiums for any period of FMLA leave covered by paid leave. *29 C.F.R. 825.213*

Right to Reinstatement

On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave began, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. However, an employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. *29 C.F.R. 825.214, .216(a)*

Moonlighting During Leave

If a district has a uniformly applied policy governing outside or supplemental employment, the policy may continue to apply to an employee while on FMLA leave. A district that does not have such a policy may not deny FMLA benefits on the basis of outside or supplemental employment unless the FMLA leave was fraudulently obtained. *29 U.S.C. 2618(e); 29 C.F.R. 825.216(e)*

Reinstatement of School Employees

A district shall make the determination of how an employee is to be restored to "an equivalent position" upon return from FMLA leave on the basis of established school board policies and practices. The "established policies" must be in writing, must be made known to the employee before the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to "an equivalent position" must provide substantially the same protections as provided in the FMLA. For example, an employee may not be restored to a position requiring additional licensure or certification. *29 C.F.R. 825.604*

Pay Increases and Bonuses

An employee is entitled to any unconditional pay increases that may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed must be granted in accordance with a district's policy or practice with respect to other employees on an

equivalent leave status for a reason that does not qualify as FMLA leave.

Equivalent pay includes any bonus or payment, whether it is discretionary or non-discretionary. However, if a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold, or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave. For example, if an employee who used paid vacation leave for a non-FMLA purpose would receive the payment, then an employee who used paid vacation leave for an FMLA-protected purpose also must receive the payment.

29 C.F.R. 825.215(c)

Key Employees

A district may deny job restoration to a key employee if such denial is necessary to prevent substantial and grievous economic injury to the operations of the district. *29 U.S.C. 2614(b); 29 C.F.R. 825.217-.219*

Notices and Medical Certification

Employer Notices

General Notice

Every covered employer must post on its premises a notice explaining the FMLA's provisions and providing information concerning the procedures for filing complaints with the Department of Labor's Wage and Hour Division. The notice must be posted prominently where it can be readily seen by employees and applicants for employment. Covered employers must post this general notice even if no employees are eligible for FMLA leave.

If a district has any eligible employees, it shall also:

1. Include the notice in employee handbooks or other written guidance to employees concerning employee benefits or leave rights, if such written materials exist; or
2. Distribute a copy of the general notice to each new employee upon hiring.

Electronic posting is sufficient if it meets the other requirements of this section.

If a district's workforce is comprised of a significant portion of workers who are not literate in English, the district shall provide the general notice in a language in which the employees are literate.

A district may use Department of Labor (DOL) form WHD 1420 or may use another format so long as the information provided includes, at a minimum, all of the information contained in that notice.

29 C.F.R. 825.300(a)

Eligibility Notice

When an employee requests FMLA leave, or when a district acquires knowledge that an employee's leave may be for an FMLA-qualifying reason, the district must notify the employee of the employee's eligibility to take FMLA leave. If the employee is not eligible for FMLA leave, the notice must state at least one reason why the employee is not eligible.

A district must provide the eligibility notice within five business days, absent extenuating circumstances. Notification of eligibility may be oral or in writing. The district may use DOL form WH-381 to provide such notification to employees. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(b)

Rights and Responsibilities Notice

Each time a district provides an eligibility notice to an employee, the district shall also provide a written rights and responsibilities notice. The rights and responsibilities notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(c)(1).

A district may use DOL form WH-381 to provide such notification to employees. A district may adapt the prototype notice as appropriate to meet these notice requirements. The notice may be distributed electronically if it meets the other requirements of this section. The district shall translate the notice in any situation in which it is required to translate the general notice.

29 C.F.R. 825.300(c)

Designation Notice

When a district has enough information to determine whether leave is being taken for an FMLA-qualifying reason, the district must notify the employee whether the leave will be designated as FMLA leave. If the district determines that the leave will not be designated as FMLA-qualifying, the district must notify the employee of that determination. Absent extenuating circumstances, a district must provide the designation notice within five business days.

A district may use DOL form WH-382 to provide such notification to employees. If the leave is not designated as FMLA leave because it does not meet the requirements of the Act, the notice to the employee that the leave is not designated as FMLA leave may be in the form of a simple written statement.

The designation notice must include the information required by the FMLA regulations at 29 C.F.R. 825.300(d)(1) (substitution of paid leave), (d)(3) (fitness for duty certification), and (d)(6) (amount

of leave charged against FMLA entitlement). For further provisions on designation of leave, see 29 C.F.R. 825.301.

29 C.F.R. 825.300(d)

Retroactive Designation

A district may retroactively designate leave as FMLA leave, with appropriate notice to the employee, if the district's failure to timely designate leave does not cause harm or injury to the employee. In addition, a district and an employee may agree that leave will be retroactively designated as FMLA leave. *29 C.F.R. 825.301(d)*

Employee Notice

An employee giving notice of the need for FMLA leave must state a qualifying reason for the leave and otherwise satisfy the requirements for notice of foreseeable and unforeseeable leave, below. The employee does not need to expressly assert rights under the Act or even mention the FMLA. *29 C.F.R. 825.301*

Foreseeable Leave

An employee must provide at least 30 days' advance notice before FMLA leave is to begin if the need for leave is foreseeable based upon an expected birth, placement for adoption or foster care, or planned medical treatment of the employee, a family member, or a covered service member. If 30 days' notice is not practicable, the employee must give notice as soon as practicable. For leave due to a qualifying exigency, the employee must provide notice as soon as practicable regardless of how far in advance the leave is foreseeable.

When planning medical treatment, the employee must consult with the district and make a reasonable effort to schedule the treatment so as not to disrupt unduly the district's operations, subject to the approval of the health-care provider.

29 C.F.R. 825.302

Unforeseeable Leave

When the approximate timing of leave is not foreseeable, an employee must provide notice to a district as soon as practicable under the facts and circumstances of the particular case. It generally should be practicable for the employee to provide notice of leave that is unforeseeable within the time prescribed by the district's usual and customary notice requirements applicable to such leave. *29 C.F.R. 825.303*

Compliance with District Requirements

A district may require an employee to comply with its usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances. If an employee does not comply with usual notice and procedural requirements, and no unusual circumstances justify the failure to comply, FMLA leave may be delayed or denied. *29 C.F.R. 825.302(d), .303(c)*

Certification of Leave

A district may require that an employee's FMLA leave be supported by certification, as described below. The district must give notice of a requirement for certification each time certification is required. At the time the district requests certification, the district must advise the employee of the consequences of failure to provide adequate certification. *29 C.F.R. 825.305(a)*

Timing

In most cases, a district should request certification at the time the employee gives notice of the need for leave or within five business days thereafter or, in the case of unforeseen leave, within five business days after the leave commences. The district may request certification at a later date if the district later has reason to question the appropriateness of the leave or its duration. The employee must provide the requested certification to the district within 15 calendar days after the district's request, unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts. *29 C.F.R. 825.305(b)*

Incomplete or Insufficient Certification

A district shall advise an employee if it finds a certification incomplete or insufficient and shall state in writing what additional information is necessary to make the certification complete and sufficient. The district must provide the employee with seven calendar days (unless not practicable under the particular circumstances despite the employee's diligent, good faith efforts) to cure any such deficiency.

A certification is “incomplete” if one or more of the applicable entries have not been completed. A certification is “insufficient” if it is complete, but the information provided is vague, ambiguous, or non-responsive. A certification that is not returned to the district is not considered incomplete or insufficient, but constitutes a failure to provide certification.

29 C.F.R. 825.305(c)

Medical Certification of Serious Health Condition

When leave is taken because of an employee's own serious health condition, or the serious health condition of a family member, a district may require the employee to obtain medical certification from a health-care provider. A district may use DOL optional form WH-380-E when the employee needs leave due to the employee's own serious health condition and optional form WH-380-F when the employee needs leave to care for a family member with a serious health condition. A district may not require information beyond that specified in the FMLA regulations.

An employee may choose to comply with the certification requirement by providing the district with an authorization, release, or waiver allowing the district to communicate directly with the health-care provider.

For the definition of “health-care provider,” see 29 C.F.R. 825.125.

29 C.F.R. 825.306

Genetic Information

A district subject to the Genetic Information Nondiscrimination Act (GINA) shall comply with the GINA rules with respect to a request for medical information. *29 C.F.R. 1635.8(b)(1)(i)(A)* [See DAA]

Authentication and Clarification

If an employee submits a complete and sufficient certification signed by the health-care provider, a district may not request additional information from the health-care provider. However, the district may contact the health-care provider for purposes of clarification and authentication of the certification after the district has given the employee an opportunity to cure any deficiencies, as set forth above. To make such contact, a district must use a health-care provider, a human resources professional, a leave administrator, or a management official. Under no circumstances may the employee’s direct supervisor contact the employee's health-care provider.

“Authentication” means providing the health-care provider with a copy of the certification and requesting verification that the information on the form was completed and/or authorized by the health-care provider who signed the document; no additional medical information may be requested.

“Clarification” means contacting the health-care provider to understand the handwriting on the certification or to understand the meaning of a response. A district may not ask the health-care provider for additional information beyond that required by the certification form. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually identifiable health information of an employee is shared with a district by a HIPAA-covered health-care provider.

29 C.F.R. 825.307(a)

Second and Third Opinions

If a district has reason to doubt the validity of a medical certification, the district may require the employee to obtain a second opinion at the district’s expense. If the opinions of the employee’s and the district’s designated health-care providers differ, the district may require the employee to obtain certification from a third health-care provider, again at the district’s expense. *29 C.F.R. 825.307(b), (c)*

Foreign Medical Certification

If the employee or a family member is visiting another country, or a family member resides in another country, and a serious health condition develops, the district shall accept medical certification as well as second and third opinions from a health-care provider who practices in that country. If the certification is in a language other

than English, the employee must provide the district with a written translation of the certification upon request. *29 C.F.R. 825.307(f)*

Recertification

A district may request recertification no more often than every 30 days and only in connection with an absence by the employee, except as set forth in the FMLA regulations. The district must allow at least 15 calendar days for the employee to provide recertification.

As part of the recertification for leave taken because of a serious health condition, the district may provide the health-care provider with a record of the employee's absence pattern and ask the health-care provider if the serious health condition and need for leave is consistent with such a pattern.

29 C.F.R. 825.308

Certification — Qualifying Exigency Leave

The first time an employee requests leave because of a qualifying exigency, a district may require the employee to provide a copy of the military member's active duty orders or other documentation issued by the military which indicates that the military member is on covered active duty or call to covered active duty status, and the dates of the covered military member's covered active duty service.

A district may also require that the leave be supported by a certification that addresses the information at 29 C.F.R. 825.309(b). The district may use DOL optional form WH-384, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations.

29 C.F.R. 825.309

Certification — Military Caregiver Leave

When an employee takes military caregiver leave, a district may require the employee to obtain a certification completed by an authorized health-care provider of the covered service member. In addition, the district may request that the employee and/or covered service member address in the certification the information at 29 C.F.R. 825.310(c). The district may also require the employee to provide confirmation of a covered family relationship to the seriously injured or ill service member.

A district may use DOL optional form WH-385, or another form containing the same basic information, for this certification. The district may not require information beyond that specified in the regulations. A district must accept as sufficient certification "invitational travel orders" ("ITOs") or "invitational travel authorizations" ("ITAs") issued to any family member to join an injured or ill service member at his or her bedside.

A district may seek authentication and/or clarification of the certification under the procedures described above. Second and third opinions, and recertifications, are not permitted for leave to care for a covered service member.

29 C.F.R. 825.310

Intent to Return to Work

A district may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The district's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation. *29 C.F.R. 825.311*

Fitness for Duty Certification

As a condition of restoring an employee who took FMLA leave due to the employee's own serious health condition, a district may have a uniformly applied policy or practice that requires all similarly situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health-care provider that the employee is able to resume work. A district may require that the certification specifically address the employee's ability to perform the essential functions of the employee's job. *29 C.F.R. 825.312*

Failure to Provide Certification

If the employee fails to provide the district with a complete and sufficient certification, despite the opportunity to cure, or fails to provide any certification, the district may deny the taking of FMLA leave. This provision applies in any case where a district requests a certification, including any clarifications necessary to determine if certifications are authentic and sufficient. *29 C.F.R. 825.305*

For failure to provide timely certification of foreseeable leave, see 29 C.F.R. 825.313(a). For failure to provide timely certification of unforeseeable leave, see 29 C.F.R. 825.313(b). For failure to provide timely recertification, see 29 C.F.R. 825.313(c). For failure to provide timely fitness-for-duty certification, see 29 C.F.R. 825.313(d).

Miscellaneous Provisions

Records

A district shall make, keep, and preserve records pertaining to its obligations under the FMLA in accordance with the recordkeeping requirements of the Fair Labor Standards Act (FLSA) and the FMLA regulations. A district shall keep these records for no less than three years and make them available for inspection, copying, and transcription by representatives of the DOL upon request.

If the district is preserving records electronically, the district must comply with 29 C.F.R. 825.500(b). A district that has eligible employees must maintain records with the data set forth at 29 C.F.R. 825.500(c). A district that has no eligible employees must maintain

just the data at 29 C.F.R. 825.500(c)(1). For districts in a joint employment situation, see 29 C.F.R. 825.500(e).

Records and documents relating to certifications, recertifications, or medical histories of employees or employees' family members, created for purposes of FMLA, shall be maintained as confidential medical records in separate files/records from the usual personnel files.

If the Genetic Information Nondiscrimination Act (GINA) is applicable, records and documents created for purposes of FMLA leave that contain family medical history or genetic information shall be maintained in accordance with the confidentiality requirements of GINA (see 29 C.F.R. 1635.9), which permit such information to be disclosed consistent with the requirements of the FMLA. [For information regarding GINA, see DAA(LEGAL).]

If the Americans with Disabilities Act (ADA) is also applicable, such records shall be maintained in conformance with ADA confidentiality requirements [see 29 C.F.R. 1630.14(c)(1)], except as set forth in this section of the regulations.

29 C.F.R. 825.500

Prohibition Against Discrimination and Retaliation

The FMLA prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. *29 U.S.C. 2615; 29 C.F.R. 825.220*

Note: This policy addresses leave for an employee's military service. For provisions on leaves in general, see DEC. For provisions regarding the Family and Medical Leave Act (FMLA), including family and medical leave for an employee seeking leave because of a relative's military service, see DECA.

Federal Military Leave

Reemployment

Any person who is absent from a position of employment by reason of voluntary or involuntary service in the uniformed services shall be entitled to certain reemployment rights and benefits under the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. 4301-4335, and its regulations at 20 C.F.R. Part 1002 if:

1. Unless notice is precluded by military necessity or is otherwise unreasonable or impossible, the person, or an appropriate officer of the uniformed service in which such service is performed, has given advance written or verbal notice of such service to such person's employer;

2. The cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services does not exceed five years, calculated in accordance with 38 U.S.C. 4312(c); and

3. The person reports to or submits an application for reemployment to such employer in accordance with the provisions of 38 U.S.C. 4312(e) and (f) and 20 C.F.R. Part 1002, Subpart C.

38 U.S.C. 4312(a)-(c); 20 C.F.R. 1002.5(1)

For purposes of federal military leave, the term "uniformed services" means the Armed Forces; the Army National Guard and the Air National Guard when engaged in active duty for training, inactive duty training, or full-time National Guard duty; the commissioned corps of the Public Health Services; the commissioned officer corps of the National Oceanic and Atmospheric Administration (NOAA); system members of the National Urban Search and Rescue Response System during a period of appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; intermittent personnel who are appointed into Federal Emergency Management Agency service under section 306(b)(1) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; and any other category of persons designated by the president in time of war or emergency.

The term “service in the uniformed services” means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty; active duty for training; initial active duty for training; inactive duty training; full-time National Guard duty; state active duty for a period of 14 days or more; state active duty in response to a national emergency declared by the president under the National Emergencies Act, 50 U.S.C. 1601 et seq.; state active duty in response to a major disaster declared by the president under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170; a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty; a period for which a system member of the National Urban Search and Rescue Response System is absent from a position of employment due to an appointment into federal service under Section 327 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; a period for which a person is absent from a position of employment due to an appointment into service in the Federal Emergency Management Agency as intermittent personnel under section 306(b)(1) of the Robert B. Stafford Disaster Relief and Emergency Assistance Act; and a period for which a person is absent from employment for the purpose of performing funeral honors duty.

The term “state active duty” means training or other duty, other than inactive duty, performed by a member of the National Guard of a state not under 32 U.S.C. 502 or under U.S.C. Title 10; in service to the governor of a state; and for which the member is not entitled to pay from the federal government.

A person who is reemployed under USERRA is entitled to the seniority, and other rights and benefits determined by seniority, that the person had on the date of the commencement of uniformed service, plus the additional seniority, rights, and benefits that such person would have attained if the person had remained continuously employed.

38 U.S.C. 4303(13), (15)-(16), 4316(a)

Exceptions

An employer, including a school district is not required to reemploy a person if:

1. The employer’s circumstances have so changed as to make reemployment impossible or unreasonable;

2. The person is entitled to reemployment under 38 U.S.C. 4313(a)(3), 4313(a)(4), or 4313(b)(2)(B), and the reemployment of the person would impose an undue hardship on the employer; or

3. The employment from which the person leaves to serve in the uniformed services is for a brief, nonrecurrent period and there is no reasonable expectation that such employment will continue indefinitely or for a significant period.

38 U.S.C. 4312(d)

A person's entitlement to the benefits of 38 U.S.C. Chapter 43 by reason of the service of such person in one of the uniformed services terminates upon the occurrence of any of the following events:

1. A separation of such person from such uniformed service with a dishonorable or bad conduct discharge.
2. A separation of such person from such uniformed service under other than honorable conditions, as characterized pursuant to regulations prescribed by the U.S. secretary concerned.
3. A dismissal of such person permitted under or a dropping of such person from the rolls pursuant to 10 U.S.C. 1161(a) (dismissal of commissioned officers).

38 U.S.C. 4304

Notice

Each employer shall provide to persons entitled to rights and benefits under 38 U.S.C. Chapter 43 a notice of the rights, benefits, and obligations of such persons and such employers. The requirement for the provision of notice may be met by the posting of the notice where employers customarily place notices for employees. The U.S. Secretary of Labor shall provide to employers the text of the notice. *38 U.S.C. 4334*

State Protections for Member of Military or Rescue Team

Paid Leave of Absence

A person who is an officer or employee of the state, a municipality, a county, or another political subdivision of the state, including a school district, who is a member of the state military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team is entitled to a paid leave of absence from the person’s duties on a day on which the person is engaged in authorized training or duty ordered or authorized by proper authority for not more than 15 workdays in a fiscal year. During a leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. *Gov’t Code 437.202(a)*

In addition to the leave provided under Government Code 437.202(a), a person described by Section 437.202(a) called to state active duty by the governor or another appropriate authority in response to a disaster is entitled to a paid leave of absence from

the person's duties for each day the person is called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During a leave of absence under this provision, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation time. For purposes of this provision, "disaster" has the meaning assigned by Government Code 418.004. *Gov't Code 437.202(a-1)*

Notice

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall provide written notice of the number of workdays of paid leave to which an officer or employee is entitled each fiscal year under Government Code 437.202(a) on employment, in the case of an employee, or as soon as practicable after appointment or election, in the case of an officer.

This state, a municipality, a county, or another political subdivision of this state, including a school district, shall, on the request of an officer or employee described by Government Code 437.202(a), provide to that officer or employee a statement that contains the number of workdays for which the officer or employee claimed paid leave under section 437.202(a) in that fiscal year.

Gov't Code 437.202(e)-(f)

Return to Employment

An employee of this state or a municipality, a county, or another political subdivision of this state with at least five full-time employees who is a member of the Texas military forces, a reserve component of the armed forces, or a member of a state or federally authorized urban search and rescue team and who is ordered to duty by proper authority is entitled, when relieved from duty, to be restored to the position that the employee held when ordered to duty. An employer, including a school district, may not terminate the employment of an employee who is a member of the military forces of this state or any other state because the employee is ordered to authorized training or duty by a proper authority. The employee is entitled to return to the same employment held when ordered to training or duty and may not be subjected to loss of time, efficiency rating, vacation time, or any benefit of employment during or because of the absence. The employee, as soon as practicable after release from duty, must give written or actual notice of intent to return to employment. *Gov't Code 437.202(d), .204(a)*

Reemployment

A public employee, other than a temporary employee, who leaves a state position or a position with a local governmental entity, including a school district, to enter active military service is entitled to be reemployed by the state or the local governmental entity in the same department, office, commission, or board of this state, a state institution, or local governmental entity in which the employee

was employed at the time of the induction, enlistment, or order, or to a position of similar seniority, status, and pay. To be entitled to reemployment, the employee must be discharged, separated, or released from active military service under honorable conditions not later than the fifth anniversary after the date of induction, enlistment, or call to active military service and must be physically and mentally qualified to perform the duties of the position.

"Military service" means service as a member of the Armed Forces of the United States, a reserve component of the Armed Forces of the United States, the Texas National Guard, or the Texas State Guard.

Gov't Code 613.001(2)-(3), .002

Exception

A public employee who cannot perform the duties of the position because of a disability sustained during military service is entitled to reemployment in the department, office, commission, or board of the state, a state institution, or a local governmental entity in a position that the employee can perform and that has like seniority, status, and pay as the former position, or the nearest possible seniority, status, and pay. *Gov't Code 613.003*

Application

To be reemployed, a veteran must apply for reemployment not later than the 90th day after the date the veteran is discharged or released from active military service. The application must be made in writing to the head of the department, office, commission, or board of this state, the state institution, or the local governmental entity and have attached to it evidence of the veteran's discharge, separation, or release from military service under honorable conditions. *Gov't Code 613.004*

Discharge

A person reemployed under Government Code Chapter 613 shall not be discharged without cause before the first anniversary of the date of the reemployment. *Gov't Code 613.005*

Application of Federal Laws to Texas Military Members Called to Duty

A service member of the Texas military forces who is ordered to state active duty or to state training or other duty by the governor, the adjutant general, or another proper authority under the law of this state is entitled to the same benefits and protections provided to persons:

1. Performing service in the uniformed services as provided by 38 U.S.C. 4301-4313 and 4316-4319 (USERRA); and
2. In the military service of the United States as provided by 50 U.S.C. 3901-3959, 3991, and 4011-4026 (Servicemembers Civil Relief Act).

Gov't Code 437.213

Use of Personal Leave

An employee with available personal leave is entitled to use the leave for compensation during a term of active military service. This provision applies to any personal or sick leave available under former law or provided by local policy.

A district may adopt a policy providing for paid leave for active military service as part of the consideration of employment.

Education Code 22.003(d), (e)

Employee Free Speech

District employees do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

However, neither an employee nor anyone else has an absolute constitutional right to use all parts of a school building or its immediate environs for unlimited expressive purposes. When a public employee makes statements pursuant to his or her official duties, the employee is not speaking as a citizen for First Amendment purposes, and the Constitution does not insulate the communications from employer discipline.

Garcetti v. Ceballos, 547 U.S. 410 (2006); Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969) [See also GKD]

Whistleblower Protection

A board or its agents shall not suspend or terminate the employment of, or take other adverse personnel action against, an employee who in good faith reports a violation of law by a district or another public employee to an appropriate law enforcement authority.

A "report" is made to an "appropriate law enforcement authority" if the authority is a part of a state or local governmental entity or the federal government that the employee in good faith believes is authorized to:

1. Regulate under or enforce the law alleged to be violated in the report; or
2. Investigate or prosecute a violation of criminal law.

Gov't Code 554.002

A supervisor who suspends or terminates the employment of or takes an adverse personnel action against an employee for reporting a violation of law shall be subject to civil penalties. *Gov't Code 554.008*

Definitions

"Employee" means an employee or appointed officer who is paid to perform services for a district. It does not include independent contractors. *Gov't Code 554.001(4)*

"Law" means a state or federal statute, an ordinance of a local governmental entity, or a rule adopted under a statute or ordinance. *Gov't Code 554.001(1)*

A "good faith" belief that a violation of the law occurred means that:

1. The employee believed that the conduct reported was a violation of law; and

2. The employee's belief was reasonable in light of the employee's training and experience.

Wichita County v. Hart, 917 S.W.2d 779 (Tex. 1996)

A "good faith" belief that a law enforcement authority is an appropriate one means:

1. The employee believed the governmental entity was authorized to:
   a. Regulate under or enforce the law alleged to be violated in the report, or
   b. Investigate or prosecute a violation of criminal law; and
2. The employee's belief was reasonable in light of the employee's training and experience.

Tex. Dep't of Transp. v. Needham, 82 S.W.3d 314 (Tex. 2002)

Whistleblower Complaints

An employee who alleges a violation of whistleblower protection may sue a district for injunctive relief, actual damages, court costs, and attorney's fees, as well as other relief specified in Government Code 554.003. *Gov't Code 554.003*

Initiate Grievance

Before suing, an employee must initiate action under a district's grievance policy or other applicable policies concerning suspension or termination of employment or adverse personnel action.

The employee must invoke a district's grievance procedure not later than the 90th day after the date on which the alleged suspension, termination, or other adverse employment action occurred or was discovered by the employee through reasonable diligence.

Legal Action

If a board does not render a final decision before the 61st day after grievance procedures are initiated, the employee may elect to:

1. Exhaust a district's grievance procedures, in which case the employee must sue not later than the 30th day after the date those procedures are exhausted to obtain relief under Government Code Chapter 554; or
2. Terminate district grievance procedures and sue within the timelines established by Government Code 554.005 and 554.006.

Gov't Code 554.005, 554.006 [See DGBA regarding grievance procedures]

Burden of Proof	If the employee brings a lawsuit, the employee has the burden of proof unless the suspension, termination, or adverse personnel action occurred within 90 days after the employee reported a violation of law, in which case the suspension, termination, or adverse personnel action is presumed, subject to rebuttal, to be because the employee made the report.
Affirmative Defense	It is an affirmative defense to a whistleblower suit that the district would have taken the action against the employee that forms the basis of the suit based solely on information, observation, or evidence that is not related to the fact that the employee made a report protected under the whistleblower law. *Gov't Code 554.004*
Notice of Rights	A board shall inform its employees of their rights regarding whistleblower protection by posting a sign in a prominent location in the workplace. The design and content of the sign shall be as prescribed by the attorney general. *Gov't Code 554.009*

Right to Report a Crime

A district employee may report a crime witnessed at the school to any peace officer with authority to investigate the crime. A district may not adopt a policy requiring a school employee to refrain from reporting a crime witnessed at the school or to report a crime witnessed at the school only to certain persons or peace officers. *Education Code 37.148*

Protection for Reporting Child Abuse

A district may not suspend or terminate the employment of, discriminate against, or take other adverse employment action against a professional employee who in good faith:

1. Reports child abuse or neglect to:
    a. The person's supervisor,
    b. An administrator of the facility where the person is employed,
    c. A state regulatory agency, or
    d. A law enforcement agency; or
2. Initiates or cooperates with an investigation or proceeding by a governmental entity relating to an allegation of child abuse or neglect.

"Adverse employment action" means an action that affects an employee's compensation, promotion, transfer, work assignment, or performance evaluation, or any other employment action that would dissuade a reasonable employee from making or supporting a report of abuse or neglect under Family Code 261.101.

A person may sue for injunctive relief, damages, or both if the person is suspended or terminated from the person's employment; is discriminated against; or suffers any other adverse employment action.

A district employee who has a cause of action under the provisions at Whistleblower Protection, above, may not bring an action under Protection for Reporting Child Abuse.

Family Code 261.110(a)-(c), (l)

Protection from Disciplinary Proceedings

For purposes of the following provisions, "disciplinary proceeding" means discharge or suspension of a professional employee, or termination or nonrenewal of a professional employee's term contract. [See DGC regarding immunity] *Education Code 22.0512(b)*

Reporting Child Abuse or Maltreatment

A district employee may not be subject to any disciplinary proceeding resulting from an action taken in compliance with Education Code 38.0041 [prevention of child abuse and other maltreatment, see FFG]. *Education Code 38.0041(g)*

Use of Physical Force

A professional employee may not be subject to disciplinary proceedings for the employee's use of physical force against a student to the extent justified under Penal Code 9.62. This provision does not prohibit a district from enforcing a policy relating to corporal punishment or bringing a disciplinary proceeding against a professional employee of the district who violates the district policy relating to corporal punishment. *Education Code 22.0512(a); Tex. Atty. Gen. Op. GA-0202 (2004)*

Penal Code 9.62 provides that the use of force, other than deadly force, against a person is justified:

1. If the actor is entrusted with the care, supervision, or administration of the person for a special purpose; and
2. When and to the degree the actor reasonably believes the force is necessary to further the special purpose or to maintain discipline in a group.

Penal Code 9.62

Failure to Follow Scope, Sequence, and Instructional Materials

A district may not penalize a teacher who does not follow the pacing of recommended or designated instructional materials or the pacing of the recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level based on the teacher's determination that the teacher's students need more or less time in a specific area to demonstrate proficiency in the essential knowledge and skills for that subject and grade level [see EHAA].

A district may take appropriate action with respect to a teacher for conduct described above based on documented evidence of a deficiency in classroom instruction obtained through observation or substantiated and documented third-party information.

Education Code 28.0027(b), (c)

A classroom teacher employed by a district may not be subject to disciplinary proceedings for an allegation that the teacher violated Education Code 28.0022, the Establishment Clause of the First Amendment of the United States Constitution, or a related state or federal law if:

1. The teacher used only instructional material included on the list of approved instructional material maintained by the State Board of Education under Education Code 31.022 and adopted by the district; and

2. The allegation does not dispute that the teacher delivered instruction from the instructional material with fidelity.

This immunity is in addition to, and may not be construed to interfere with, any other immunity provided by law.

Education Code 22.05125

Instructional Materials and Technological Equipment

A board may not require an employee who acts in good faith to pay for instructional materials or technological equipment that is damaged, stolen, misplaced, or not returned. An employee may not waive this provision by contract or any other means.

Exception

A district may enter into a written agreement with an employee whereby the employee assumes financial responsibility for electronic instructional material or technological equipment usage off school property or outside of a school-sponsored event in consideration for the ability of the employee to use the electronic instructional material or technological equipment for personal business.

The written agreement shall be separate from the employee's contract of employment, if applicable, and shall clearly inform the employee of the amount of the financial responsibility and advise the employee to consider obtaining appropriate insurance. An employee may not be required to enter into such an agreement as a condition of employment.

Education Code 31.104(e); 19 TAC 66.107(c)

Controversial Topics

For any course or subject, including an innovative course, for a grade level from kindergarten through grade 12, a teacher may not be compelled to discuss a widely debated and currently controver-

sial issue of public policy or social affairs. *Education Code 28.0022(a)*

Note: For instructional requirements and prohibitions, including requirements for student discussion, see EMB.

Jury Duty

A district may not discharge, threaten to discharge, intimidate, or coerce any permanent employee because the employee serves as a juror or grand juror, or for the employee's attendance or scheduled attendance in connection with the service, in any court in the United States. An employee who is discharged, threatened with discharge, intimidated, or coerced is entitled to return to the same employment that the employee held when summoned for jury or grand jury service if the employee, as soon as practical after release from jury or grand jury service, gives the employer actual notice that the employee intends to return. *Civ. Prac. & Rem. Code 122.001*

A district may not discharge, discipline, reduce the salary of, or otherwise penalize or discriminate against a school district employee because of the employee's compliance with a summons to appear as a juror. For each regularly scheduled workday on which a nonsalaried employee serves in any phase of jury service, a school district shall pay the employee the employee's normal daily compensation [see DEC]. *Education Code 22.006(a), (b)*

Voting

A person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly refuses to permit the other person to be absent from work on election day or while early voting is in process for the purpose of attending the polls to vote, or subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote. Penalty means a loss of wages or another benefit of employment.

It is an exception to the application of this provision that the person's conduct occurs in connection with an election in which the polls are open on election day or while early voting is in progress for voting for two consecutive hours outside of the voter's working hours.

Election Code 276.004

Breaks for Nursing Mothers

A district shall provide a reasonable break time for an employee to express breast milk for the employee's nursing child for one year after the child's birth each time the employee has need to express the milk.

A district shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk.

A district shall not be required to compensate an employee receiving reasonable break time for any time spent during the workday for such purpose unless otherwise required by federal or state law or municipal ordinance.

Break time provided shall be considered hours worked if the employee is not completely relieved from duty during the entirety of the break.

A district that employs less than 50 employees is not subject to these requirements, if the requirements would impose an undue hardship by causing the district significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the district.

This requirement does not preempt a state law or municipal ordinance that provides greater protections to employees.

29 U.S.C. 218d

Right to Express Breast Milk

A district employee is entitled to express breast milk at the employee's workplace. *Gov't Code 619.002*

The district shall develop a written policy on the expression of breast milk by employees under Government Code Chapter 619. The policy must state that the district shall support the practice of expressing breast milk and make reasonable accommodations for the needs of employees who express breast milk.

A district shall provide a reasonable amount of break time for an employee to express breast milk each time the employee has need to express the milk. The district shall provide a place, other than a multiple user bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

A district may not suspend or terminate the employment of, or otherwise discriminate against, an employee because the employee has asserted the employee's rights under Government Code Chapter 619. Government Code Chapter 619 does not create a private or state cause of action against a district.

Gov't Code Ch. 619

Charitable Contributions

A board or a district employee may not directly or indirectly require or coerce any district employee to:

1. Make a contribution to a charitable organization or in response to a fund-raiser; or
2. Attend a meeting called for the purpose of soliciting charitable contributions.

A board or district employee may not directly or indirectly require or coerce any district employee to refrain from the same acts.

Education Code 22.011

Protection of Nurses

A district may not suspend, terminate, or otherwise discipline or discriminate against a nurse who refuses to engage in an act or omission relating to patient care that:

1. Would constitute grounds for reporting the nurse to the Board of Nurse Examiners under Occupations Code Chapter 301, Subchapter I;
2. Constitutes a minor incident, as defined at Occupations Code 301.419; or
3. Would violate Occupations Code Chapter 301 or a rule of the Board of Nurse Examiners, if the nurse notifies the district at the time of the refusal that this is the reason for refusing to engage in the act or omission.

Occupations Code 301.352(a)

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action [see the CKE series];
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and Nicotine Products and E-Cigarettes

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances

during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any misdemeanor (excluding minor traffic offenses punishably by fine only), and any offense involving moral turpitude. The obligation to notify as set forth in the preceding sentence in-

cludes, but is not limited to, offenses and conduct as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Possession or conspiracy to possess, transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Driving while intoxicated (DWI);
    - Acts constituting abuse or neglect under the Texas Family Code; or
    - Acts involving public intoxication, unlawful use of controlled substances, or operating a motor vehicle under the influence of alcohol or a controlled substance.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Reporting Workplace Violence

A district shall post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety (DPS). The notice must be posted in a conspicuous place, in sufficient locations to be convenient to all employees, and in English and Spanish, as appropriate.

A notice complies with Labor Code Chapter 104A, if, at a minimum, the information contained in the graphic at 40 Administrative Code 800.600(d) is conveyed:

The Texas Workforce Commission will make an electronic copy of the Reporting Workplace Violence poster[1] available on its website, which will be free of charge and allow employers to print a copy of the poster.

40 TAC 800.600(b)(2), (c)-(e); Labor Code 104A.002, .003

Hazard Communication Act

A district shall perform the following duties in compliance with the Hazard Communication Act:

Notice

A district shall post and maintain adequate notice, at locations where notices are normally posted, informing employees of their rights under the Hazard Communication Act. *Health and Safety Code 502.017(a)*

Education and Training

A district shall provide an education and training program for employees who use or handle hazardous chemicals. “Employee” means a person who may be or may have been exposed to hazardous chemicals in the person’s workplace under normal operating conditions or foreseeable emergencies. Workers such as office workers or accountants who encounter hazardous chemicals only in nonroutine, isolated instances are not employees for purposes of these requirements. *Health and Safety Code 502.003(10), .009(a)*

A district shall keep the written hazard communication program and a record of each training session given to employees, including the date, a roster of the employees who attended, the subjects covered in the training session, and the names of the instructors. Records shall be maintained for at least five years. *Health and Safety Code 502.009(g)*

Workplace Chemical List

A district shall compile and maintain a workplace chemical list that contains required information for each hazardous chemical normally present in the workplace or temporary workplace in excess of 55 gallons or 500 pounds, or as determined by the executive commissioner of the Health and Human Services Commission for certain highly toxic or dangerous hazardous chemicals. The list must be readily available to employees and their representatives. All employees shall be made aware of the list before working with or in a

work area containing hazardous chemicals. *Health and Safety Code 502.005(a), (c)*

The district shall update the list as necessary but at least by December 31 of each year, and shall maintain the list for at least 30 years. Each workplace chemical list shall be dated and signed by the person responsible for compiling the information. *Health and Safety Code 502.005(b), (d)*

Safety Data Sheets

A district shall maintain a legible copy of a current manufacturer's safety data sheets (SDS) for each hazardous chemical. If the district does not have a current SDS for a hazardous chemical when the chemical is received, the district shall request an SDS in writing from the manufacturer or distributor in a timely manner or otherwise obtain a current SDS. Safety data sheets shall be readily available, on request, for review by employees or designated representatives at each workplace. *Health and Safety Code 502.006*

Protective Equipment

Employees shall be provided with appropriate personal protective equipment. *Health and Safety Code 502.017(b)*

Labeling

A label on an existing container of a hazardous chemical may not be removed or defaced unless it is illegible, inaccurate, or does not conform to the OSHA standard or other applicable labeling requirement. Primary and secondary containers must be relabeled in accordance with Health and Safety Code 502.007(a). An employee may not be required to work with a hazardous chemical from an unlabeled container except for a portable container intended for the immediate use of the employee who performs the transfer. *Health and Safety Code 502.007*

Pest Control Treatment Notice

The chief administrator or building manager shall notify persons who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the persons are likely to check on a regular basis at least 48 hours before each planned treatment; and

2. Providing the pest control information sheet made available by the certified applicator or technician to a person working in the building on request.

Occupations Code 1951.455; 4 TAC 7.146, .147 [See CLB]

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[1] Reporting Workplace Violence poster: https://www.twc.texas.gov/sites/default/files/fdcm/docs/workplace-violence-poster-twc.pdf

Note: This policy addresses complaints of discrimination, harassment, and retaliation of employees based on a protected characteristic identified in DAA(LEGAL).

For provisions related to discrimination, harassment, and retaliation of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

Grievance Procedures

Section 504 — A district that receives federal financial assistance and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act. *34 C.F.R. 104.7(b), .11*

ADA — A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act (ADA). *28 C.F.R. 35.107, .140*

Title IX — A district that receives federal financial assistance shall adopt and publish grievance procedures providing for prompt and equitable resolution of employee complaints alleging any action prohibited by Title IX. *34 C.F.R. 106.8(c); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)* [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]

Compliance Coordinators

Section 504 — A district that employs 15 or more persons shall designate at least one person to coordinate its efforts to comply with Section 504 of the Rehabilitation Act. The district's Section 504 notification [see DAA] shall also identify the responsible employee so designated. *34 C.F.R. 104.7(a), .8(a)*

ADA — A district that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the ADA, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the ADA. The district shall make available to all interested individuals the name, office address, and telephone number of the employee or employees so designated. *28 C.F.R. 35.107(a)*

ADEA — A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under the Age Discrimination in Employment Act (ADEA), including investigation of any complaints that the district receives alleging any actions that are prohibited by the ADEA. A district shall notify its employees of

	the identity of the responsible employee by name or title, address, and telephone number. *34 C.F.R. 110.25(a), (b)*
Title IX	A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator." The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district of the name or title, office address, electronic mail address, and telephone number of the employee(s) so designated. *34 C.F.R. 106.8(a)*

Staff Development

Educator

The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal

The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

Education Code 21.451(a), (a-1)

Professional Development Policy

A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must:

1. Be guided by the recommendations for training in the clearinghouse;
2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and
3. Include a schedule of all training required for educators or other school personnel at the district or school.

To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.

Education Code 21.4515(a), (b)

Requirements for Training

In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:

1. Incorporates proactive instructional planning techniques using a framework that:
    a. Provides flexibility in the ways:
        (1) Information is presented;
        (2) Students respond or demonstrate knowledge and skills; and
        (3) Students are engaged;
    b. Reduces barriers in instruction;
    c. Provides appropriate accommodations, supports, and challenges; and

d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

Education Code 21.451(a-2), (b), (c)

Optional Training

Staff development may include training in:

1. Technology and digital learning; and

2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451(d)(1), (d-3), (g)

Required Training

Staff development must include training on:

1. Suicide prevention;

2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and

3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board’s professional development policy and use a best practice-based program recommended by the Health and Human Services

Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

Instruction of Students with Disabilities

Definition

"Student with a disability" means a student who is:

1. Eligible to participate in a school district's special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Education Code 21.001(3-a)

Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

Education Code 21.451(d)(2), (e)-(f)

Suicide Prevention

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by the Texas Education Agency (TEA) and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;

2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;

3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and

4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

A district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Education Code 38.040. [See EHAC]

Education Code 38.351(e), (g), (g-1), (h); 19 TAC 153.1013

Staff Development Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

Child Abuse, Trafficking, and Maltreatment

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

Education Code 38.0041(c)-(f); 19 TAC 61.1051(d)

Trauma-Informed Care

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] *Education Code 38.036(c)*

Mental Health

A district shall require each district employee who regularly interacts with students enrolled at the district to complete an evidence-

based mental health training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety.

A district may not require a district employee who has previously completed mental health training offered by a local mental health authority under Health and Safety Code 1001.203 to complete the required training.

Education Code 22.904

Student Discipline

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

Test Administration

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1), (b-2)*

Cybersecurity

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] *Gov't Code 2054.5191(a-1); Education Code 11.175(h-1)*

Special Programs

A district shall ensure that:

Teacher Literacy Achievement Academies (Reading Academies)

1. Not later than the 2022-23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and

2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022-23 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

Education Code 28.0062(a)(2)

[See EHAB for kindergarten-grade 3 reading standards.]

Gifted and Talented Education

A district shall ensure that:

1. Prior to assignment in the program or within one semester of assignment, teachers who provide instruction and services that are a part of the program for gifted/talented students [see EHBB] have a minimum of 30 hours of professional learning that includes nature and needs of gifted/talented students, assessing student needs, and curriculum and instruction for gifted/talented students;

2. Teachers who provide instruction and services that are a part of the program for gifted/talented students receive a minimum of six hours annually of professional learning in gifted/talented education; and

3. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning that includes nature and needs of gifted/talented students and program options with an update after legislative sessions.

19 TAC 89.2

Elective Bible Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the com-

missioner's training under Education Code 21.459. *Education Code 28.011(f)*

Texas English Language Proficiency Assessment System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. *Education Code 21.4571(b), (c)*

Automated External Defibrillators

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and
2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

Extracurricular Activity Safety

The following persons must satisfactorily complete an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and
2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;
2. Current training in:
    a. Emergency action planning;
    b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

3. A safety drill that incorporates the training and simulates various injuries described above.

Education Code 33.202(b), (c); 19 TAC 76.1003

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

Steroids

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or

2. A comparable program developed by the district or a private entity with relevant expertise.

Education Code 33.091(c-1)

Concussions

At least once every two years, the following employees shall take a training course from an authorized provider:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL that provides for not less than two hours of training in the subject matter of concussions, including evaluation, prevention, symptoms, risks, and long-term effects.

2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course concerning the subject matter of concussions that meets the requirements set by the Texas Department of Licensing and Regulation (TDLR).

3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by

the UIL for coaches or that meets the requirements set by TDLR for athletic trainers, or a course concerning the subject matter of concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

Seizure Recognition and Related First Aid

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regarding awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

Note: The Board has adopted an innovation plan[1] that affects application of provisions in this legally referenced policy.

Pledges of Allegiance

A board shall require students, once during each school day, to recite the pledges of allegiance to the United States and Texas flags.

On written request from a student's parent or guardian, a district shall excuse the student from reciting a pledge of allegiance.

[See FNA for more information regarding patriotic observances.]

Minute of Silence

A board shall provide for the observance of one minute of silence following the recitation of the pledges of allegiance. During the one-minute period, each student may reflect, pray, or meditate, or engage in any other silent activity that is not likely to interfere with or distract another student. Each teacher or other school employee in charge of the students during that period shall ensure that each student remains silent and does not act in a manner that is likely to interfere with or distract another student.

Education Code 25.082

Kindergarten Program

A public school kindergarten may be operated on a half-day or full-day basis as determined by the board. *Education Code 29.152*

Grant Programs

A district may use funds from grants administered by the commissioner to operate an existing half-day kindergarten on a full-day basis. *Education Code 29.155(a)*

Interruptions

A board shall adopt and strictly enforce a policy limiting interruptions of classes during the school day for nonacademic activities such as announcements and sales promotions. At a minimum, the policy must limit announcements other than emergency announcements to once during the school day.

Loss of Class Time

A board shall adopt and strictly enforce a policy limiting the removal of students from class for remedial tutoring or test preparation. A district may not remove a student from a regularly scheduled class for remedial tutoring or test preparation if, as a result of the removal, the student would miss more than 10 percent of the school days on which the class is offered, unless the student's parent or another person standing in parental relation to the student provides to the district written consent for removal from class for such purpose. [See EHBC for provisions on tutorial services.]

Education Code 25.083

[1] Innovation Plan: https://www.wacoisd.org

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)

Standards

The *School Library Programs: Standards and Guidelines for Texas* are adopted by the Texas State Library and Archives Commission. The standards and guidelines are applicable to local Texas school districts. *13 TAC 4.1*

A district shall consider the standards in developing, implementing, or expanding library services. *Education Code 33.021(b)*

Collection Development

A district shall adhere to the standards for school library collection development in developing or implementing the district's library collection development policies. *Education Code 33.021(c)*

Library Material Definitions

Obscene

"Obscene" means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes:
    a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
    b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

Penal Code 43.21(a)(1)

Patently Offensive

"Patently offensive" means so offensive on its face as to affront current community standards of decency. *Penal Code 43.21(a)(4)*

Harmful Material

"Harmful material" means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Library Collection Development Standards

A district must approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws materials.

A school library collection should include materials that are age appropriate and suitable to the campus and students it serves and include a range of materials. A school library collection should:

1. Enrich and support the Texas Essential Knowledge and Skills (TEKS) and curriculum established by Education Code 28.002 [see EHAA], while taking into consideration students' varied interests, maturity levels, abilities, and learning styles;
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards;
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis; and
4. Represent the ethnic, religious, and cultural groups of the state and their contribution to Texas, the nation, and the world.

13 TAC 4.2(a)-(b)

Responsibility

A district is responsible for ensuring its school libraries implement and adhere to these collection development standards. *13 TAC 4.2(j)*

A district should ensure a professional librarian certified by the State Board for Educator Certification or other dedicated professional library staff trained on proper collection development standards is responsible for the selection and acquisition of library materials. *13 TAC 4.2(f)*

Procedures

A district must develop collection assessment and evaluation procedures to periodically appraise the quality of library materials in the school library to ensure the library's goals, objectives, and information needs are serving its school community and should stipulate the means to weed or update the collection. *13 TAC 4.2(g)*

A district may add procedures to these minimum requirements to satisfy local needs so long as the added procedures do not conflict with these minimum requirements. *13 TAC 4.2(i)*

Policy Requirements

A school library collection development policy must:

1. Describe the purpose and collection development goals;
2. Designate the responsibility for collection development;
3. Establish procedures for the evaluation, selection, acquisition, reconsideration, and deselection of materials;
4. Consider the distinct age groups, grade levels, and possible access to materials by all students within a campus;
5. Include a process to determine and administer student access to material rated by library material vendors as "sexually relevant" as defined by Education Code 35.001 consistent with any policies adopted by the Texas Education Agency (TEA) and local school board requirements; *[This regulation is inoperable; see Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024).]*
6. Include an access plan that, at a minimum, allows efficient parental access to the district's library and online library catalog; and
7. Comply with all applicable local, state, and federal laws and regulations. Specifically, a collection development policy must:
    a. Recognize that parents are the primary decision makers regarding their student's access to library material;
    b. Prohibit the possession, acquisition, and purchase of harmful material, as defined by Penal Code 43.24, library material rated sexually explicit material by the selling library material vendor under Education Code 35.002 *[inoperable; see Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024)]*, or library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982);

c. Recognize that obscene content is not protected by the First Amendment to the United States Constitution;

d. Be required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;

e. Ensure schools provide library catalog transparency, including, but not limited to:

(1) Online catalogs that are publicly available; and

(2) Information about titles and how and where material can be accessed;

f. Recommend schools communicate effectively with parents regarding collection development, including, but not limited to:

(1) Access to district/campus policies relating to school libraries;

(2) Consistent access to library resources; and

(3) Opportunities for students, parents, educators, and community members to provide feedback on library materials and services; and

g. Prohibit the removal of material based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material.

Evaluation of Materials

Evaluation of materials as referenced in this provision includes a consideration of the factors described at 13 Administrative Code 4.2(b), consideration of local priorities and district standards, and at least two of the following:

1. Consideration of recommendations from parents, guardians, and local community members;

2. Consultation with the district's educators and library staff and/or consultation with library staff of similarly situated districts and their collections and collection development policies;

3. An extensive review of the text of item;

4. The context of a work, including consideration of the contextual characteristics, overall fit within existing school library collection, and potential support of the school curriculum; or

5. Consideration of authoritative reviews of the items from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.

Policy Review

A district's collection development policy should be reviewed at least every three years and updated as necessary.

13 TAC 4.2(c)-(d), (h)

Reconsideration of Library Material

A reconsideration process as referenced in this provision should ensure that any parent or legal guardian of a student currently enrolled in the district or employee of the district may request the reconsideration of a specific item in their school district's library catalog.

A reconsideration process should:

1. Establish a uniform procedure an individual must follow when filing a request;

2. Require a district to include a form to request a reconsideration of an item on the school's public internet website if the school has a public internet website or ensure the form is publicly available at a district administrative office;

3. Require that the completed request for reconsideration form be distributed to the superintendent or superintendent designee, school librarian, and the board at the time of submission;

4. Include a reasonable timeframe, approved by the board, for the review and final decision by a committee charged with the review of the item in its entirety. A district should convene a review committee in accordance with criteria established by the district to ensure a thorough and fair process. A reasonable timeframe should take into account:

    a. The time necessary to convene a committee to meet and review the item;

    b. Flexibility that may be necessary depending on the number of pending reconsideration requests; and

    c. Other factors relevant to a fair and consistent process, including informing the requester on the progress of the review in a timely fashion;

5. Establish a uniform process approved by the board for the treatment of any library material undergoing reconsideration;

6. Include a review and appeal process approved by the board; and

7. Provide that if an item has gone through the reconsideration process and remains in the collection, a district may not be required to reconsider an item within two calendar years of the final decision.

13 TAC 4.2(e)

Liability

A district or a teacher, librarian, or other staff member employed by a district is not liable for any claim or damage resulting from a library material vendor's violation of Education Code Chapter 35. *Education Code 35.004*

Joint Facilities

A district may enter into contracts with a county or municipality in which the district is located to provide joint library facilities. The board and the commissioner's court of the county or governing body of the municipality must conduct public hearings before entering into such a contract. The hearings may be held jointly. *Education Code 33.022*

Purpose

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

A primary purpose of the public school curriculum is to prepare thoughtful, informed citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the fundamental democratic principles of our state and national heritage.

A district shall require the teaching of informed American patriotism, Texas history, and the free enterprise system in the adoption of instructional materials for kindergarten through grade 12, including the founding documents of the United States. In providing instruction required by the State Board of Education (SBOE) under Education Code 28.002(h-1), regarding the founding documents of the United States, a district shall use those documents as part of the instructional materials for the instruction.

Education Code 28.002(h), (h-6)

Required Curriculum

Foundation Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
    a. Physical health, including the importance of proper nutrition and exercise;
    b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
    c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
3. Physical education;
4. Fine arts;
5. Career and technical education;
6. Technology applications;
7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The SBOE by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character Traits

Districts are required to provide instruction in the essential knowledge and skills for positive character traits and personal skills at least once in the following grade bands: kindergarten-grade 2, grades 3-5, grades 6-8, and grades 9-12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.3(a), .5(a), .7(a), .9(a)

Local Credit

A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*

Local Instructional Plan

A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and SBOE rule.

Major Curriculum Initiatives

Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that:

1. Includes teacher input;
2. Provides district employees with the opportunity to express opinions regarding the initiative; and
3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative.

Education Code 28.002(g)

Common Core State Standards

A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*

Scope and Sequence and Instructional Materials

In adopting a recommended or designated scope and sequence or instructional materials for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*

Coordinated Health Programs

The Texas Education Agency (TEA) shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to:

1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and Type 2 diabetes and programs designed to promote the role of proper nutrition;
2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and

3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted — not limited in activities.
2. Restricted — excludes the more vigorous activities. Restricted classification is of two types:
    a. Permanent — A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
    b. Temporary — Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial — specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

School Health Advisory Council

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements.]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
    a. Health education in kindergarten through grade 8; and
    b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
    a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
    b. Physical education and physical activity;
    c. Nutrition services;
    d. Parental involvement;
    e. Instruction on substance abuse prevention;
    f. School health services, including mental health services;
    g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
    h. A safe and healthy school environment; and
    i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];

c. A safe and healthy school environment; and

d. School employee wellness;

5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;

6. Strategies to increase parental awareness regarding:

a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

7. Appropriate grade levels and curriculum for instruction regarding the dangers of opioids, including instruction on:

a. Opioid addiction and abuse, including addiction to and abuse of synthetic opioids such as fentanyl; and

b. Methods for administering an opioid antagonist; and

8. Appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, including likely warning signs that a child may be at risk for sex trafficking, provided that the local SHAC's recommendations under this provision do not conflict with the essential knowledge and skills developed by the SBOE.

Education Code 28.004(c), (n)

Policy Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concern-

ing the importance of daily recess for elementary school students. *Education Code 28.004(l)*

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

Complaints

A parent may use the grievance procedure at FNG concerning a complaint of a violation of Education Code 28.004. *Education Code 28.004(i-1)*

Human Sexuality Instruction

Definitions

"Human sexuality instruction," "instruction in human sexuality," and "instruction relating to human sexuality" include instruction in reproductive health.

"Curriculum materials" includes the curriculum, teacher training materials, and any other materials used in providing instruction.

Education Code 28.004(p)

Board Selection

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;
2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A statement informing the parent of the human sexuality instruction requirements under state law;
2. A detailed description of the content of the district's human sexuality instruction and a general schedule on which the instruction will be provided;
3. A statement of the parent's right to:
    a. At the parent's discretion, review or purchase a copy of curriculum materials as provided by Education Code 28.004(j) [see EFA];
    b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and
    c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;
4. A statement that any curriculum materials in the public domain used for the district's human sexuality instruction must be posted on the district's internet website, if the district has an internet website, and the internet website address at which the curriculum materials are located; and
5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

Education Code 28.004(i)

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX.]

Adoption of Instructional Materials

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's human sexuality instruction. The policy must require:

1. The board to adopt a resolution convening the local SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The local SHAC to:
    a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and
    b. Provide the adopted recommendations to the board at a public meeting of the board; and
3. The board, after receipt of the local SHAC's recommendations under item 2, above, to take action on the adoption of the recommendations by a record vote at a public meeting.

Before adopting curriculum materials for the district's human sexuality instruction, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;
2. Suitable for the subject and grade level for which the curriculum materials are intended; and
3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

Education Code 28.004(e)-(e-1), (e-3)

Abuse Prevention Instruction

Any course materials relating to the prevention of child abuse, family violence, dating violence, and sex trafficking shall be selected by the board with the advice of the local SHAC.

Adoption of Instructional Materials

The board shall adopt a policy establishing a process for the adoption of curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking. The policy must require:

1. The board to adopt a resolution convening the SHAC for the purpose of making recommendations regarding the curriculum materials;
2. The SHAC to:

a. After the board's adoption of the resolution, hold at least two public meetings [see BDF] on the curriculum materials before adopting recommendations; and

b. Provide the adopted recommendations to the board at a public meeting of the board; and

3. The board, after receipt of the SHAC's recommendations, to take action on the adoption of the recommendations by a record vote at a public meeting.

Board Selection

Before adopting curriculum materials for the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the board shall ensure that the curriculum materials are:

1. Based on the advice of the local SHAC;

2. Suitable for the subject and grade level for which the curriculum materials are intended; and

3. Reviewed by academic experts in the subject and grade level for which the curriculum materials are intended.

The board shall determine the specific content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including the essential knowledge and skills addressing these topics developed by the SBOE.

Education Code 28.004(q)-(q-1), (q-3)-(q-4)

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking to district students. If instruction will be provided. The notice must include:

1. A statement informing the parent of the requirements under state law regarding instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;

2. A detailed description of the content of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking;

3. A statement of the parent's right to:

a. At the parent's discretion, review or purchase a copy of curriculum materials [see below at Availability of Instructional Materials];

b. Remove the student from any part of the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

c. Use the grievance procedure at FNG or the appeals process under Education Code 7.057 concerning a complaint of a violation of Education Code 28.004;

4. A statement that any curriculum materials in the public domain used for the district's instruction regarding the prevention of child abuse, family violence, dating violence, and sex trafficking must be posted on the district's internet website address at which the curriculum materials are located; and

5. Information describing the opportunities for parental involvement in the development of the curriculum to be used in instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, including information regarding the local SHAC.

Parent Consent Before Instruction

Before a student may be provided with instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, a district must obtain the written consent of the student's parent. A request for written consent:

1. May not be included with any other notification or request for written consent provided to the parent, other than the notice described above; and

2. Must be provided to the parent not later than the 14th day before the date on which the instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking begins.

Education Code 28.004(q-5)-(q-6)

Availability of Materials for Human Sexuality Instruction and Abuse Prevention Instruction

Curriculum materials proposed to be adopted for the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking must be made available as provided below, except copyrighted materials must be provided as described by items (2)(a) or (2)(c), as applicable.

A district shall make all curriculum materials used in human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking available by:

1. For curriculum materials in the public domain:

    a. Providing a copy of the curriculum materials by mail or email to a parent of a student enrolled in the district on the parent's request; and

    b. Posting the curriculum materials on the district's internet website, if the district has an internet website; and

2. For copyrighted curriculum materials, allowing a parent of a student enrolled in the district to:

    a. Review the curriculum materials at the student's campus at any time during regular business hours;

    b. Purchase a copy of the curriculum materials from the publisher as provided by the district's purchase agreement for the curriculum materials; or

    c. Review the curriculum materials online through a secure electronic account in a manner that prevents the curriculum materials from being copied and that otherwise complies with copyright law.

For purchase agreements entered into, amended, or renewed on or after September 1, 2021, if a district purchases from a publisher copyrighted curriculum materials for use in the district's human sexuality instruction, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

If a district purchases from a publisher copyrighted curriculum materials for use in the district's instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, the district shall ensure that the purchase agreement provides for a means by which a parent of a student enrolled in the district may purchase a copy of the curriculum materials from the publisher at a price that does not exceed the price per unit paid by the district for the curriculum materials.

Education Code 28.004(e-2), (j)-(j-2), (q-2)

Character Education

A district must adopt a character education program that includes the following positive character education traits and personal skills:

1. Courage;

2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;

3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, self-management skills, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, charity, and interpersonal skills;
8. Good citizenship, including patriotism, concern for the common good and the community, responsible decision-making skills, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Courses in the foundation and enrichment curriculum in grades 6-12 must be provided in a manner that allows all grade promotion and high school graduation requirements to be met in a timely manner. A district is not required to offer a specific course in the foundation and enrichment curriculum except as specified in 19 Administrative Code 74.3. *19 TAC 74.3(c)*

Grades 6-8

A district that offers grades 6-8 must provide instruction in the required curriculum as specified in 19 Administrative Code 74.1, relating to essential knowledge and skills. A district must ensure that sufficient time is provided for teachers to teach and for students to learn English language arts, mathematics, science, social studies, at least one of the four disciplines in fine arts (art, dance, music, theatre), health, physical education, technology applications, and to the extent possible, languages other than English. The school district may provide instruction in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade level standards. *19 TAC 74.3(a)(1)*

Physical Activity Requirements

A district shall require students in grades 6-8 to participate in moderate or vigorous daily physical activity for at least 30 minutes for at least four semesters during those grade levels as part of the district's physical education curriculum.

A district may as an alternative require a student enrolled in a grade level for which the district uses block scheduling to participate in moderate or vigorous physical activity for at least 225 minutes during each period of two school weeks.

Exemptions

A district must provide an exemption for:

1. A student who is unable to participate in the required physical activity because of illness or disability; and
2. A student who participates in an extracurricular activity with a moderate or vigorous physical activity component that is considered a structured activity and meets the requirements for extracurricular activity as defined at 19 Administrative Code 76.1001.

A district may allow an exemption for a student on a middle or junior high school campus participating in a school-related activity or an activity sponsored by a private league or club only if that activity meets each of the following requirements:

1. The activity must be structured;
2. The board must certify the activity; and

3. The student must provide proof of participation in the activity.

A "structured activity" is an activity that meets, at a minimum, each of the following requirements:

1. The activity is based on the grade appropriate movement, physical activity and health, and social development strands of the essential knowledge and skills for physical education specified in 19 Administrative Code Chapter 116; and

2. The activity is organized and monitored by school personnel or by appropriately trained instructors who are part of a program that has been certified by the board.

Education Code 28.002(l)-(l-1); 19 TAC 103.1003

Fine Arts Requirement

The school district must ensure that, beginning with students who enter grade 6 in the 2010-11 school year, each student completes one Texas Essential Knowledge and Skills-based fine arts course in grade 6, grade 7, or grade 8. *Education Code 28.002(c-1); 19 TAC 74.3(a)(2)*

A district shall offer and maintain evidence that students have the opportunity to take courses in at least three of the four disciplines in fine arts. The requirement to offer three of the four disciplines in fine arts may be reduced to two by the commissioner of education upon application of a school district with a total middle school enrollment of less than 250 students. *19 TAC 74.3(a)(3)*

Instruction in High School, College, and Career Preparation

Each district shall provide instruction to students in grade 7 or 8 in preparing for high school, college, and a career. The instruction must include information regarding:

1. The creation of a high school personal graduation plan under Education Code 28.02121;

2. The distinguished level of achievement described by Education Code 28.025(b-15);

3. Each endorsement described by Education Code 28.025(c-1);

4. College readiness standards; and

5. Potential career choices and the education needed to enter those careers.

A district may provide the instruction as part of an existing course in the required curriculum; provide the instruction as part of an existing career and technology course designated by the State Board

of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

Middle School Advanced Math Program

A district shall develop a middle school advanced mathematics program for students in grades 6-8 to enable students to enroll in Algebra I in grade 8.

Required Local Measure

A district shall identify a local measure for use in determining student eligibility for automatic enrollment in a middle school advanced mathematics program.

Automatic Enrollment

A district shall automatically enroll in a middle school advanced mathematics program each grade 6 student whose performance was either:

1. In the 60th percentile or higher on statewide scores for the grade 5 mathematics state assessment instrument; or
2. In the top 40 percent on a local measure that includes the student's grade 5 class ranking or a demonstrated proficiency in the student's grade 5 mathematics coursework.

No Results

A local measure shall be used to determine enrollment of grade 6 students for whom there are no results on the state grade 5 mathematics assessment.

Public Notice

A district shall make public the criteria for automatic enrollment in a middle school advanced mathematics program, including any criteria for a local measure, before the start of each school year.

Parent Notice

A district shall provide a written notice to the parent or guardian of each student entering grade 6 who will be automatically enrolled in a middle school advanced mathematics program. The written notification shall be provided no later than 14 days before the first day of instruction for the school year. The required notice shall include a description of:

1. The purpose of the program;
2. The middle school advanced mathematics program offered by the district, including an overview of the content addressed at each grade level;
3. Resources offered to support student success;
4. The right of the parent or guardian to opt their child out of the middle school advanced mathematics program; and
5. The process for a parent or guardian to opt their child out of the program and any associated deadlines.

Opt Out

The parent or guardian of a student who will be automatically enrolled in a middle school advanced mathematics program may opt the student out of automatic enrollment in an advanced mathematics program.

A district shall obtain written approval from the parent or guardian to remove a student from the middle school advanced mathematics program.

Annual Report

A district shall annually report to the Texas Education Agency (TEA) data related to student enrollment and performance in the middle school advanced mathematics program in a manner and time to be determined by TEA.

Other Process

These provisions do not prohibit a district from establishing a process to initially enroll grade 7 or 8 students in a middle school advanced mathematics program.

19 TAC 74.2101; Education Code 28.029

High School Courses at Earlier Grades

A district may offer courses designated for grades 9-12 in earlier grade levels. *19 TAC 74.26(b)*

Grades 9-12 Course Offerings

A district that offers grades 9-12 shall provide instruction in the required curriculum as specified in 19 Administrative Code 74.1. A district shall ensure that sufficient time is provided for teachers to teach and for students to learn the subjects in the required curriculum. *19 TAC 74.3(b)(1)*

A district shall offer the courses listed below in grades 9-12 and shall maintain evidence that students have the opportunity to take these courses:

1. English language arts — English I, II, III, IV, and at least one additional advanced English course.
2. Mathematics — Algebra I, Algebra II, Geometry, Precalculus, and Mathematical Models with Applications.
3. Science — Integrated Physics and Chemistry, Biology, Chemistry, Physics, and at least two additional science courses selected from Aquatic Science, Astronomy, Earth and Space Science, Environmental Systems, Advanced Animal Science, Advanced Biotechnology, Advanced Plant and Soil Science, Anatomy and Physiology, Engineering Design and Problem Solving, Food Science, Forensic Science, Medical Microbiology, Pathophysiology, Scientific Research and Design, and Principles of Engineering.
    a. The requirement to offer two additional courses may be reduced to one by the commissioner upon application of

a district with a total high school enrollment of less than 500 students.

b. Science courses shall include at least 40 percent hands-on laboratory investigations and field work using appropriate scientific inquiry.

4. Social studies — United States History Studies Since 1877, World History Studies, United States Government, World Geography Studies, Personal Financial Literacy, Economics with Emphasis on the Free Enterprise System and Its Benefits, and Personal Financial Literacy and Economics. The requirement to offer both Economics with Emphasis on the Free Enterprise System and Its Benefits and Personal Financial Literacy and Economics may be reduced to one by the commissioner upon application of a district with a total high school enrollment of less than 500 students.

5. Physical education — at least two courses selected from:

   a. Lifetime Fitness and Wellness Pursuits;

   b. Lifetime Recreation and Outdoor Pursuits; or

   c. Skill-Based Lifetime Activities.

6. Fine arts — courses selected from at least two of the four fine arts areas (art, music, theatre, and dance) as follows:

   a. Art I, II, III, IV;

   b. Music I, II, III, IV;

   c. Theatre I, II, III, IV; or

   d. Dance I, II, III, IV.

7. Career and technical education [see EEL] — three or more career and technical education courses for four or more credits with at least one advanced course aligned with a specified number of Texas Education Agency (TEA)-designated programs of study determined by enrollment as follows:

   a. One program of study for a district with fewer than 500 students enrolled in high school;

   b. Two programs of study for a district with 501-1,000 students enrolled in high school;

   c. Three programs of study for a district with 1,001-2,000 students enrolled in high school;

d. Four programs of study for a district with 1,001-5,000 students enrolled in high school;

e. Five programs of study for a district with 5,001-10,000 students enrolled in high school; and

f. Six programs of study for a district with more than 10,000 students enrolled in high school.

8. Languages other than English — Levels I, II, and III or higher of the same language.

9. Computer science — one course selected from Fundamentals of Computer Science, Computer Science I, or Advanced Placement (AP) Computer Science Principles.

10. Speech — Communication Applications.

19 TAC 74.3(b)(2)

A district must provide each student the opportunity each year to select courses in which he or she intends to participate from a list that includes all courses listed above. If a district will not offer all required courses every year, but intends to offer particular courses only every other year, it must notify all enrolled students of that fact.

A district shall teach any course a student is specifically required to take for high school graduation at least once in any two consecutive school years. For a subject that has an end-of-course assessment, a district shall either teach the course every year or use alternate delivery systems, as described in 19 Administrative Code Chapter 74, Subchapter C, to enable students to earn credit for the course and shall maintain evidence thereof.

19 TAC 74.3(b)(4)

A district may offer additional courses from the complete list of courses approved by the SBOE to satisfy graduation requirements. *19 TAC 74.3(b)(3)*

A district may allow a student to enroll concurrently in Algebra I and geometry. *Education Code 28.025(b-6)*

Personal Financial Literacy

Each district shall provide an elective course in personal financial literacy that meets the requirements for a one-half elective credit, using materials approved by the SBOE. The instruction in personal financial literacy must include instruction on completing the application for federal student aid provided by the Department of Education. In fulfilling the requirement to provide financial literacy instruction, a district may use an existing state, federal, private, or

	nonprofit program that provides students without charge the described instruction. *Education Code 28.0021(b)*
Applied Courses	A school district may offer the foundation curriculum in an applied manner. The courses delivered in an applied manner must cover the essential knowledge and skills, and the student shall be administered the applicable end-of-course assessment instrument. *Education Code 28.025(b-4)*
Research Writing Component	For students entering grade 9 beginning with the 2007-08 school year, districts must ensure that one or more courses offered in the required curriculum for the Recommended and Advanced/ Distinguished Achievement High School Programs include a research writing component. *19 TAC 74.3(b)(5)*
Parenting Awareness Program	A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.
High School	
Middle and Junior High School	A district may use the program in the district's middle or junior high school curriculum.
Program Requirements	Implementation of this requirement shall comply with the requirement that the board establish a local school health advisory council to assist the district in ensuring that local community values are reflected in the district's health education instruction. A district may add elements at its discretion but must include the following areas of instruction: 1. Parenting skills and responsibilities, including child support; 2. Relationship skills, including money management, communication, and marriage preparation; and 3. Skills relating to the prevention of family violence, only if the district's middle, junior high, or high schools do not have a family violence program. At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.
Local Programs and Materials	A district may develop or adopt research-based programs and curriculum materials for use in conjunction with the program developed by the SBOE. The programs and curriculum materials may provide instruction in: 1. Child development; 2. Parenting skills, including child abuse and neglect prevention; and

3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.

Parent Permission

A student under 14 years of age may not participate in the program without the permission of the student's parent or person standing in parental relation to the student.

Education Code 28.002(p); 19 TAC 74.35(a)

Alcohol Awareness Instruction

A district shall incorporate instruction in the dangers, causes, consequences, signs, symptoms, and treatment of binge drinking and alcohol poisoning into any course meeting a requirement for a health education credit.

A district shall choose an evidence-based alcohol awareness program to use in the district's middle school, junior high school, and high school health curriculum from a list of programs approved by the commissioner for this purpose.

"Evidence-based alcohol awareness program" means a program, practice, or strategy that has been proven to effectively prevent or delay alcohol use among students, as determined by evaluations that use valid and reliable measures and that are published in peer-reviewed journals.

Education Code 28.002(r); 19 TAC 74.35(b)

Fentanyl Abuse and Drug Poisoning Instruction

A district shall annually provide research-based instruction related to fentanyl abuse prevention and drug poisoning awareness to students in grades 6 through 12.

The instruction must include:

1. Suicide prevention;
2. Prevention of the abuse of and addiction to fentanyl;
3. Awareness of local school and community resources and any processes involved in accessing those resources; and
4. Health education that includes information about substance use and abuse, including youth substance use and abuse.

The required instruction may be provided by an entity or an employee or agent of an entity that is:

1. A public or private institution of higher education;
2. A library;
3. A community service organization;
4. A religious organization;

5. A local public health agency; or

6. An organization employing mental health professionals.

Education Code 38.040

CPR and AED Instruction

A district shall provide instruction to students in grades 7-12 in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation.

CPR instruction must include training in cardiopulmonary resuscitation techniques and the use of an AED that has been developed by the American Heart Association or the American Red Cross or using nationally recognized, evidence-based guidelines for emergency cardiovascular care and incorporating psychomotor skills to support the instruction.

A district may use emergency medical technicians, paramedics, police officers, firefighters, representatives of the American Heart Association or the American Red Cross, teachers, other school employees, or other similarly qualified individuals to provide instruction and training. Instruction is not required to result in CPR or AED certification. If instruction is intended to result in certification, the course instructor must be authorized to provide the instruction by the American Heart Association, the American Red Cross, or a similar nationally recognized association. If the instruction is not intended to result in certification, an instructor of this training is not required to be certified in CPR.

Waivers for Students with Disabilities

A district may waive this requirement for a student who, due to a disability, is unable to complete the instruction. The determination regarding a student's ability to complete the CPR or AED requirements must be made by:

1. The student's admission, review, and dismissal (ARD) committee if the student receives special education services under Education Code Chapter 29, Subchapter A; or

2. The committee established for the student under Section 504, if the student does not receive special education services, but is covered by Section 504.

Applicability

The requirement to receive instruction in CPR applies to any student who entered grade 7 in the 2010-11 school year and thereafter. The requirement to receive instruction in the use of an AED

applies to any student who entered grade 7 in the 2024-25 school year and thereafter.

Education Code 28.0023(c)-(e), (g); 19 TAC 74.38

Donations

A district may accept from TEA donations the agency receives under Education Code 7.026 for use in providing instruction to students in the principles and techniques of CPR and the use of an AED. A district may accept other donations, including donations of equipment, for use in providing CPR instruction and the use of an AED. *Education Code 29.903*

Proper Interaction with a Peace Officer

For any student entering grade 9 in the 2018-19 school year and thereafter, a district shall provide instruction in one or more courses to students in grades 9-12 on proper interaction with peace officers during traffic stops and other in-person encounters. The required instruction may be provided as part of any course or courses and must be provided to each student at least once before graduation from high school.

The instruction must include all the information required by 19 Administrative Code 74.39(b). A district shall use materials developed through a memorandum of understanding among the Texas Commission on Law Enforcement, the SBOE, and TEA. A district may tailor the instruction developed under this section as appropriate for the district's community. In tailoring the instruction, the district shall solicit input from local law enforcement agencies, driver training schools, and the community.

A district shall clearly indicate on the transcript or academic achievement record the year in which the instruction was provided to the student.

19 TAC 74.39; Education Code 28.012

Driving With Disability Program

For information regarding the required notice for students who are receiving special education services or who are covered by Section 504, see EHBAD.

Parental Notice of Assistance for Learning Difficulties

Each school year, a district shall notify a parent of each child, other than a child enrolled in a special education program under Education Code Chapter 29, Subchapter A, who receives assistance from the district for learning difficulties, including through the use of intervention strategies, that the district provides that assistance to the child. The notice must:

1. Be provided when the child begins to receive the assistance for that school year;

2. Be written in English or, to the extent practicable, the parent's native language; and

3. Include:

    a. A reasonable description of the assistance that may be provided to the child, including any intervention strategies that may be used;

    b. Information collected regarding any intervention in the base tier of a multi-tiered system of supports that has previously been used with the child;

    c. An estimate of the duration for which the assistance, including through the use of intervention strategies, will be provided;

    d. The estimated time frames within which a report on the child's progress with the assistance, including any intervention strategies used, will be provided to the parent; and

    e. A copy of the explanation provided under Education Code 26.0081(c) of the options and requirements for students who have learning difficulties or who need or may need special education. [See FB]

This required notice may be provided to a child's parent at a meeting of the team established for the child under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), if applicable.

Education Code 26.0081(d)-(e)

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies. *Education Code 26.004(a)*

Dyslexia and Related Disorders

Definitions

"Dyslexia" means a disorder of constitutional origin manifested by a difficulty in learning to read, write, or spell, despite conventional instruction, adequate intelligence, and sociocultural opportunity.

"Related disorders" includes disorders similar to or related to dyslexia, such as developmental auditory imperception, dysphasia, specific developmental dyslexia, developmental dysgraphia, and developmental spelling disability.

Education Code 38.003(d)

"Screening a student for dyslexia or a related disorder" means the administration of a universal screening instrument required for students in kindergarten and grade 1.

"Testing a student for dyslexia or a related disorder" means a comprehensive evaluation as required under the Individuals with Disabilities Education Act (IDEA) [see EHBAA], and includes evaluation components as stated in the *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*,[1] for the identification of dyslexia or a related disorder.

"Treatment for a student identified with dyslexia or a related disorder" means any instructional accommodations through an accommodation plan under Section 504 or instructional accommodations, modifications, and/or the provision of dyslexia instruction in accordance with a student's individualized education program (IEP).

"Direct dyslexia instruction, or dyslexia instruction" means evidence-based dyslexia instruction that includes the required components of dyslexia instruction and instructional delivery methods as outlined in the *Dyslexia Handbook* and as described by a student's IEP.

"Provider of dyslexia instruction (PDI)" means a provider who meets the requirements of Education Code 29.0032, see below.

19 TAC 74.28(a)

IDEA Requirements

Dyslexia is an example of and meets the definition of a specific learning disability under the IDEA [see EHBAA]. If a district suspects or has a reason to suspect that a student may have dyslexia, including after evaluation or use of a reading diagnosis under Education Codes 28.006 [see EKC] or 38.003 [see below], and that the student may be a child with a disability under IDEA, the district must:

1. Provide to the student's parent or a person standing in parental relation to the student a form developed by the Texas Education Agency (TEA) explaining the rights available

under the IDEA that may be additional to the rights available under Section 504 [see FB];

2. Comply with all federal and state requirements, including the *Dyslexia Handbook*, as adopted by the State Board of Education (SBOE), and its subsequent amendments, regarding any evaluation of the student; and

3. If the student is evaluated for dyslexia or a related disorder, also evaluate the student in any other areas in which the district suspects the student may have a disability.

Education Code 29.0031(a)

Board Action Required

The board must adopt and implement a policy requiring the district to comply with 19 Administrative Code 74.28, inclusive of the *Dyslexia Handbook* and the provision of dyslexia instruction for students identified with dyslexia or a related disorder as determined by the student's admission, review, and dismissal (ARD) committee.

A district's policy must be implemented according to the *Dyslexia Handbook*.

19 TAC 74.28(b)-(c); Education Code 38.003(b)

Compliance Monitoring

Districts will be subject to monitoring for compliance with federal law and regulations in connection with 19 Administrative Code 74.28. Districts will be subject to auditing and monitoring for compliance with state dyslexia laws in accordance with administrative rules adopted by the commissioner of education as required by Education Code 38.003(c-1). *19 TAC 74.28(g)*

Special Education Evaluation

The multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services [see EHBAA] must include at least one member with specific knowledge regarding the reading process, dyslexia and related disorders, and dyslexia instruction. The member must:

1. Hold a licensed dyslexia therapist license under Occupations Code Chapter 403;

2. Hold the most advanced dyslexia-related certification issued by an association recognized by the SBOE, and identified in, or substantially similar to an association identified in, the program and rules adopted under Education Code 7.102 and 38.003; or

3. If a person qualified under item 1 or 2 is not available, meet the applicable training requirements adopted by the SBOE in the *Dyslexia Handbook*.

A member of a multidisciplinary evaluation team and any subsequent team convened to determine a student's eligibility for special education and related services must sign a document describing the member's participation in the evaluation of the student and any resulting individualized education program developed for the student.

Education Code 29.0031(b)-(c); 19 TAC 74.28(h)

Screening, Testing, and Identification

Students enrolling in public schools in Texas shall be screened or tested, as appropriate, for dyslexia and related disorders at appropriate times in accordance with a program approved by the SBOE. The program must include screening at the end of the school year of each student in kindergarten and each student in the first grade. *Education Code 38.003(a)*

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) the results of the screening for dyslexia and related disorders required for each student in kindergarten and each student in grade 1. *19 TAC 74.28(e)*

Parent Education

A district shall provide to parents of students enrolled in the district information on:

1. Characteristics of dyslexia and related disorders;
2. Evaluation and identification of dyslexia and related disorders;
3. Effective instructional strategies for teaching students with dyslexia and related disorders;
4. Qualifications of and contact information for PDIs at each campus or school;
5. Instructional accommodations and modifications;
6. The steps in the special education process, as described in the form developed by TEA explaining the rights available under the IDEA that may be additional to the rights available under Section 504; and
7. How to request a copy and access the electronic version of the *Dyslexia Handbook*.

19 TAC 74.28(f)

Instruction	A district must provide evidence-based dyslexia instruction by a PDI for students with dyslexia or a related disorder that includes the required instructional and delivery components found *Dyslexia Handbook*. *19 TAC 74.28(d)*
Progress Reports	At least once each grading period, and more often if provided for in a student's individualized education program, a district shall provide the parent of or person standing in parental relation to a student receiving dyslexia instruction with information regarding the student's progress as a result of the student receiving that instruction. *Education Code 29.0031(d)*
Providers of Dyslexia Instruction	A PDI to students with dyslexia and related disorders must be fully trained in the district's adopted instructional materials for students with dyslexia and is not required to hold a certificate or permit in special education issued under Education Code Chapter 21, Subchapter B unless the provider is employed in a special education position that requires the certification. The completion of a literacy achievement academy under Education Code 21.4552 by an educator who participates in the evaluation or instruction of students with dyslexia and related disorders does not satisfy the requirements of this provision. *Education Code 29.0032*
Reassessment	Unless otherwise provided by law, a student determined to have dyslexia during screening or testing or accommodated because of dyslexia may not be rescreened or retested for dyslexia for the purpose of reassessing the student's need for accommodations until the district reevaluates the information obtained from previous screening or testing of the student. *Education Code 38.003(b-1)*
Audiobook Program Notification	A district shall notify the parent or guardian of each student determined, on the basis of a dyslexia or related disorder screening or other basis, to have dyslexia or a related disorder, or determined, on the basis of reading instrument results, to be at risk for dyslexia or other reading difficulties of the program maintained by the Texas State Library and Archives Commission providing students with reading disabilities the ability to borrow audiobooks free of charge. The notification shall be done in accordance with the program developed by the commissioner. *Education Code 28.006(g-2)*

[1] *Dyslexia Handbook: Procedures Concerning Dyslexia and Related Disorders*: https://tea.texas.gov/academics/special-student-populations/dyslexia-and-related-disorders

Dyslexia and Related Disorders

The District shall comply with all applicable state rules regarding students with dyslexia and related disorders, including the "Dyslexia Handbook" and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student's admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

Nondiscrimination

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

Free Appropriate Public Education (FAPE)

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. Education Code 29.003(a)

"Free appropriate public education" (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by the Texas Education Agency (TEA);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student's individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

Least Restrictive Environment

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

Policies, Procedures, Programs, and Practices

A district must develop policies, procedures, programs, and practices that are consistent with the state's established policies, procedures, programs, and services to implement the Individuals with Disabilities Education Act (IDEA). *19 TAC 89.1075(b)*

Interventions and Sanctions

TEA has established a system of interventions and sanctions in accordance with IDEA; Education Code 29.010; Chapter 39; and Chapter 39A, that include, but are not limited to, the following:

1. Onsite review for failure to meet program or compliance requirements;
2. Required program or compliance audits, paid for by the district;
3. Required submission of corrective actions, including, but not limited to, compensatory services, paid for by the district;
4. Required technical assistance and support, paid for by the district;
5. Public release of program or compliance review or audit findings;
6. Special investigation and/or follow-up verification visits;
7. Required public hearing conducted by the local school board;
8. Assignment of a monitor, conservator, or management team, as these terms are defined in Education Code Chapter 39A [see AIC], paid for by the district;
9. Hearing before the commissioner of education or designee;
10. Placing specific conditions on grant funds, reduction in payment, required redirection of funds, or withholding of funds;
11. Lowering of the special education monitoring/compliance status and/or the accreditation rating of the district; and/or
12. Other authorized interventions and sanctions as determined by the commissioner.

19 TAC 89.1076

Instructional Arrangements and Settings

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following.

Mainstream

The mainstream instructional arrangement/setting is for providing special education and related services to a student in the general education classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student and/or the student's general education classroom teacher(s) necessary to enrich the general education classroom and enable student success. The student's

IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, educational aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her general education classroom teacher(s) regarding the student's progress in general education classes, staff development, and reduction of ratio of students to instructional staff. Monitoring student progress in and of itself is not a special education service; this cannot be listed as the only specially designed instruction documented in a student's IEP.

Homebound

The homebound instructional arrangement/setting, also referred to as home-based instruction, is for providing special education and related services to students who are served at home or hospital bedside.

Medical Reasons

Homebound instruction is used for a student whose admission, review, and dismissal (ARD) committee has received medical documentation from a physician licensed to practice in the United States that the student is expected to incur full-day absences from school for a minimum of four weeks for medical reasons, which could include psychological disorders, and the ARD committee has determined that this is the most appropriate placement for the student. The weeks do not have to be consecutive. For the ARD committee to approve this placement, the committee will review documentation related to anticipated periods of student confinement to the home, as well as whether the student is determined to be chronically ill or any other unique medical circumstances that would require this placement in order to provide FAPE to the student. Documentation by a physician does not guarantee the placement of a student in this instructional arrangement/setting, as the student's ARD committee shall determine whether the placement is necessary for the provision of FAPE, and, if so, will determine the amount of services to be provided to the student at home in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations.

Children Ages 3-5

Home-based instruction may be used for children ages three through five when determined appropriate by the child's ARD committee and as documented in the student's IEP. While this setting would generate the same weight as the homebound instructional

	arrangement/setting, the data on this setting may be collected differently than the medical homebound arrangement/setting.
Hospital Class	The hospital class instructional arrangement/setting is for providing special education and related services by school personnel in a hospital or other medical facility, or at a residential care and treatment facility not operated by the district. If a student residing in the facility is provided special education and related services at a district campus and the parent, including a surrogate parent, is a district resident, the student's instructional arrangement/setting would be assigned based on the services that are provided at the campus on the same basis as a resident student residing with his or her parents.
Speech Therapy	The speech therapy instructional arrangement/setting is for providing speech therapy services whether in a general education classroom or in a setting other than a general education classroom. When the only special education service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement. If a student's IEP indicates that a special education teacher is involved in the implementation of the student's IEP but there is no indication of how that teacher provides a special education service, the student is in the speech therapy instructional arrangement/setting. When a student receives speech therapy and a related service but no other special education service, the student is in the speech therapy instructional arrangement/setting.
Resource Room/Services	The resource room/services instructional arrangement/setting is for providing special education and related services to a student in a setting other than general education for less than 50 percent of the regular school day. For funding purposes, this will be differentiated between the provision of special education and related services to a student in a setting other than general education for less than 21 percent of the instructional day and special education and related services provided to a student in a setting other than general education for at least 21 percent of the instructional day but less than 50 percent of the instructional day.
Self-Contained (Mild, Moderate, or Severe) Regular Campus	The self-contained (mild, moderate, or severe) regular campus instructional arrangement/setting is for providing special education and related services to a student who is in a setting other than general education for 50 percent or more of the regular school day on a regular school campus. For funding purposes, mild/moderate will be considered at least 50 percent but no more than 60 percent of the student's instructional day, and severe will be considered more than 60 percent of the student's instructional day.

Off-Home Campus	The off-home campus instructional arrangement/setting is for providing special education and related services to the following: 1. A student at South Texas Independent School District or Windham School District; 2. A student who is one of a group of students from one or more districts served in a single location in another district when a FAPE is not available in the sending district; 3. A student in a community setting, facility, or environment operated by a district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives; 4. A student in a community setting or environment not operated by a district that prepares the student for postsecondary education/training, competitive integrated employment, and/or independent living in coordination with the student's individual transition goals, with regularly scheduled instruction or direct involvement provided by district personnel; 5. A student in a facility not operated by a district with instruction provided by district personnel; or 6. A student in a self-contained program at a separate campus operated by the district that provides only special education and related services.
Nonpublic Day School	The nonpublic day school instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education when the district is unable to provide FAPE for the student. This instructional arrangement/setting includes the providers listed in 19 Administrative Code 89.1094 [see Off-Camps Program, below].
Vocational Adjustment Class/Program	Although referred to as a class, the vocational adjustment class/program instructional arrangement/setting is a support program for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's transition plan, as documented in the student's IEP, and may include special education services received in career and technical education work-based learning programs.

Residential Care and Treatment Facility (Not District Resident)	The residential care and treatment facility (not district resident) instructional arrangement/setting refers to a facility at which a student with a disability currently resides, who was not placed at the facility by the student's ARD committee, and whose parent or guardian does not reside in the district providing educational services to the student. This instructional arrangement/setting is for providing special education and related services to a student on a district campus who resides in a residential care and treatment facility and whose parents do not reside within the boundaries of the district that is providing educational services to the student. If the instruction is provided at the facility, rather than on a district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement, or if the student resides at a state-supported living center, the instructional arrangement will be considered the state school arrangement/setting. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education.
State-Supported Living Center	The state-supported living center (referred to as state school in Education Code 48.102) instructional arrangement/setting is for providing special education and related services to a student who resides at a state-supported living center when the services are provided at the state-supported living center location. If services are provided on a local district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting. *19 TAC 89.1005(e)*
Other Program Options	While the above provision uses the names of the instructional arrangements/settings as they are described in Education Code 48.102, there may be additional instructional arrangement/setting codes that are created by TEA. Other program options that may be considered for the delivery of special education and related services to a student may include contracts with other districts and other programs approved by TEA. *19 TAC 89.1005(d), (h)*
Contracts for Services	A district that contracts for services from nonpublic day schools or residential placements must do so in accordance with 34 C.F.R. 300.147, and 19 Administrative Code 89.1092 and 89.1094. *19 TAC 89.1075(g)*
Instructional Day	Students with disabilities must have available an instructional day commensurate with that of students without disabilities. The ARD

committee must determine the appropriate instructional setting and length of day for each student, and these must be specified in the student's IEP. *19 TAC 89.1075(f)*

A student's ARD committee shall determine the student's instructional arrangement/setting based on the percentage of the student's instructional day that the student receives special education and related services in a setting other than general education. *19 TAC 89.1005(c)*

Related Services

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 C.F.R. 300.34

Extended School Year Services

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities. A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories of disability or unilaterally limit the type, amount, or duration of ESY services.

ESY shall be provided in accordance with 19 Administrative Code 89.1065.

34 C.F.R. 300.106(a); 19 TAC 89.1065(a)

Off-Campus Program An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

Program Provider An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157(a), for the provision of special education services in a facility other than a district campus operated by a district.

19 TAC 89.1094(a)(2)-(3)

Program Placement A district may contract with an off-campus program provider to provide some or all of the special education and related services to a student in accordance with the requirements in 19 Administrative Code 89.1094.

Before the district places a student with a disability in, or refers a student to, an off-campus program, the district shall initiate and conduct:

1. An onsite review to ensure that the off-campus program is appropriate for meeting the student's educational needs; and
2. A meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 C.F.R. 300.320-.325, state statutes, and commissioner of education rules in 19 Administrative Code Chapter 89 (Commissioner’s Rules Concerning Special Education Services).

The appropriateness of the off-campus program for each student placed shall be documented in the IEP annually. The student's ARD committee may only recommend an off-campus program placement for a student if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in the district. The district must follow the requirements of 19 Administrative Code 89.1094(b)(3)(A)-(C), regarding the review of the placement of the off-campus program for each student.

The placement of more than one student in the same off-campus program facility may be considered in the same on-site visit to a facility. However, the IEP of each student must be individually reviewed, and a determination of appropriateness of placement and services must be made for each student.

19 TAC 89.1094(b)

Notification and Review

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in an off-campus program, a district must electronically submit to TEA notice of, and information regarding, the placement in accordance with submission procedures specified by TEA.

If the off-campus program is on the commissioner's list of approved off-campus programs, TEA will review the student's IEP and placement as required by 34 C.F.R. 300.120, and, in the case of a placement in or referral to a private school or facility, 34 C.F.R. 300.146. After review, TEA will notify the district whether federal or state funds for the off-campus program placement are approved. If TEA does not approve the use of funds, it will notify the district of the basis for the non-approval.

If the off-campus program is not on the commissioner's list of approved off-campus programs, TEA will begin the approval procedures described below. Districts must ensure there is no delay in implementing a child's IEP in accordance with 34 C.F.R. 300.103(c).

If an off-campus program placement is ordered by a special education hearing officer or court of competent jurisdiction, the district must notify TEA of the order within 30 calendar days. The off-campus program serving the student is not required to go through the approval procedures described in 19 Administrative Code 89.1094 for the ordered placement. If, however, the district or other districts intend to place other students in the off-campus program, the off-campus program will be required to go through the approval procedures to be included on the commissioner's list of approved off-campus programs.

19 TAC 89.1094(c)

Approval

Off-campus programs must have their educational programs approved for contracting purposes by the commissioner in accordance with 19 Administrative Code 89.1094(d).

Funding Procedures

The cost of off-campus program placements will be funded according to Education Code 48.102 and 19 Administrative Code 89.1005(e).

Contracts	Contracts between districts and approved off-campus programs must not exceed a district's fiscal year and shall not begin prior to July 1 of the contracted fiscal year. Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change in placement or services within the school district's fiscal year. *19 TAC 89.1094(e)(1)-(2)*
Change of Residence	If a student who is placed in an off-campus program by a district changes his or her residence to another Texas district during the school year, the district must notify TEA within 10 calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. *19 TAC 89.1094(e)(3)*

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

Private School Students

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv) [See EHBAC regarding students in nondistrict placement.]

Preschool Students

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

Requests and Referrals for Evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Multi-tiered System

Referral of students for a full individual and initial evaluation (FIIE) must be a part of the district's multi-tiered system of academic and behavioral supports. Students not making progress in the general education classroom should be considered for all interventions and support services available to all students; such as tutorial, compensatory, response to evidence-based intervention, and other academic or behavior support services.

The district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted.

District Obligation to Refer

If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIIE.

A referral or request for an FIIE may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. While an FIIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs.

19 TAC 89.1011(a)

Prior Written Notice

Parent

If a parent submits a written request to a district's director of special education services or to a district administrative employee, such as a campus principal, for a FIIE of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA), and an opportunity to give written consent for the evaluation; or

2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the Overview of Special Education for Parents form created by TEA, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

District

When a district initiates the referral for an FIIE of a student, the district must provide the parent with the information and materials described at item 1 above.

19 TAC 89.1011(b)-(c); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation Required

A district shall conduct an FIIE before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

Consent for Initial Evaluation

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

Time Frame for Completion of Written Report

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a FIIE of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year but the student was absent three or more school days between the time that the school district received written consent and the last instructional day of the school year, the timeline in item 1 above applies to the date the written report of the FIIE must be completed.

If the district received the written consent for the evaluation from the student's parent less than 35 school days before the last day of the school year, the timeline in item 1, above, applies to the date the written report of the FIIE must be completed.

19 TAC 89.1011(d)-(e)

For purposes of the timelines under this provision, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year. *19 TAC 89.1011(i)-(j)*

These time frames do not apply if the parent repeatedly fails or refuses to produce the child for the evaluation. *34 C.F.R. 300.301(d)(1)*

Transfer Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. *34 C.F.R. 300.304(c)(5)*

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another district before the previous district completed the FIIE, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

2. The parent and the new school district agree to a specific time when the evaluation will be completed.

19 TAC 89.1011(f); Education Code 29.004; 20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e)

Student Communication

The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004(b)*

Psychological Examinations

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

Eligibility and Reevaluations

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;

2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and

3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code Subchapter A, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040(a)*

[For additional information on special education of students with dyslexia and related disorders, see EHB.]

Visual and Auditory Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Birth Through Age Two

Children from birth through the age of two with visual impairments (VI), who are deaf or hard of hearing (DHH), or who are deaf-blind (DB) must be enrolled at the parent's request by a district when the district becomes aware of a child needing services. The appropriate instructional arrangement [see EHBA] for students from birth through the age of two with VI, DHH, or DB shall be determined in accordance with the individualized family services plan, current attendance guidelines, and the agreement memorandum between TEA and Texas Health and Human Services Commission Early Childhood Intervention (ECI) Services. *19 TAC 89.1005(d)*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) [see EHBAB] committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.

Parent Copy

A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility, or not later than June 30 if the district received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year.

19 TAC 89.1011(g)-(h); Education Code 29.004(a-1)

[For additional information regarding the evaluation and identification process when dyslexia is a suspected disability, see EHB.]

Consent for Services

Initial Provision of Services

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

Revoking Consent

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and

2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). *19 TAC 89.1070(g)*

Independent Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

At Public Expense

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or

2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

At Private Expense

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

Prescription Medication

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

Observations

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

Table of Contents

Admission, Review, and Dismissal Committee 2
Committee Members 3
Meetings 6
Written Notice 7
Students New to a District 7
In-State Transfers 7
Transfers from Another State 7
Transfer During the Summer 7
Students Who Are Homeless or in Substitute Care 8
Military Dependents 9
Individualized Education Program 9
Content of the IEP 11
Supplemental Special Education Services 12
Behavioral Intervention Plan 13
Translation of IEP into Native Language 13
Written Copy 14
Dyslexia or a Related Disorder 14
Autism/Pervasive Developmental Disorder 14
Visual Impairment or Hard of Hearing 16
Collaborative Process 16
Modification of Existing IEP 18
Eligibility Folder 18
Teacher Access to IEP 18
Teacher Request to Review IEP 18

Admission, Review, and Dismissal Committee

A district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation [see EHBAA] is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the following:

1. 34 C.F.R. 300.320-300.325, and Education Code 29.005 (individualized education programs, below);
2. 34 C.F.R. 300.145-300.147 (relating to placement of eligible students in private schools by a school district [see EHBAC]);
3. 34 C.F.R. 300.132, 300.138, and 300.139 (relating to the development and implementation of service plans for eligible students placed by parents in private school who have been designated to receive special education and related services [see EHBAC]);
4. 34 C.F.R. 300.530 and 300.531, and Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);
5. 34 C.F.R. 300.302-300.306 (relating to evaluations, re-evaluations, and determination of eligibility [see EHBAA]);
6. 34 C.F.R. 300.114-300.117 (relating to least restrictive environment [see EHBA]);
7. Education Code 28.006 (reading diagnosis [see EKC]);
8. Education Code 28.0211 (satisfactory performance on assessments; accelerated instruction [see EHBCA]);
9. Education Code 28.0212 (junior high or middle school personal graduation plan [see EIF]);
10. Education Code 28.0213 (intensive program of instruction [see EHBC]);
11. Education Code Chapter 29, Subchapter I (programs for students who are deaf or hard of hearing [see EHBH]);
12. Education Code 30.002 (education for children with visual impairments [see EHBAA]);

13. Education Code 30.003 (support of students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf [see EHBAC]);

14. Education Code 33.081 (extracurricular activities [see FM]);

15. Education Code 37.004 (disciplinary placement of students with disabilities [see FOF]);

16. Education Code 37.307 (placement and review of a registered sex offender who is a student with a disability [see FOE]);

17. Education Code Chapter 39, Subchapter B (state assessment [see EKB]); and

18. Education Code 48.102 (special education funding).

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

Committee Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents, as defined by 34 C.F.R. 300.30, of a student with a disability;

2. At least one general education teacher of the student (if the student is, or may be, participating in the general education environment), who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;

3. At least one special education teacher or, if appropriate, at least one special education provider of the student;

4. A representative of the district who:

   a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;

   b. Is knowledgeable about the general education curriculum; and

   c. Is knowledgeable about the availability of resources of the district;

5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;

6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2-5;

7. The student, if appropriate;

8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;

10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;

11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

12. For a student who is suspected or identified with dyslexia, when determining initial or continued eligibility, a professional who meets the requirements of Education Code 29.0031(b), and 19 Administrative Code 74.28, including any handbook adopted in the rule. [See EHB]

13. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and

14. When considering initial or continued placement of a student in a career and technical education (CTE) program, a representative from CTE, preferably the teacher.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.156.

19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the

district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)(1)-(2);19 TAC 89.1050(c)(4)

Regular Education Teacher

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

Parent Participation

A district must take steps to ensure that one or both parents are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend; and
2. Scheduling the meeting at a mutually agreed on time and place.

Parent Notice

The district must provide the parents with written notice of the ARD committee meeting at least five school days before the meeting unless the parents agree to a shorter timeframe.

The notice must:

1. Indicate the purpose, time, and location of the meeting and who will be in attendance; and
2. Inform the parents of the provisions in 34 C.F.R. 300.321(a)(6) and (c) (relating to the participation of other individuals on the IEP team who have knowledge or special expertise about the child), and 300.321(f) (relating to the participation of the Part C service coordinator or other representatives of the Part C system at the initial IEP team meeting for a child previously served under Part C).
3. For a child with a disability beginning not later than the first IEP to be in effect when the child turns 16, or younger if determined appropriate by the IEP team:
    a. Indicate:
        (1) That a purpose of the meeting will be the consideration of the postsecondary goals and transition services for the child, in accordance with 34 C.F.R. 300.320(b); and
        (2) That the district will invite the student; and

b. Identify any other agency that will be invited to send a representative.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)-(b); 19 TAC 89.1050(d)

Alternative Means of Meeting Participation

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *19 TAC 89.1050(d); 20 U.S.C. 1414(f); 34 C.F.R. 300.322(c)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

Meeting at Parent's Request

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures above at Parent Participation and Parent Notice or within five school days, provide the parent with written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

A district must provide the parent with a written notice regarding the ARD committee meeting required above at Parent Participation and Parent Notice or notice explaining why the district refuses to

convene a meeting in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Students New to a District

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district , the new district must meet the requirements of 34 C.F.R. 300.323(e) by either adopting the student's IEP from the previous district or developing, adopting, and implementing a new IEP. The timeline for adopting the previous IEP or developing, adopting, and implementing a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, the new district must, if determined necessary, conduct a full individual and initial evaluation and make an eligibility determination and, if appropriate, develop, adopt, and implement a new IEP, within the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation) [see EHBAA]. If the district determines that an evaluation is not necessary, the timeline for the new district to develop, adopt, and implement a new IEP is 20 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1055(s)(1)-(2); 20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g)

Transfer During the Summer

The above provisions regarding transfer apply to students who register in a new district in the state during the summer when students are not in attendance for instructional purposes, based on whether the students are coming from an in-state or out-of-state district.

Records

In accordance with 34 C.F.R. 300.323(g), the new district must take reasonable steps to promptly obtain the student's records from the previous district, and the previous district must furnish the new district with a copy of the student's records, including the student's special education records, not later than the 10th working day after the date a request for the information is received by the previous district.

Verification

For the purposes of these provisions, "verify" means that the new district has received a copy of the student's IEP that was in effect

in the previous district. The first school day after the new district receives a copy of the student's IEP that was in effect in the previous district begins the timelines associated with 19 Administrative Code 89.1055(s)(1)-(2), above.

If a parent hasn't already provided verification of eligibility and the new district has been unable to obtain the necessary verification records from the previous district by the 15th working day after the date a request for the records was submitted by the new district to the previous district, the new district must seek verification from the student's parent. If the parent provides verification, the new district must comply with all these provisions. The new district is encouraged to ask the parent to provide verification of eligibility before the 15th working day after the date a request for the records was submitted by the new district to the previous district. If the parent is unwilling or unable to provide such verification, the new district must continue to take reasonable steps to obtain the student's records from the previous district and provide any services comparable to what the student received at the previous district if they communicate those to the new district.

Services Before Verification

While the new district waits for verification, the new school district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new district has been informed by the previous district of the student's special education and related services and placement.

Comparable Services

Once the new district receives verification that the student had an IEP in effect at the previous district, comparable services must be provided to a student during the timelines established under 19 Administrative Code 89.1055(s)(1)-(2), above.

Comparable services include provision of extended school year (ESY) services if those services are identified in the previous IEP or if the new district has reason to believe that the student would be eligible for ESY services.

19 TAC 89.1055(s)(3)-(8)

Students Who Are Homeless or in Substitute Care

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation is completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation).

When a student who is homeless or in substitute care is eligible for special education and transfers into a new district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;

8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;

9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of ESY services, identification of the goals and objectives that will be addressed during ESY services;

11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];

12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;

14. The date of the meeting;

15. The name, position, and signature of each member participating in the meeting; and

16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by the Texas Education Agency (TEA) under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Content of the IEP

Goals

To be considered a measurable annual goal under 34 C.F.R. 300.320(a)(2), a goal must include the components of a timeframe, condition, behavior, and criterion. While at least one measurable annual goal is required, the number of annual goals will be determined by the ARD committee after examination of the student's present levels of academic achievement and functional performance and areas of need.

Annual goals are also required in the following circumstances:

1. When the content of a subject/course is modified, whether the content is taught in a general or special education setting, in order to address how the content is modified; and
2. When a student is removed from the general education setting for a scheduled period of time but the content of the subject/course is not modified (e.g., a student who is progressing on enrolled grade level curriculum but requires a more restrictive environment for a period of time due to behavioral concerns).

Benchmarks

Short-term objectives/benchmarks, used as intermediary steps or milestones toward accomplishing an annual goal, may be included in a measurable annual goal. Short-term objectives/benchmarks:

1. Must be included in an annual goal if the ARD committee has determined that a student will not participate in the general state assessment; and
2. Regardless of whether the objectives/benchmarks are related to a student not participating in the general state assessment, cannot be used as the criterion to indicate mastery of the annual goal.

Assessments

The IEP must include a statement of any individual appropriate and allowable accommodations in the administration of state assessment instruments [see EKB], or districtwide assessments of student achievement (if the district administers such optional assessments) that are necessary to measure the academic achievement and functional performance of the student on the assessments.

If the ARD committee determines that the student will not participate in a general statewide or districtwide assessment of student achievement (or part of an assessment), the following requirements must be met.

1. The IEP must include a statement explaining:
    a. Why the student cannot participate in the general assessment; and

b. Why the particular alternate assessment selected is appropriate for the student, and

2. TEA's alternate assessment participation requirements form, if one is made available to districts, must be included in the student's IEP to document the statement required under this provision.

Extended School Year

If the ARD committee determines that the student is in need of ESY services, as described in 19 Administrative Code 89.1065 [see EHBA], then the IEP must identify which of the goals and objectives in the IEP will be addressed during ESY services.

19 TAC 89.1055(b)-(e)

Supplemental Special Education Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and

2. Instructions regarding accessing the account.

Education Code 29.048

A district shall notify families of their eligibility for the program and, unless the district has verified that a parent has already received or applied for a program grant, shall provide the following at the student's ARD committee meeting: instructions and resources on accessing the online accounts, including the application window established by TEA, and information about the types of goods and services that are available through the program grant.

A student's ARD committee may not consider a student's current or anticipated eligibility for any materials or services that may be provided under these provisions when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

19 TAC 102.1601(j)-(k)

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:
    a. The placement of the student in a different educational setting;
    b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;
    c. A pattern of unexcused absences; or
    d. An unauthorized, unsupervised departure from an educational setting; or
2. The safety of the student or others.

19 TAC 89.1055(j); Education Code 29.005(h)

Translation of IEP into Native Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral

translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Written Copy

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1055(r)

Dyslexia or a Related Disorder

For students identified with the specific learning disability of dyslexia or a related disorder eligible under 19 Administrative Code 89.1040(c)(9), the IEP must also be developed and implemented in accordance with the requirements under 19 Administrative Code 74.28 [see EHB]. *19 TAC 89.1055(i)*

Autism/Pervasive Developmental Disorder

For students with autism eligible under 19 Administrative Code 89.1040(c)(1) (relating to Eligibility Criteria), the strategies described in this provision must be considered, at least annually based on peer-reviewed, research-based educational programming practices to the extent practicable, and, when needed, addressed in the IEP:

1. Extended educational programming (for example: extended day and/or extended school year services that consider the duration of programs/settings based on data collected related to behavior, social skills, communication, academics, and self-help skills);

2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities (for example: lunch, snack, and recess periods that provide flexibility within routines; adapt to individual skill levels; and assist with schedule changes, such as changes involving substitute teachers and pep rallies);

3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social, behavioral, communication, and self-help skills (for example: strategies that facilitate maintenance and generalization of such skills from home to school, school to home, home to community, and school to community);

4. Positive behavior support strategies based on relevant information (for example: antecedent manipulation, replacement behaviors, reinforcement strategies, and data-based decisions; and a behavioral intervention plan developed from a functional behavioral assessment that uses current data related to target behaviors and addresses behavioral programming across home, school, and community-based settings and is implemented and reviewed);

5. Beginning at any age, futures planning for integrated learning and training, living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments, including self determination and self-advocacy skills;

6. Parent/family training and support, provided by qualified personnel with experience in autism, that, for example;

    a. Provides a family with skills necessary for a student to succeed in the home/community setting;

    b. Includes information regarding resources (for example: parent support groups, workshops, videos, conferences, and materials designed to increase parent knowledge of specific teaching/management techniques related to the student's curriculum); and

    c. Facilitates parental carryover of in-home training (for example: strategies for behavior management and developing structured home environments and/or communication training so that parents are active participants in promoting the continuity of interventions across all settings);

7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence as determined by, for example:

    a. Adaptive behavior evaluation results;

    b. Behavioral accommodation needs across settings; and

    c. Transitions within the school day;

8. Communication interventions, including language forms and functions that enhance effective communication across set-

tings (for example: augmentative, incidental, and naturalistic teaching);

9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings (e.g., peer-based instruction and intervention, video modeling, social narratives, and role playing);

10. Professional educator/staff support (for example: training provided to personnel who work with the student to assure the correct implementation of techniques and strategies described in the IEP); and

11. Teaching strategies based on peer-reviewed, research-based practices for students with autism (for example: those associated with discrete-trial training, visual supports, applied behavior analysis, structured learning, augmentative communication, or social skills training).

If the ARD committee determines that services are not needed in one or more of the areas in 1-11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(g)-(h)

Visual Impairment or Hard of Hearing

For students with visual impairments, from birth through 21 years of age, the IEP or individualized family services plan must also meet the requirements of Education Code 30.002(e). *19 TAC 89.1055(f)*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(c)*

For a student from birth through two years of age with a visual impairment or who is deaf or hard of hearing, an individualized family services plan meeting must be held in place of an ARD committee meeting in accordance with the memorandum of understanding between TEA and the Texas Health and Human Services Commission. For students three years of age and older, a district must develop an IEP. *19 TAC 89.1050(b)*

Collaborative Process

All members of the ARD committee must have the opportunity to participate in a collaborative manner in developing the IEP. The district must take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language

other than English. A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed 10 school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, the district must implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

The written statement of the IEP must document the decisions of the ARD committee with respect to issues discussed at each ARD committee meeting. The written statement must also include:

1. The date of the meeting;
2. The name, position, and signature of each member participating in the meeting; and

3. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee

19 TAC 89.1055(p)-(q)

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. *Education Code 29.005(c)*

Modification of Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)

Eligibility Folder

A district must maintain an eligibility folder for each student receiving special education and related services, in addition to the student's cumulative record. The eligibility folder must include, but will not be limited to, copies of referral data; documentation of notices and consents; evaluation reports and supporting data; ARD committee reports; and the student's IEPs and supporting data. *19 TAC 89.1075(a)*

Teacher Access to IEP

A district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, such as goals and objectives, and of needed accommodations, modifications, and supports for the student; and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(d)*

Teacher Request to Review IEP

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a general education classroom setting:

1. To request a review of the student's IEP;

2. To provide input in the development of the student's IEP;

3. That provides for a timely district response to the teacher's request; and

4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(e)

Private School — District Placed

Student Receives IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

Private School — Parent Placed

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE Rejected

Student Receives ISP

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but Not Provided

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at 34 C.F.R. 300.148(d). *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

Home School Students

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

Individualized Services Plan (ISP)

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

34 C.F.R. 300.137, .138

Dual Enrollment

Parents shall have the right to "dual enroll" an eligible student age three or four in both the public school and a private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district's kindergarten program, whichever comes first, subject to the following:

1. The student's ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

19 TAC 89.1096(c)

Responsible District

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

19 TAC 89.1096(c), (d)

Transportation

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

District Charter Schools

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

Residential Facilities

Identification of Students

A school must initiate Child Find outreach activities to locate, evaluate, and identify eligible students in any residential facility within its boundaries. If a student is eligible, a district must provide the required special education and related services to the student unless, after contacting the facility to offer those services to eligible students with disabilities, the facility can demonstrate that the services are provided by another educational program provider, such as a charter school, approved nonpublic school, or a facility operated private school. However, the district shall, at minimum, contact the facility at least twice per year to conduct Child Find activities and to offer services to eligible students with disabilities.

Residential facility refers to a facility defined by Education Code, 5.001(8), which includes any person, facility, or entity that provides 24-hour custody or care of a person residing in the facility for detention, treatment, foster care, or any noneducational purpose.

19 TAC 89.1001(c)

District Placements

Day Program

A district may contract with a nonpublic or nondistrict operated day program provider in accordance with the requirements in 19 Administrative Code 89.104.

Residential Placement

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. *Education Code 29.008(a); 19 TAC 89.1092(b)*

If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. *34 C.F.R. 300.104*

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

Notification

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in a nonpublic residential program, a district must electronically submit to the Texas Education Agency (TEA) notice of and information regarding the placement in accordance with submission procedures specified by TEA. *19 TAC 89.1092(c)*

School for the Blind and Visually Impaired and School for the Deaf

A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.

Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. The student's rights to admission and to appeal admission decisions.

Education Code 30.003(a), .004(a); 19 TAC 89.62

A student's ARD committee may place the student at the Texas School for the Blind and Visually Impaired (TSBVI) or the Texas School for the Deaf (TSD) in accordance with the provisions at 19 Administrative Code 89.1085 and .1090. *19 TAC 89.1085, .1090*

Adult Prisons

If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement, notwithstanding the LRE requirements, if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

1. Federal requirements pertaining to participation of students with disabilities in general assessments;

2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

20 U.S.C. 1414(d)(7)

Transition Services Defined

"Transition services" means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. 1401(34); 34 C.F.R. 300.43

Individual Transition Planning

14 Years of Age

Not later than the first individualized education program (IEP) to be in effect when a student turns 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. Appropriate involvement in the student's transition by the student's parents and other persons invited to participate by the student's parents or the district in which the student is enrolled;
3. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
4. An appropriate functional vocational evaluation;
5. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. 1396n(c)]; and
6. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student's independence and self-deter-

mination, including a supported decision-making agreement under Estates Code Chapter 1357.

Beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, the IEP must include:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals .

18 Years of Age

Beginning not later than the first IEP to be in effect when the student turns 18 years of age, the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:

1. Involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
   a. Is invited to participate by the student or the district in which the student is enrolled; or
   b. Has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code Chapter 1357; and
2. The availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives.

Annual Review

A student's ARD committee shall review at least annually the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings.]

19 TAC 89.1055(k)-(o); 20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011(a-1), .0111

Transition and Employment Designee

The transition and employment designee required of each district must complete the required training as developed by the commissioner of education and provide information about transition requirements and coordination among parents, students, and appro-

priate state agencies to ensure that school staff can communicate and collaborate effectively. *19 TAC 89.1075(i)*

Transition and Employment Guide

The Texas Education Agency (TEA) is required to develop a transition and employment guide for students enrolled in special education programs and their parents to provide information on statewide services and programs that assist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;
2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
    a. The first meeting of the student's ARD committee at which transition is discussed; and
    b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and
3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(3)(D), (f)(1), (f)(2), (f)(3) or (f)(4)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C), the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. *19 TAC 89.1070(a), (j)* [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall in-

clude recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2)

Driving with Disability Program

A district shall provide information regarding the Texas Driving with Disability Program to students who have a health condition or disability that may impede effective communication with a peace officer and who receive special education services or who are covered by Section 504 and their parents.

The information shall be provided to each student who is 16 years of age or older and annually until the earlier of the student's graduation from high school or 21st birthday.

Education Code 29.0113(a)-(b)

Procedural Safeguards

A district shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education (FAPE). *20 U.S.C. 1415(a)*

These procedures shall include the following:

1. An opportunity for the parents to review all education records and to participate in meetings relating to the identification, evaluation, and educational placement of the child and the provision of FAPE to the child. *34 C.F.R. 300.501*
2. An opportunity for the parents to obtain an independent educational evaluation of the child. *34 C.F.R. 300.502*
3. Protecting the rights of a child when no parent can be identified, a district cannot locate the parents, or the child is a ward of the state, which may include the assignment of an individual to act as a surrogate parent. *34 C.F.R. 300.519*
4. Prior written notice to the parents when a district proposes to initiate or change, or refuses to initiate or change, the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. *34 C.F.R. 300.503* [See Prior Notice and Consent, below]
5. Procedures to allow parties to resolve disputes through a mediation process. *34 C.F.R. 300.506*
6. An opportunity for any party to file a due process complaint on any matter relating to the identification, evaluation, or educational placement of the child, or the provision of FAPE to the child. [See Dispute Resolution, below] *34 C.F.R. 300.507*
7. Procedures that require either party, or the attorney representing a party, to provide to the other party a due process complaint (which shall remain confidential). *34 C.F.R. 300.508*

Consent

Consent means that:

1. The parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;
2. The parent understands and agrees in writing to the activity for which his or her consent is sought, and the consent describes that activity and lists the records (if any) that will be released and to whom; and

3. The parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time. A revocation of consent is not retroactive.

   If the parent revokes consent in writing for his or her child's receipt of services after the child is initially provided special education and related services, the district is not required to amend the child's education records to remove any references to the child's receipt of services because of the revocation of consent.

34 C.F.R. 300.9

Language of Notices

The procedural safeguards and prior notices described below must be written in language understandable to the general public. The notice must be provided in the native language of the parent or other mode of communication used by the parent, unless it is clearly not feasible to do so. *34 C.F.R. 300.503(c), .504(d)*

Electronic Delivery of Notices

A parent may elect to receive the procedural safeguards notice, prior notice, or notice of due process complaint by electronic mail if a district makes that option available. *34 C.F.R. 300.505*

Notice of Procedural Safeguards

A district shall provide a copy of the procedural safeguards to parents only one time a year, except that a copy also shall be given to the parents:

1. Upon initial referral or parental request for evaluation;
2. Upon receipt of the first state complaint and upon receipt of the first due process complaint in a school year;
3. On the date of a decision to make a disciplinary removal that is a change in placement; and
4. Upon request by a parent.

A district may place a current copy of the procedural safeguards notice on its website, if it has one.

Contents of Notice

The notice shall include a full explanation of the procedural safeguards relating to:

1. Independent educational evaluations;
2. Prior written notice;
3. Parental consent;
4. Access to educational records;

5. Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:
    a. The time period in which to file a complaint;
    b. The opportunity for the district to resolve the complaint; and
    c. The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures.
6. The availability of mediation;
7. The child's placement during pendency of any due process proceedings;
8. Procedures for children who are subject to placement in an interim alternative educational setting;
9. Requirements for unilateral placement by parents of children in private schools at public expense;
10. Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;
11. Civil actions, including the time period in which to file such actions; and
12. Attorneys' fees.

20 U.S.C. 1415(a)-(b), (d); 34 C.F.R. 300.504

Prior Notice and Consent

Whenever a district proposes or refuses to initiate or change the identification, evaluation, or educational placement of a student or the provision of FAPE to the student, the district must provide prior written notice, including providing the notice in the parent's native language or other mode of communication. This notice must be provided to the parent at least five school days before the district proposes or refuses the action unless the parent agrees to a shorter timeframe. 19 *TAC 89.1050(g), .1075(h); 34 C.F.R. 300.503(a)*

Contents of Notice

The notice must include:

1. A description of the action proposed or refused by the district;
2. An explanation of why the district proposes or refuses to take the action;

3. A description of each evaluation procedure, assessment, record, or report the district used as a basis for the proposed or refused action;

4. A statement that the parents have protection under the procedural safeguards and, if this notice is not an initial referral for evaluation, the means by which a copy of the procedural safeguards can be obtained;

5. Sources for parents to contact to obtain assistance in understanding the Individuals with Disabilities Act (IDEA) rules;

6. A description of other options the admission, review, and dismissal (ARD) committee [see EHBAB] considered and the reasons why those options were rejected; and

7. A description of other factors that are relevant to the district's proposal or refusal.

34 C.F.R. 300.503(b)

Consent to Initial Evaluation

Before a district conducts an initial evaluation, it shall provide prior written notice, including a description of any evaluation the district proposes to conduct, and obtain informed consent for the evaluation from the parents. *20 U.S.C. 1414(a)(1)(D), (E); 34 C.F.R. 300.304(a)*

Consent to Services

A district shall seek informed consent from the parent before providing special education and related services to a child. *20 U.S.C. 1414(a)(1)(D)* [See EHBAA]

Consent to Reevaluation

A district shall obtain informed parental consent before conducting any reevaluation of a child with a disability, except that such informed parental consent need not be obtained if the district can demonstrate that it has taken reasonable measures to obtain such consent and the parent has failed to respond. *20 U.S.C. 1414(c)(3)*

Psychological Examinations and Tests

On request of a child's parent, before obtaining the parent's consent for the administration of any psychological examination or test to the child as part of the evaluation of the child's need for special education, a district shall provide to the child's parent:

1. The name and type of the examination or test; and

2. An explanation of how the examination or test will be used to develop an appropriate individualized education program (IEP) for the child.

If a district determines that an additional examination or test is required for the evaluation of a child's need for special education, the district shall provide the information above to the parent regarding

the additional examination or test and shall obtain additional consent for the examination of test.

Education Code 29.0041(a), (b)

Dispute Resolution

The possible options for resolving disputes that arise between a parent and a school district relating to the identification, evaluation, or educational placement of or the provision of FAPE to a student with a disability include, but are not limited to:

1. ARD committee meetings, including IEP facilitation if offered by the district, under 19 Administrative Code 89.1196;
2. Meetings or conferences with the student's teachers;
3. Meetings or conferences, subject to the district's policies, with the campus principal, special education director, superintendent, or board;
4. Requesting state IEP facilitation in accordance with 19 Administrative Code 89.1197;
5. Requesting mediation through the Texas Education Agency (TEA) in accordance with 19 Administrative Code 89.1193;
6. Filing a complaint with TEA in accordance with 19 Administrative Code 89.1195; or
7. Requesting a due process hearing through TEA in accordance with 19 Administrative Code 89.1151-.1191.

19 TAC 89.1150

Due Process Complaint

Whenever a due process complaint has been received by a district, the parent or the district shall have an opportunity for an impartial due process hearing, which shall be conducted by an impartial hearing officer selected by TEA. [For TEA rules on due process. hearings, see 19 Administrative Code 89.1151-.1191.] *20 U.S.C. 1415(f)(1)(A); 19 TAC 89.1151(a), .1170(a)*

Timeline

Beginning September 1, 2022, a parent or a district must request a hearing within two years of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled, as described below.

Prior to September 1, 2022, a parent or public education agency must request a hearing within one year of the date the parent or public education agency knew or should have known about the alleged action that serves as the basis for the request, unless tolled

pursuant to 50 U.S.C. 3936, as set forth in 19 Administrative Code 89.1151(e), below.

19 TAC 89.1151(c)

Tolled Timeline

TEA will include in the Notice of Procedural Safeguards a statement that the statute of limitations for the parent of a student to request an impartial due process hearing may be tolled if:

1. The parent is an active-duty member of the armed forces, the Commissioned Corps of the National Oceanic and Atmospheric Administration, or the Commissioned Corps of the United States Public Health Service; and
2. 50 U.S.C. 3936 (statute of limitations for military service) applies to the parent.

19 TAC 89.1151(e)

Timeline Exception

This timeline shall not apply if the parent was prevented from requesting a hearing due to:

1. A specific misrepresentation by a district that it had resolved the problem forming the basis of the complaint; or
2. A district's withholding of information from the parent that the district was required by the IDEA to provide.

20 U.S.C. 1415(f)(3)(D); 34 C.F.R. 300.511(f); 19 TAC 89.1151(d)

"Stay Put"

During the pendency of any proceeding conducted under IDEA part B (except proceedings to challenge a disciplinary change of placement or manifestation determination), the child shall remain in the then-current educational placement unless the district and the parent agree otherwise. If the child is applying for initial admission to a public school, the child shall, with the consent of the parents, be placed in the public school program until all proceedings have been completed. *20 U.S.C. 1415(j); 34 C.F.R. 300.518, .533*

Exception

When a due process hearing has been requested by a parent or district concerning a disciplinary change of placement or manifestation determination, the child shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the child's assignment to the alternative setting, or the 45-day timeline, if applicable, whichever occurs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(3)(A), 1415(k)(4)(A); 34 C.F.R. 300.533* [See FOF]

Resolution Process

Within 15 calendar days of receiving notice of a parent's due process complaint, and before initiating a due process hearing, a district shall convene a meeting with the parent and the relevant

member or members of the ARD committee. The purpose of the meeting is for the parent to discuss the due process complaint and the facts that form the basis of the due process complaint, so that the district has the opportunity to resolve the dispute.

The meeting need not be held if the parent and the district agree in writing to waive the meeting, or the parent and the district agree to use the mediation process.

If the district has not resolved the due process complaint to the satisfaction of the parent within 30 calendar days of the receipt of the complaint, the due process hearing may occur. If the district is unable to obtain the participation of the parent in the resolution meeting after reasonable efforts have been made, the district may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's request for a hearing.

34 C.F.R. 300.510; 19 TAC 89.1183

Transfer of Rights to Adult Students

Before the 18th Birthday

Beginning at least one year before a student reaches 18 years of age, the student's IEP must include a statement that the student has been informed that, unless the student's parent or other individual has been granted guardianship of the student under the Probate Code Chapter XIII, Guardianship, all rights granted to the parent under IDEA, Part B, other than the right to receive any notice required under IDEA, Part B, will transfer to the student upon reaching age 18.

The IEP must also state that the student has been provided information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently.

If a student with a disability or the student's parent requests information regarding guardianship or alternatives to guardianship from the district, the district shall provide to the student or parent information and resources on supported decision-making agreements under Estates Code Chapter 1357.

After the 18th Birthday

After the student reaches the age of 18, the district shall provide any notice required under IDEA, Part B, to both the adult student and the parent.

A student with a disability who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code Chapter 31 shall have the same right to make educational decisions as a student without a disability. All other

rights accorded to parents under Education Code Chapter 29, Subchapter A or 20 U.S.C. 1415 transfer to the student.

19 TAC 89.1049(a), (c); 34 C.F.R. 300.520; Education Code 29.017(a), (c)-(c-2)

Notice

A district must notify in writing the adult student and parent of the transfer of parental rights, as described above, at the time the student reaches the age of 18. This notification is separate and distinct from the requirement that the student's IEP include a statement relating to the transfer of parental rights beginning at least one year before the student reaches the age of 18. This notification is not required to contain the elements of notice of 300 C.F.R. 300.503 [see Prior Notice and Consent, above], but must include a statement that parental rights have transferred to the adult student. The notice must also include information and resources regarding guardianship, alternatives to guardianship, including a supported decision-making agreement under Estates Code Chapter 1357, and other supports and services that may enable the student to live independently, and must provide contact information for the parties to use in obtaining additional information.

A notice under IDEA, Part B, which is required to be given to an adult student and parent, does not create a right for the parent to consent to or participate in the proposal or refusal to which the notice relates. For example, a notice of an ARD committee meeting does not constitute invitation to, or create a right for, the parent to attend the meeting. However, the adult student or the district may invite individuals who have knowledge or special expertise regarding the student, including the parent.

19 TAC 89.1049(c); 34 C.F.R. 300.520(a)(3); Education Code 29.017(c);

Special Education Decision-Making for Children in Foster Care

A foster parent may act as a parent of a child with a disability, as authorized under 20 U.S.C. Section 1415(b) and its subsequent amendments, if:

1. The Department of Family and Protective Services (DFPS) is appointed as the temporary or permanent managing conservator of the child;
2. The rights and duties of the department to make decisions regarding education provided to the child under Family Code 153.371 have not been limited by court order; and
3. The foster parent agrees to:
    a. Participate in making special education decisions on the child's behalf; and

b. Complete a training program that complies with minimum standards established by agency rule.

Training

A foster parent who will act as a parent of a child with a disability must complete a training program before the next scheduled ARD committee meeting for the child but not later than the 90th day after the date the foster parent begins acting as the parent for the purpose of making special education decisions.

A district may not require a foster parent to retake a training program to continue serving as a child's parent or to serve as the surrogate parent for another child if the foster parent has completed a training program to act as a parent of a child with a disability provided by:

1. DFPS;
2. A school district;
3. An education service center; or
4. Any other entity that receives federal funds to provide special education training to parents.

A foster parent who is denied the right to act as a parent by a school district may file a complaint with TEA in accordance with federal law and regulations.

Not later than the fifth day after the date a child with a disability is enrolled in a school, DFPS must inform the appropriate school district if the child's foster parent is unwilling or unable to serve as a parent.

Education Code 29.015; 19 TAC 89.1047

Appointment of Surrogate Parent for Certain Children

These provisions apply to a child with a disability for whom:

1. DFPS is appointed as the temporary or permanent managing conservator of the child; and
2. The rights and duties of the department to make decisions regarding the child's education under Family Code 153.371 have not been limited by court order.

A school district must appoint an individual to serve as the surrogate parent for a child if the district is unable to identify or locate a parent for a child with a disability or the foster parent of a child is unwilling or unable to serve as a parent for the purposes of this subchapter.

Education Code 29.0151(a)-(b)

Eligibility and Duties of a Surrogate Parent

A surrogate parent appointed by a school district may not be an employee of TEA, the school district, or any other agency involved in the education or care of the child; or have any interest that conflicts with the interests of the child.

A surrogate parent appointed by a district must:

1. Be willing to serve in that capacity;
2. Exercise independent judgment in pursuing the child's interests;
3. Ensure that the child's due process rights under applicable state and federal laws are not violated;
4. Complete a training program that complies with minimum standards established by agency rule within the time specified in Education Code 29.015(b);
5. Visit the child and the school where the child is enrolled;
6. Review the child's educational records;
7. Consult with any person involved in the child's education, including the child's:
    a. Teachers;
    b. Caseworkers;
    c. Court-appointed volunteers;
    d. Guardian ad litem;
    e. Attorney ad litem;
    f. Foster parent; and
    g. Caregiver; and
8. Attend meetings of the child's ARD committee.

The district may appoint a person who has been appointed to serve as a child's guardian ad litem or as a court-certified volunteer advocate, as provided under Section 107.031(c), Family Code, as the child's surrogate parent.

Education Code 29.0151(c)-(d); 19 TAC 89.1047

Notice of Appointment

As soon as practicable after appointing a surrogate parent, a district shall provide written notice of the appointment to the child's educational decision-maker and caseworker as required under Education Code 25.007(b)(10)(H) [see FFC]. *Education Code 29.0151(e-1)*

Failure to Properly Perform	If a court appoints a surrogate parent for a child with a disability under Family Code 263.0025, and the school district determines that the surrogate parent is not properly performing the duties, the district shall consult with DFPS regarding whether another person should be appointed to serve as the surrogate parent for the child. *Education Code 29.0151(f); 19 TAC 89.1047*

Using criteria established by the State Board of Education, a district shall adopt a process for identifying and serving gifted and talented students in the district and shall establish a program for those students in each grade level. Under this provision, a district may establish a shared services arrangement with other districts.

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

Education Code 29.122

Definition

"Gifted and talented student" means a child or youth who performs at or shows the potential for performing at a remarkably high level of accomplishment when compared to others of the same age, experience, or environment and who:

1. Exhibits high performance capability in an intellectual, creative, or artistic area;
2. Possesses an unusual capacity for leadership; or
3. Excels in a specific academic field.

Education Code 29.121

Identification Policies

A district shall develop written policies on student identification that are approved by the board and disseminated to parents. The policies must include:

1. Provisions for ongoing screening and selection of students who perform or show potential for performing at remarkably high levels of accomplishment in the areas defined in Education Code 29.121.
2. Assessment measures collected from multiple sources according to each area defined in the Texas State Plan for the Education of Gifted/Talented Students.
3. Data and procedures designed to ensure that students from all populations in a district have access to assessment and, if identified, services for the gifted/talented program.
4. Provisions for final selection of students to be made by a committee of at least three local district educators who have received training in the nature and needs of gifted students.
5. Provisions regarding furloughs, reassessment, exiting of students from program services, transfer students, and appeals of district decisions regarding program placement.

The policy must not limit the number of students the district may identify as gifted/talented or served under the district's program for gifted/talented students.

19 TAC 89.1

Fiscal Policy

A district shall adopt a policy regarding the use of funds to support the district's program for gifted and talented students.

The policy must:

1. Ensure that 100 percent of state funds allocated for gifted/talented education are spent on providing gifted/talented services or enhancing the district's gifted and talented program; and
2. Establish a method to account for the expenditure of the gifted and talented allotment in alignment with the Texas Education Agency's financial compliance guidance.

19 TAC 89.4

Program Accountability

A district shall ensure that:

1. Student assessment and services for gifted/talented students comply with accountability standards defined in the Texas State Plan for the Education of the Gifted/Talented (State Plan);
2. It annually certifies to the commissioner of education that the district's program for gifted/talented students is consistent with the State Plan and that the district's use of funds complies with 19 Administrative Code 89.4 [see Fiscal Policy, above]; and
3. The board annually measures the performance of the district in providing gifted/talented services in alignment with the State Plan.

19 TAC 89.5

Learning Opportunities

A district shall provide an array of learning opportunities for gifted/talented students in kindergarten through grade 12 and shall inform parents of the opportunities. Options shall include:

1. Instructional and organizational patterns that enable identified students to work together as a group, to work with other students, and to work independently.
2. A continuum of learning experiences that leads to the development of advanced-level products and performances.

3. In-school, and when possible, out-of-school options relevant to the student's area of strength that are available during the entire school year.

4. Opportunities to accelerate in areas of strength.

19 TAC 89.3

Note: See DMA(LEGAL) for training requirements for teachers of gifted and talented education.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Identification Criteria

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Selection

A placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict When a student identified as gifted by a previous school district enrolls in the District, the placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions The District shall monitor student performance in response to gifted and talented program services. If at any time the placement committee or a parent determines the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals A parent, student, or educator may appeal any final decision of the placement committee regarding services in the gifted and talented program. Appeals shall be made first to the placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus improvement plans. The District shall include parents in the evaluation process and shall share the information with Board members,

administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program are spent providing and enhancing the District's program and that a method accounting for expenditures related to the gifted and talented program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

To ensure that each student achieves at least satisfactory performance on each state assessment instrument, a district shall ensure that the district's curricular and instructional systems provide instruction to all students that is consistently aligned with the essential knowledge and skills for the applicable subject area and grade level; and strategically and timely addresses deficiencies in the prerequisite essential knowledge and skills for the applicable subject area and grade level. *Education Code 28.0211(a)*

Accelerated Instruction

Each time a student fails to perform satisfactorily on an assessment instrument administered in grades 3-8 or on an end-of-course assessment instrument, other than an assessment instrument developed or adopted based on alternative academic achievement standards, the district the student attends shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and, subject to the limitations at Exceptions, below, either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or

2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see Supplemental Instruction Requirements, below].

The assessments in this provision include a state assessment instrument administered under Education Code 39.023(a) [see EKB] in third through eighth grade or an end-of-course assessment instrument. The assessments also include a Spanish assessment for emergent bilingual students but exclude an assessment instrument developed or adopted based on alternative academic achievement standards.

19 TAC 104.1001; Education Code 28.0211(a-1)

Exceptions

Accelerated instruction requirements do not apply to a student who is retained at a grade level for the school year in which those requirements would otherwise apply.

A district may not be required to provide supplemental instruction to a student in more than two subject areas per school year. If the district would otherwise be required to provide supplemental instruction to a student in more than two subject areas for a school year, the district shall prioritize providing supplemental instruction to the student in mathematics and reading, or Algebra I, English I, or English II, as applicable, for that school year.

Education Code 28.0211(a-7)-(a-8)

A district is not required to provide accelerated instruction to a student who, instead of being administered an assessment instrument specified above, was administered a substitute assessment instrument in accordance with other law or Texas Education Agency (TEA) rule authorizing the use of the substitute assessment instrument for purposes of satisfying the requirements concerning the applicable assessment instrument. *Education Code 28.0211(a-10)*

Off-Campus Arrangements

If a student who attends school in a homebound or other off-campus instructional arrangement, including at a residential treatment campus or state hospital, is unable to participate in an accelerated instruction program due to the student's condition, the district may determine that the student be provided the accelerated instruction when the student attends school in an on-campus instructional setting. If the student's condition prevents the student from attending school in an on-campus instructional setting for the school year during which the accelerated instruction is required to be provided to the student, the district is not required to provide the accelerated instruction to the student for that school year. *Education Code 28.0211(i-1)*

Participation Requirements

Accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 for the grade level in which the student is enrolled [see EHA series]; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for accelerated instruction.

19 TAC 104.1001(c)(1)

Supplemental Instruction Requirements

If a district receives funding under Education Code 29.0881 or Education Code 48.104 [see EHBC], the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided during the subsequent summer or school year:
    a. To each student for no less than:
        (1) 15 hours; or
        (2) 30 hours for a student whose performance on the applicable assessment instrument was significantly below satisfactory, as below; and
    b. Unless the instruction is provided fully during summer, include instruction no less than once per week during the school year, except as otherwise provided by commissioner rule to account for school holidays or shortened school weeks;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than four students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and
8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Education Code 28.0211(a-4); 19 TAC 104.1001

Significantly Below Satisfactory	A district shall provide students who fail to perform satisfactorily on an applicable state assessment instrument no less than 15 hours of supplemental instruction or no less than 30 hours of supplemental instruction for students who scored Low Did Not Meet Grade Level as indicated by state-provided district-level data files or failed to perform satisfactorily on any grade 3 assessment. *19 TAC 104.1001(d)*
Parent Choice	A parent or guardian of a student to whom supplemental instruction will be provided and who either was administered and failed to perform satisfactorily on an assessment instrument specified above or was administered a beginning-of-year assessment instrument aligned with the essential knowledge and skills for the applicable subject area, including a student to whom an accelerated education plan applies, may elect to modify or remove a requirement for that instruction under Education Code 28.0211(a-4) by submitting a written request to an administrator of the campus at which the student is enrolled. A district may not encourage or direct a parent or guardian to make an election under this provision that would allow the district to not provide supplemental instruction to the student or provide supplemental instruction in a group larger than authorized. *Education Code 28.0211(a-9)*
Transportation	A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours, unless the district does not operate, or contract or agree with another entity to operate, a transportation system. *Education Code 28.0211(j)*
Unlisted Service Provider	A district may use a service provider that is not on a list of service providers approved by TEA if the district can demonstrate to the commissioner that use of the service provider results in measurable improvement in student outcomes. *Education Code 28.0211(a-12)*
Optional Assessment	A school district that is required to provide to a student accelerated instruction or supplemental instruction is not required to provide additional instruction under either provision to the student based on the student's failure to perform satisfactorily on an assessment instrument administered as an optional assessment in the same subject area in which the district is required to provide the student the accelerated or supplemental instruction. *Education Code 28.0211(a-13)*
Notice to Parents	A district shall provide to the parent or guardian of a student who fails to perform satisfactorily on a state assessment instrument

specified above notice that the student is not performing on grade level in the applicable subject area. The district must provide the notice at a parent-teacher conference or, if the district is unable to provide the notice at a parent-teacher conference, by another means. TEA shall develop and provide to districts a model notice in plain language for use under this provision. *Education Code 28.0211(a-14)*

In each instance in which a district is specifically required to provide notice or a written copy to a parent or guardian of a student, the district shall make a good faith effort to ensure that such notice or copy is provided either in person or by regular mail and that the notice or copy is clear and easy to understand and is written in English or the parent or guardian's native language. *Education Code 28.0211(h)*

Parent Request

A district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily a state assessment instrument under Education Code 28.0211(a-1) [see above] to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5); 19 TAC 104.1001(g)*

Assessments Not Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course (EOC) assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of fail-

ure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)-(p)

Students At Risk

A district shall provide accelerated instruction to an enrolled student who has taken an EOC assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school [see EHBC].

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

No Available Test Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis. This provision may not be used to excuse a student from appropriate accelerated instruction. *19 TAC 104.1001(b)(4)*

Accelerated Education Plan

For each student who does not perform satisfactorily on a state assessment instrument specified above for two or more consecutive school years in the same subject area, the district the student attends shall develop an accelerated education plan and provide the student at least 30 hours of supplemental instruction. *19 TAC 104.1001; Education Code 28.0211(b)*

Not later than the start of the subsequent school year, a district shall develop an accelerated education plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level or course by the conclusion of the school year.

The plan must:

1. Identify the reason the student did not perform satisfactorily on the applicable assessment instrument; and

2. Require the student to be provided with no less than 30 hours, or a greater number of hours if appropriate, of supplemental instruction for each consecutive school year in which the student does not perform satisfactorily on the assessment instrument in the applicable subject area.

The plan may require that, as appropriate to ensure the student performs satisfactorily on the assessment instrument in the applicable subject area at the next administration of the assessment instrument:

1. The district expand the times in which supplemental instruction is available to the student;

2. The student be assigned for the school year to a specific teacher who is better able to provide accelerated instruction; and

3. The district provide any necessary additional resources to the student.

The accelerated education plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the accelerated education plan.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an accelerated education plan.

Education Code 28.0211(f)-(f-3)

Parent Conference

A district shall make a good faith attempt to provide to the parent or guardian of a student to whom an accelerated education plan applies a parent-teacher conference with the student's primary teacher at the start and end of the subsequent school year.

At the conference, the district shall provide the student's parent or guardian with:

1. The notice required under Education Code 28.0211(a-14); and

2. An explanation of:

a. The accelerated instruction to which the student is entitled under this provision, and

b. The accelerated education plan that must be developed for the student and the manner in which the parent or guardian may participate in developing the plan.

Education Code 28.0211(b-1); 19 TAC 104.1001(e)

Classroom Assignment

Except as requested under Education Code 28.0211(a-5), a student for whom an accelerated instructional plan must be developed must be assigned, in each school year and subject covered by the accelerated education plan, to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

Education Code 28.0211(n)-(n-1)

ARD Committee Review

The admission, review, and dismissal (ARD) committee of a student who does not perform satisfactorily on a state assessment instrument described above shall, at the student's next annual review meeting, review the student's participation and progress in, as applicable, accelerated instruction, supplemental instruction, or an accelerated education plan.

The student's parent may request, or the district may schedule, an additional committee meeting if a committee member believes that the student's individualized education program needs to be modified based on the accelerated instruction requirements. If the district refuses to convene a committee meeting requested by the student's parent, the district shall provide the parent with written notice explaining the reason the district refuses to convene the meeting.

Education Code 28.0211(i)

Repeating a High School Course

For courses taken for high school credit, a student who is required to repeat any course in which the student was enrolled in during the previous school year and who is eligible for accelerated instruction for the current school year is exempt from accelerated instruction requirements for that specific course if that course is retaken in its entirety (i.e., to earn a full credit). However, a student who is participating in credit recovery is still required to receive accelerated instruction.

For the purpose of this provision, credit recovery means completing a certain number of assignments to satisfy the course requirements after failure or a certain number of seat hours after excessive absences.

19 TAC 104.1001(i)

Commissioner Waiver

The commissioner may waive the requirements regarding accelerated instruction for a district for each school year in which at least 60 percent of the students who received accelerated instruction during the school year immediately preceding the previous school year, including at least 60 percent of students whose performance on the applicable assessment instrument was significantly below satisfactory, as defined by commissioner rule, performed satisfactorily in the previous school year on the assessment instrument in each subject in which the student previously failed to perform satisfactorily. For purposes of determining whether a school district qualifies for a waiver, the commissioner shall:

1. If a student received accelerated instruction in more than one subject during the applicable school year, consider the student's performance on the assessment instrument in each subject separately from the student's performance on the assessment instrument for each other subject; and

2. By rule provide that a district may not qualify for a waiver if students who are receiving special education services or are educationally disadvantaged are overrepresented among the students in the district who received accelerated instruction during the school year immediately preceding the previous school year and did not perform satisfactorily in the previous school year on the assessment instrument in each applicable subject.

Education Code 28.0211(q); 19 TAC 104.1001(h)

Ratio Waiver

A district may provide accelerated instruction using a product on the Ratio Waiver List on the TEA website with information related to accelerated instruction. The 4:1 student-to-teacher ratio requirement above does not apply to a district using a listed product to provide accelerated instruction to its students.

The Ratio Waiver List consists of products that use an automated, computerized, or other augmented method for providing accelerated instruction under Education Code 28.0211(a-1)(2), that may be used in lieu of some or all of the individual or group supplemental instruction, as appropriate for the applicable grade level and subject area and a student's academic deficiency.

A district shall:

1. Notify the parent or guardian of the use of a product on the Ratio Waiver List for providing the required accelerated instruction;
2. Ensure that the required hours of supplemental instruction are completed prior to the subsequent State of Texas Assessments of Academic Readiness (STAAR®) administration;
3. Use a product on the Ratio Waiver List remotely, regardless of primary mode of instruction (i.e., in-person, virtual, or hybrid) only if the district ensures that time spent by the student engaged in the product is aligned with approved product usage expectations documented by the district;
4. Adhere to the product usage fidelity requirements by product as approved by TEA to waive ratio requirements. A district not fulfilling usage fidelity with a product will be required to revert to the 4:1 ratio for supplemental instruction; and
5. Be responsible for contracting and funding the selected vendors included on the TEA list of approved vendors.

19 TAC 104.1001(g)

Note: Only districts that identify 15 or more eligible students are required to provide prekindergarten programs.

Tuition-Free Prekindergarten Program

A district shall offer prekindergarten classes if it identifies 15 or more eligible students who are at least four years of age. A district may offer prekindergarten if it identifies 15 or more eligible children who are at least three years of age.

A district may not charge tuition for a prekindergarten program offered under these provisions.

Definitions

In this section:

1. "Child" includes a stepchild.
2. "Parent" includes a stepparent.

Eligibility

A child is eligible for enrollment in free prekindergarten if the child is at least three years of age and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged;
3. Is homeless [see FD] regardless of the residence of the child, of either parent of the child, or of the child's guardian or other person having lawful control;
4. Is the child of an active duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who is ordered to active duty by proper authority;
5. Is the child of a member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, who was injured or killed while serving on active duty;
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing under Family Code 262.201 or foster care in another state or territory, if the child resides in Texas; or
7. Is the child of a person eligible for the Star of Texas Award as:
    a. A peace officer under Government Code 3106.002;
    b. A firefighter under Government Code 3106.003; or

c. An emergency medical first responder under Government Code 3106.004.

A child who is eligible for enrollment for free prekindergarten at the age of three and enrolls in prekindergarten class at the age of three remains eligible for enrollment in a prekindergarten class for the following school year.

A child who is eligible for enrollment under item 4 or 5 above remains eligible if the child's parent leaves the armed forces, or is no longer on active duty, after the child begins the prekindergarten class.

Education Code 29.153(a)-(b), (e-1), (f)

Parent Election

Subject to a district's decision to convene a retention committee [see EIE], a parent or guardian may elect for a student to enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under the eligibility described above and the student has not yet enrolled in kindergarten, or to repeat prekindergarten. *Education Code 28.02124(a)(1)-(2)*

Notice

A district shall develop a system to notify the population in the district with children who are eligible for enrollment in a free prekindergarten program of the availability of the program. The system must include public notices issued in English and Spanish. *Education Code 29.153(e)*

Half-Day or Full-Day

A prekindergarten class may be operated on a half-day basis for children under four years of age and shall be operated on a full-day basis for children who are at least four years of age.

Transportation

A district is not required to provide transportation for a prekindergarten class. If transportation is provided, it is included for funding purposes as part of the regular transportation system.

Education Code 29.153(c)

High-Quality Prekindergarten Required

A prekindergarten class for children who are least four years of age must comply with the program standards required for high-quality prekindergarten programs under Education Code Chapter 29, Subchapter E-1. [See High-Quality Prekindergarten Program, below]

Exemption

The commissioner of education shall exempt a district from the application of all or any part of Education Code Chapter 29, Subchapter E-1 for a prekindergarten class for children who are at least four years of age, if the commissioner determines that:

1. The district would be required to construct classroom facilities in order to provide prekindergarten classes; or

2. Implementing any part of this section would result in fewer eligible children being enrolled in a prekindergarten class under this section.

A district may not receive an exemption unless the district has solicited proposals for partnerships with public or private entities regarding prekindergarten classes required under this section in accordance with guidance provided by the Texas Education Agency (TEA) and considered submitted proposals at a public meeting. A decision of the board regarding a partnership described by this provision is final.

An exemption may not be granted for a period longer than three school years and may be renewed only once.

Education Code 29.153(c-1)-(d-2)

Constructing, Repurposing, or Leasing a Facility

Before a district may construct, repurpose, or lease a classroom facility, or issue bonds for the construction or repurposing of a classroom facility, to provide the prekindergarten classes required under Education Code 29.153, the district must solicit and consider proposals for partnerships to provide those classes with community-based child-care providers who:

1. Are a Texas Rising Star Program provider with a three-star certification or higher;
2. Are nationally accredited;
3. Are a Head Start program provider;
4. Are a Texas School Ready! participant; or
5. Meet the requirements under Education Code 29.1532.

Education Code 29.153(g)

Tuition-Supported or District-Financed

A district may offer on a tuition basis or use district funds to provide:

1. An additional half-day of prekindergarten classes to children eligible for free prekindergarten who are under four years of age; and
2. Half-day and full-day prekindergarten classes to children not eligible for free prekindergarten.

A district may not adopt a tuition rate that is higher than necessary to cover the added costs of the program, including any costs associated with collecting, reporting, and analyzing data under Education Code 29.1532(c) (PEIMS data for prekindergarten programs).

A district must submit its proposed tuition rate to the commissioner for approval.

Education Code 29.1531

Program Design

A district's prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social skills. *Education Code 29.1532(a)*

Shared Site

Before establishing a new prekindergarten program, a district shall consider the possibility of sharing use of an existing Head Start or other child-care program site as a prekindergarten site. *Education Code 29.1533*

Prekindergarten Licensing Standards

If a district contracts with a private entity to operate a prekindergarten program, the program shall comply at a minimum with the applicable child-care licensing standards adopted by the Texas Department of Family and Protective Services under Human Resources Code 42.042 and the class size requirements for prekindergarten classes imposed under Education Code 25.112(a) [see EEB]. *Education Code 29.1532(b)*

Daily Physical Activity

A district shall require students in full-day prekindergarten to participate in moderate or vigorous daily physical activity for at least 30 minutes throughout the school year, as part of the district's physical education program or through structured activity during a campus's daily recess.

To the extent practicable, a district shall require a student enrolled in prekindergarten on less than a full-day basis to participate in the same type and amount of physical activity as a student enrolled in full-day prekindergarten.

If a district determines, for any particular grade level, that requiring moderate or vigorous daily physical activity is impractical due to scheduling concerns or other factors, the district may as an alternative require a student in that grade level to participate in moderate or vigorous physical activity for at least 135 minutes during each school week.

A district must provide an exemption for a student who is unable to participate in the required physical activity because of illness or disability.

Education Code 28.002(l)

High-Quality Prekindergarten Program

A district providing a prekindergarten program must provide high-quality educational services established under Education Code Chapter 29, Subchapter E-1, to qualifying students.

Eligibility

A student is qualified to participate in a high-quality prekindergarten program if the student is four years of age on September 1 of the year the student begins the program and meets the eligibility requirements for tuition-free prekindergarten [see above].

19 TAC 102.1003(a)

A district shall select and implement a curriculum for a prekindergarten program that:

1. Includes the prekindergarten guidelines established by TEA;
2. Measures the progress of students in meeting the recommended learning outcomes; and
3. Does not use national curriculum standards developed by the Common Core State Standards Initiative.

Education Code 29.164, .167(a)

A school district shall implement a curriculum for a high-quality prekindergarten program that addresses the Texas Prekindergarten Guidelines in the domains listed in 19 Administrative Code 102.1003(b).

The district shall measure student progress and kindergarten preparation in accordance with 19 Administrative Code 102.1003(c). *19 TAC 102.1003*

Teacher Requirements

Each teacher for a prekindergarten program class must be certified under Education Code Chapter 21, Subchapter B and have one of the following additional qualifications:

1. A Child Development Associate (CDA) credential or another early childhood education credential approved by TEA;
2. Certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;
3. At least eight years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program;
4. An associate or baccalaureate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;

5. Documented completion of the Texas School Ready Training Program (TSR Comprehensive); or

6. Be employed as a prekindergarten teacher in a district that has met the requirements of 19 Administrative Code 102.1003(d)(6).

A district may allow a teacher employed by the district to receive the training required to be awarded a CDA credential from a regional education service center. Training may not include national curriculum standards developed by the Common Core State Standards Initiative.

A district or an entity with which the district contracts to provide a prekindergarten program must attempt to maintain an average ratio in any prekindergarten program class of not less than one qualified teacher or teacher's aide for each 11 students.

19 TAC 102.1003(d), (h); Education Code 29.167(b)-(d)

Supervisor Requirements

Each teacher in a high-quality prekindergarten program class provided by an entity with which a district contracts to provide a prekindergarten program must be supervised by a person who meets the teacher requirements above and must have one of the following additional qualifications:

1. At least two years' experience of teaching in a nationally accredited child-care program or a Texas Rising Star Program and:

    a. A CDA credential or another early childhood education credential approved by TEA; or

    b. A certification offered through a training center accredited by Association Montessori Internationale or through the Montessori Accreditation Council for Teacher Education;

2. An associate or baccalaureate degree in early childhood education or early childhood special education or a non-early childhood education degree with a documented minimum of 15 units of coursework in early childhood education;

3. At least eight years' experience teaching in a nationally accredited child care program or a Texas Rising Star Program; or

4. Be employed as a prekindergarten teacher in a partnership program that meets the requirements of 19 Administrative Code 102.1003(e)(4).

A teacher of a bilingual or English as a second language (ESL) program class provided by an entity with which a district contracts to provide a prekindergarten program must be appropriately certified for the grade and content and with the appropriate supplemental certification (either bilingual or ESL).

A prekindergarten partnership supervisor:

1. Shall meet the requirements under 19 Administrative Code 102.1003(d);
2. May supervise multiple prekindergarten classrooms; and
3. Shall ensure programmatic compliance and support classroom instruction, the developmental needs of students, and continuous quality improvement, including professional development.

19 TAC 102.1003(e)-(g); Education Code 29.167(b-1)-(b-2)

Family Engagement Plan

A district shall develop, implement, and make available on the district or campus website by November 1 of each school year, a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education. An effective family engagement plan creates a foundation for the collaboration of mutual partners, embraces the individuality and uniqueness of families, and promotes a culture of learning that is child centered, age appropriate, and family driven.

The family engagement plan shall include a primary point of contact and contact information.

The family engagement plan shall meet the requirements of 19 Administrative Code 102.1003(e)(2).

19 TAC 102.1003(h); Education Code 29.168(a)

Report and Evaluation

In a format prescribed by TEA, a district shall report information in compliance with 19 Administrative Code 102.1003(i).

A district shall:

1. Select and implement appropriate methods for evaluating the district's high-quality prekindergarten program by using data from a student progress monitoring instrument from the commissioner's list of approved prekindergarten instruments;
2. Make data from the results of program evaluations available to parents; and
3. Plan for data-driven program improvements annually by using information from the district's program evaluation to ensure

the district's prekindergarten program is meeting all high-quality prekindergarten indicators.

A district may administer diagnostic assessments to students in a program class to evaluate student progress but may not administer a state standardized assessment instrument.

An assessment instrument administered to a prekindergarten program class must be selected from a list of appropriate prekindergarten assessment instruments identified by the commissioner.

19 TAC 102.1003(j), (l); Education Code 29.169

Eligible Private Providers

A district that offers a high-quality prekindergarten program may enter into a contract with an eligible private provider to provide services or equipment for the program.

To be eligible to contract with a district to provide a program or part of a program, a private provider must be licensed by and in good standing with the Department of Family and Protective Services. A private provider is in good standing with the Department of Family and Protective Services if the department has not taken an action against the provider's license during the 24-month period preceding the date of a contract with a district. The private provider must also:

1. Be accredited by a research-based, nationally recognized, and universally accessible accreditation system approved by the commissioner;
2. Be a Texas Rising Star Program provider with a three-star certification or higher;
3. Be a Texas School Ready! participant;
4. Have an existing partnership with a district to provide a prekindergarten program not provided under Subchapter E-1; or
5. Be accredited by an organization that is recognized by the Texas Private School Accreditation Commission.

A prekindergarten program provided by a private provider under Education Code 29.171 is subject to the requirements of Education Code Chapter 29, Subchapter E-1 and the class size requirement for prekindergarten classes imposed by Education Code 25.112(a) [see EEB].

Education Code 29.171

Prekindergarten Expansion Grant

A district may use funds from grants administered by the commissioner to expand an existing half-day prekindergarten program to a full-day basis or to implement a prekindergarten program on a campus that does not have a prekindergarten program.

A district may use funds received under this program to employ teachers and other personnel for a prekindergarten program or to acquire curriculum materials or equipment, including computers, for use in prekindergarten programs.

A district may use funds granted under this program in contracting with another entity, including a private entity.

Education Code 29.155(a), (b), (i)

Ready to Read Grant

A district that operates a prekindergarten program is eligible to apply for a Ready to Read grant if at least 75 percent of the children enrolled in the program are low-income students, as determined by commissioner rule.

Grants shall be used to provide scientific, research-based pre-reading instruction for the purpose of directly improving pre-reading skills and for identifying cost-effective models for pre-reading intervention. Grants funds shall be used for:

1. Professional staff development in pre-reading instruction;
2. Pre-reading curriculum and materials;
3. Pre-reading skills assessment materials; and
4. Employment of pre-reading instructors.

Education Code 29.157(b), (c)

Statewide Information Referral Network

A district shall provide the Texas Information and Referral Network with information regarding eligibility for and availability of child-care and education services for inclusion in the statewide information referral network. A district shall provide the information in a form determined by the executive commissioner of the Texas Health and Human Services Commission. *Gov't Code 531.0312*

"Child-care and education services" includes child-care and education services provided by a district through a prekindergarten or after-school program. *Gov't Code 531.03131(a)*

Staff of the Texas Information and Referral Network shall send an electronic mail message to each appropriate entity containing the name of and contact information for each applicant and a description of the services for which the applicant is applying.

On receipt of such an electronic mail message, a district shall contact the applicant to verify information regarding the applicant's eligibility for available child-care and education services. On certifying eligibility, a district shall match the applicant with entities providing those services in the applicant's community, including local workforce development boards, local child-care providers, or a Head Start or Early Head Start program provider.

A district shall cooperate with the Texas Information and Referral Network as necessary in the administration of this project.

Gov't Code 531.0312(c)-(e)

Notice to Parents

Each school year, a district shall notify the parent of each student enrolled in grade 9 or above of the availability of:

1. Programs under which a student may earn college credit, including advanced placement programs, dual credit programs, joint high school and college credit programs, and international baccalaureate programs;
2. Career and technology education programs or other work-based education programs in the district, including any internship, externship, or apprenticeship programs or a P-TECH (Pathways in Technology Early College High School) program;
3. Subsidies based on financial need available for fees paid to take college advanced placement tests or international baccalaureate examinations under Education Code 28.054; and
4. Funding for enrollment in dual credit courses under the FAST (Financial Aid for Swift Transfer) program [see below].

Districts must also notify parents of the qualifications for enrolling in programs described by items 1, 2, and 4 above.

The notice must include the name and contact information of any public or private entity offering such a program in the district.

A district may provide the notice on the district's internet website.

Education Code 28.010

Note: For information on dual credit courses available through the Texas Virtual School Network[1] (TXVSN), see EHDE.

College Credit Program

A district shall implement a program under which students may earn the equivalent of at least 12 semester credit hours of college credit in high school. If requested by the district, a public institution of higher education in this state shall assist the district in developing and implementing the program. The college credit may be earned through:

1. International baccalaureate, advanced placement, or dual credit courses;
2. Articulated postsecondary courses provided for local credit or articulated postsecondary advanced technical credit courses provided for state credit; or
3. Any combination of the courses in items 1 and 2.

Annually, a district shall report to the Texas Education Agency (TEA):

1. The number of students, including career and technical students, who have participated in the program and earned college credit; and

2. The cumulative number of courses in which participating students have enrolled and college credit hours the students have earned.

The program may provide a student the opportunity to earn credit for a course or activity, including an apprenticeship or training hours:

1. That satisfies a requirement necessary to obtain an industry-recognized credential or certificate or an associate degree, and is approved by the Texas Higher Education Coordinating Board (THECB); and

2. For which a student may earn credit concurrently toward both the student's high school diploma and postsecondary academic requirements.

A dual credit course must be:

1. In the core curriculum of the public institution of higher education providing college credit;

2. A career and technical education course; or

3. A foreign language course.

The requirements above do not apply to a dual credit course offered as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

A district is not required to pay a student’s tuition or other associated costs for taking a course under this section.

College-Level Courses

A board may adopt a policy that allows a student to be awarded credit toward high school graduation for completing a college-level course. The course must be provided only by an institution of higher education that is accredited by any of the following regional accrediting associations:

1. Southern Association of Colleges and Schools;

2. Middle States Association of Colleges and Schools;

3. New England Association of Colleges and Schools;

4. North Central Association of Colleges and Schools;

5. Western Association of Colleges and Schools; or

6. Northwest Association of Colleges and Schools.

To be eligible to enroll and be awarded credit toward state graduation requirements, a student shall have the approval of the high school principal or other school official designated by a district. The course(s) for which credit is awarded shall provide advanced academic instruction beyond or in greater depth than the essential knowledge and skills for the equivalent high school course.

19 TAC 74.25

Dual Credit Programs

Dual credit includes a course for which a high school student may earn credit only at an institution of higher education (previously referred to as a dual enrollment course) if the course meets the requirements of this provision.

Eligible Courses

“Dual credit course” or “dual enrollment course” means a course that meets the following requirements:

1. The course is offered pursuant to an agreement under 19 Administrative Code 4.84, see below.

2. A course for which the student may earn one or more of the following types of credit:

   a. Joint high school and junior college credit under Education Code 130.008, or

   b. Another course offered by an institution of higher education, for which a high school student may earn semester credit hours or equivalent of semester credit hours toward satisfaction of:

      (1) A career and technical education course as defined by 19 Administrative Code 4.83(3) that satisfies a requirement necessary to obtain an industry-recognized credential, certificate, or an associate degree;

      (2) A foreign language requirement at an institution of higher education;

      (3) A requirement in the core curriculum, as that term is defined by Education Code 61.821, at an institution of higher education; or

(4) A requirement in a field of study curriculum developed by the Coordinating Board under Education Code 61.823.

A student may earn a single grade toward both the college course and the high school credit or may earn two separate grades where the high school grade only reflects a student's mastery of secondary content.

Each dual credit course must meet the requirements of Chapter 4, Subchapter D.

19 TAC 4.83(10)

Partnership Agreements with Public Colleges

A district may enter into an agreement with a public college to form a dual credit partnership in accordance with 19 Administrative Code Chapter 4, Subchapter D. *Education Code 130.008; 19 TAC Ch. 4, Subch. D*

Community College Jurisdiction

A school district that operates a high school may enter into an agreement with a community college district, regardless of whether the high school is located within the service area of the community college district, to offer a course as provided by Education Code 130.008.

A course offered for joint high school and junior college credit must be:

1. In the core curriculum of the public junior college;
2. A career and technical education course; or
3. A foreign language course.

These requirements do not apply to a course offered for joint high school and junior college credit to a student as part of the early college education program established under Education Code 29.908 or any other early college program that assists a student in earning a certificate or an associate degree while in high school.

Education Code 130.008(a-1), (a-2), (d)

Student Eligibility

A high school student is eligible to enroll in dual credit courses if the student:

1. Is not a degree-seeking student as defined in 19 Administrative Code 4.83(10);
2. Demonstrates that he or she is exempt under the provisions of the Texas Success Initiative as set forth in 19 Administrative Code 4.54;

3. Demonstrates college readiness by achieving the minimum passing standards under the provisions of the Texas Success Initiative on relevant section(s) of an assessment instrument; or

4. Meets the eligibility requirements for a Texas First Diploma under 19 Administrative Code 21.52 (relating to Eligibility for Texas First Diploma).

An institution may impose additional requirements for enrollment in specific dual credit courses that do not conflict with 19 Administrative Code, Chapter 4, Subchapter D.

An institution is not required under these provisions to offer dual credit courses for high school students.

19 TAC 4.85(b)

Transcript

An institution or high school shall immediately transcript the credit earned by a student upon a student's completion of the performance required in the course. *19 TAC 4.85(h)*

Faculty Selection, Supervision, and Evaluation

An institution shall apply the standards for selection, supervision, and evaluation for instructors of dual credit courses as required by the institution's accreditor. A high school teacher may only teach a high school course offered through a dual credit agreement if the teacher is approved by the institution offering the dual credit course. *19 TAC 4.85(e)*

Qualified Instructor

A course offered for joint high school and junior college credit must be taught by a qualified instructor approved or selected by the public junior college. An instructor is qualified if the instructor holds:

1. A doctoral or master's degree in the discipline that is the subject of the course;

2. A master's degree in another discipline with a concentration that required completion of a minimum of 18 graduate semester hours in the discipline that is the subject of the course; or

3. For a course that is offered in an associate degree program and that is not designed for transfer to a baccalaureate degree program:

   a. A degree described above;

   b. A baccalaureate degree in the discipline that is the subject of the course; or

   c. An associate degree and demonstrated competencies in the discipline that is the subject of the course, as determined by the THECB.

Not later than the 60th day after receipt, a public junior college shall approve or reject an application for approval to teach a course at a high school that is submitted by an instructor employed by the district with which the junior college entered into an agreement to offer the course.

Education Code 130.008(g), (h)

Attendance Accounting

The time during which a student attends a dual credit course, including a course provided under the college credit program, shall be counted as part of the minimum instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(g)* [See FEB]

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-

time student in average daily attendance. *Education Code 48.005(h)*

Dual Credit Agreement

For any dual credit partnership between a district and an institution, an agreement must be approved by the governing boards or designated authorities (e.g., superintendent) of both the public district and the institution prior to the offering of such courses.

Any agreement entered into or renewed between an institution and a district, including a memorandum of understanding or articulation agreement, shall include the following elements.

Any dual credit agreement must also address:

1. Eligible courses;
2. Student eligibility;
3. Location of class;
4. Student composition of class;
5. Faculty selection, supervision, and evaluation;
6. Course curriculum, instruction, and grading;
7. Academic policies and student support services;
8. Transcripting of credit;
9. Funding, including the sources of funding for courses offered under the program, including, at a minimum, the sources of funding for tuition, transportation, and any required fees, instructional materials, or textbooks for students participating in the program, including for students eligible to take dual credit courses at no cost to the student under the FAST program [see below];
10. All requirements for joint implementation of the FAST program, including ensuring the accurate and timely exchange of information necessary for an eligible student to enroll at no cost in a dual credit course, for eligible public schools and students participating in the FAST program;
11. Defined sequences of courses that apply to academic or career and technical education program requirements at the institution or industry-recognized credentials, where applicable;
12. Specific program goals aligned with the statewide goals developed under Education Code 28.009(b-1), 130A.004, and 130A.101(c)(3);

13. Coordinated advising strategies and terminology related to dual credit and college readiness, including strategies to assist students in selecting courses that will satisfy applicable high school and college requirements for the student's intended program;

14. Provision for the alignment of endorsements described in EIF, offered by the district and dual credit courses offered under the agreement that apply toward those endorsements with postsecondary pathways and credentials at the institution and industry-recognized credentials;

15. Identification of tools, including online resources developed by TEA, the Coordinating Board, or the Texas Workforce Commission, to assist counselors, students, and families in selecting endorsements offered by the district and college courses offered by the institution under the agreement;

16. A procedure for establishing the course credits that may be earned under the agreement, including developing a course equivalency crosswalk or other method of identifying the number of high school and college credits that may be earned for each course completed through the program;

17. A description of the academic supports and, if applicable, other support that will be provided to students participating in the program (e.g., transportation to and from a college campus);

18. The respective roles and responsibilities of the institution of higher education and the district in providing the program and ensuring the quality of instruction and instructional rigor of the program;

19. A requirement that the district and the institution consider the use of free or low-cost open educational resources in courses offered under the program; and

20. Designation of at least one employee of the district or private school, or the institution as responsible for providing academic advising to a student who enrolls in a dual credit course under the program before the student begins the course.

19 TAC 4.84(a)-(b)

Website Posting of Agreement

Each agreement must be posted each year on the institution of higher education's and the district's respective internet websites. *19 TAC 4.84(c)*

FAST Program

Eligibility

A student is eligible to enroll at no cost in a dual credit course under the Financial Aid for Swift Transfer (FAST) program if the student is enrolled in and eligible for Foundation School Program funding at a high school in a Texas school district and in a dual credit course at a participating institution of higher education that has entered into a dual credit agreement with the student's district as set out in 19 Administrative Code 4.84 and the student was educationally disadvantaged at any time during the four school years preceding the student's enrollment in the dual credit course as certified to the institution by the eligible student's district, or other means authorized by rule.

A district's notice to the institution regarding a student's status as educationally disadvantaged shall occur through the district's notice to TEA, unless otherwise provided by rule.

19 TAC 13.503(a)-(b)

To be considered educationally disadvantaged, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 United States Code 1751, et seq. A district may use the following approved methods for determining student eligibility for the FAST program:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility under this subsection;
2. Direct certification, where eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

A district with one or more campuses not participating in the NSLP may derive an eligible student count by an alternative method as determined by TEA.

19 TAC 102.1097

"Dual credit course" is defined by 19 Administrative Code 4.83.

District Determination

A district shall, on a high school student's enrollment in a dual credit course, determine whether the student meets the above criteria for the program and notify the institution of higher education that offers the dual credit course in which the student is enrolled of the district's determination.

A district may make the determination based on the district's records, TEA's records, or any other method authorized by commissioner or THECB rule. If the district bases the determination on a method other than TEA's records, the district shall report the method used and the data on which the method is based to TEA for purposes of verification.

Education Code 28.0095(a)(3), (c), (3)

For more information about the FAST Program, see 19 Administrative Code 102.1097.

Instructional Partnerships with Community College Districts

Types of instructional partnerships between a district and a community college district include:

1. Award of High School Credit Only (see High School Credit-Only Courses, below).
2. Award of Dual Credit (see Dual Credit Programs, above).
3. Tech-Prep Programs (see Tech-Prep Programs, below).
4. Remedial or Developmental Instruction for High School Graduates (see Remedial Programs, below).
5. College Preparatory Courses for High School Students (see College Preparatory Courses, below)

19 TAC 9.143

Agreement

For any educational partnership between a district and a community college district, an agreement must be approved by the board or designee of both the district and the college district. The partnership agreement must address the following:

1. Student eligibility requirements.
2. Faculty qualifications.
3. Location and student composition of classes.
4. Provision of student learning and support services.
5. Eligible courses.
6. Grading criteria.
7. Transcripting of credit.
8. Funding provisions.

19 TAC 9.144

High School Credit-Only Courses	A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school as described in 19 Administrative Code 9.125. The district and college district shall negotiate an agreed cost for instruction. *19 TAC 9.125, .143(a)*
Tech-Prep Programs	A district may partner with a college district to allow for the articulation of high school technical courses taught by the high school to high school students for immediate high school credit and later college credit, to be awarded upon enrollment of the students in the college district in an associate degree or certificate program. *19 TAC 9.143(c)*
Remedial Programs	A board may contract, as outlined in 19 Administrative Code 9.125, with the board of the community college district in which a district is located for the college district to provide remedial programs for students enrolled in a district's secondary schools in preparation for graduation from secondary school and entrance into college. Community colleges may provide instruction to high school students for either remedial course work to prepare students to pass the required State of Texas Assessments of Academic Readiness End-of-Course (STAAR EOC) assessments or developmental course work to prepare the students to pass an assessment instrument approved by the board under 19 Administrative Code 4.56 (Assessment Instruments). High school students who have passed all of the STAAR EOC assessments with the high school graduation standard may be permitted to enroll in state-funded developmental courses offered by a community college at the college's discretion if a need for such course work is indicated by student performance on an assessment instrument approved by the board under 19 Administrative Code 4.56 (see below). The district and college district shall negotiate an agreed cost for instruction. Remedial and developmental courses may not be offered for dual credit. *Education Code 130.090; 19 TAC 9.125, .143(d), .146*
College Preparatory Courses	College preparatory courses are locally developed through a memorandum of understanding created between school districts and community colleges. *19 TAC 9.147*
Certain Academies	A district shall grant a student a maximum of two years' credit toward the academic course requirements for high school graduation for courses successfully completed at the Texas Academy of Leadership in the Humanities (at Lamar University — Beaumont), the Texas Academy of Mathematics and Science (at

the University of Texas — Brownsville or University of North Texas — Denton), or the Texas Academy of International Studies (at Texas A&M University — Laredo). *Education Code 28.024*

Off-Campus Program Provided by an Institution of Higher Education

The commissioner of education may approve instructional programs provided off campus by an entity other than a district as a program in which participation by a student may be counted for purposes of determining average daily attendance. *Education Code 48.007(a)*

Reporting Off-Campus Programs

A board may adopt a policy that allows a student to participate in an off-campus instructional program. The program must be provided only by an institution of higher education that is accredited by one of the regional accrediting associations specified in 19 Administrative Code 74.25 (High School Credit for College Courses).

To be eligible, a student must:

1. Be in grade 11 or 12;
2. Have demonstrated college readiness as outlined in the requirements for participation in dual credit programs in the *Student Attendance Accounting Handbook*;
3. Meet any eligibility requirements adopted by the institution of higher education; and
4. Have the approval of the high school principal or other school official designated by the district.

The off-campus program must comply with rules adopted by the THECB in the Texas Administrative Code, Title 19, Part 1, with respect to teacher qualifications.

19 TAC 129.1031(a), (b), (e)

Time that a student participates in an off-campus instructional program approved by the commissioner under Education Code 48.007(a) shall be counted as part of the minimum number of instructional hours required for a student to be considered a full-time student in average daily attendance. *Education Code 48.005(h)*

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[1] Texas Virtual School Network: https://www.txvsn.org

Award of Credit

The award of credit for a course affirms that a student has satisfactorily met state and local requirements. Any course for which credit is awarded must be provided according to 19 TAC 74.26(a)(1) and (a)(2) [see FDA]. *19 TAC 74.26(a)*

Early Award of Credit

A district may offer courses designated for grades 9-12 in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9-12 and have been awarded state graduation credits. *19 TAC 74.26(b)*

Partial Award

In accordance with a district's local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. *19 TAC 74.26(d)*

A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. *19 TAC 74.26(e)*

Attendance for Credit or Final Grade

Unless credit is awarded by the attendance committee or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. *Education Code 25.092*

Homeless or Substitute Care

A district shall adopt a local policy to ensure credit, including proportionate credit, has been awarded appropriately to a student who is homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district in accordance with 19 Administrative Code 74.26 (Award of Credit).

A district must ensure that student records or transcripts provided by the previous district or charter school are evaluated promptly and are complete, accurate, and up to date.

The receiving district must develop, maintain, and regularly update local records and documentation, including transcripts if applicable, for a student who is homeless or in substitute care.

A district must ensure that the records or transcripts of a student who is homeless or in substitute care and transferring from out of state, out of country, or a Texas nonpublic school are evaluated and the award of credit is determined in a timely manner, as required by 19 Administrative Code 74.26(a)(2). [See FDA]

A district must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. Districts must evaluate the student record upon a student's enrollment and ensure that proportionate credit has been awarded appropriately.

If a district determines that there are courses in which a student was enrolled but for which the student has not earned credit, the district may use a variety of methods to determine whether the student may be eligible for full or proportionate credit for coursework completed. The award of credit must be based on demonstrated proficiency in all state and local requirements for a course in accordance with 19 Administrative Code 74.26.

A district must provide opportunities for a student who is homeless or in substitute care who enrolls in the district after the start of the school year to be administered credit by examination at any point during the school year, as required by 19 Administrative Code 74.24 (Credit by Examination) [see EHDB and EHDC].

Districts must:

1. Develop processes for students who have credit deficits or incomplete coursework that would impede on-time promotion or graduation to earn credit and implement appropriate academic interventions to address any credit deficiencies identified;

2. Develop and administer a personal graduation plan in accordance with Education Code 28.0212 (see EIF) for each student in junior high or middle school who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district, or does not perform satisfactorily on a state assessment instrument;

3. Review personal graduation plan options with each student entering grade 9 and with that student's parent or guardian as required by Education Code 28.02121 [see EIF]. Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student;

4. Ensure that school staff actively engage with the student and the student's parent or guardian, as applicable, to develop a plan to recover credits if the student has credit deficits or incomplete coursework that would impede on-time promotion or graduation; and

5. Comply with Education Code 28.025(i) [see EIF], concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

19 TAC 89.1607

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

Graduation Requirements

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

Academic Achievement Record

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)-(d)

Transcript Seals

Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

Endorsement

Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) and the use of an automated external defibrillator (AED) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR and the use of an AED instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript).
FAFSA/TASFA Completion	A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record.
Texas First Early High School Completion Program	A student who earns a high school diploma by satisfying the requirements of the Texas First Early High School Completion Program shall have completion of the program and the distinguished level of achievement clearly indicated on the academic achievement record. [See EIF]
	Education Code 28.025; 19 TAC 74.5(f)-(n), .11(b), .39(e)
Notation on Transcript or Diploma	A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete:

1. The recommended or advanced high school curriculum; or

2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

Education Code 56.308(b)(2)

Certificate of Coursework Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. *19 TAC 74.5(o)* [See FMH for participation in the graduation ceremony.]

Student Advancement

A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level. [See EI]

In determining promotion, a district shall consider:

1. The recommendation of the student's teacher;
2. The student's grade in each subject or course;
3. The student's score on an assessment instrument administered under Education Code 39.023(a), (b), or (l), to the extent applicable; and
4. Any other necessary academic information, as determined by the district.

Education Code 28.021(a), (c)

Advancement Requirements

By the start of the school year, a district shall make public the requirements for student advancement under Education Code 28.021. *Education Code 28.021(d)*

Retention After Assessment

A district is not precluded from retaining, in accordance with state law or board policy, a student who performs satisfactorily on a state assessment. *Education Code 28.0211(g)*

Parental Option to Retain

A parent or guardian may elect for a student to:

1. Repeat prekindergarten;
2. Enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten;
3. Repeat kindergarten;
4. Enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade; or
5. For grades 1 through 8, repeat the grade in which the student was enrolled during the previous school year.

For courses taken for high school credit, a parent or guardian may elect for a student to repeat any course in which the student was enrolled during the previous school year. A parent or guardian may not elect for a student to repeat a course if the district determines the student has met all of the requirements for graduation.

A parent or guardian may make an election for a student in grades 1-8 or for a high school course, or both.

An election made by a parent or guardian shall be made in writing to a district.

Retention Committee

If a district disagrees with the election, the district must convene a retention committee and meet with the parent or guardian to discuss retention. The meeting shall be conducted in person unless an alternative means is agreeable to the parent or guardian. A student may not be retained for a grade or retake a course under this provision if the parent or guardian does not meet with the retention committee.

A retention committee shall be composed of:

1. The principal or the principal's designee;
2. The student's parent or guardian;
3. The teacher who taught the grade or course for which the parent wants the student retained or repeated; and
4. Additional teachers at the discretion of the principal, if the student will potentially repeat multiple courses.

A retention committee shall:

1. Discuss the merits of and concerns with advancement and retention; and
2. Review and consider the student's grade in each subject or course, the results of any formative or summative assessments administered to the student, and any other available academic information to determine the student's academic readiness for the next grade or a given course.

If established, after the parent or guardian has participated in a retention committee meeting, the parent or guardian shall decide whether the student should be retained or retake a grade or course. The district must abide by the decision of the parent or guardian.

Passing Grade

A student who receives a passing grade or who earns credit for a high school course shall retain a district’s original assignment of a grade or award of credit when a student is retained under this section, unless the district adopts a policy to a different effect.

Retention Considerations

Except as provided by this provision or other law, retention of a student pursuant to a parent's or guardian's election under this provision shall be considered the same as retention of a student by a district.

Transfer of Rights

The rights of a parent or guardian under this provision transfer to a student if the student is 18 years of age or older or has had the disabilities of a minor removed, unless the student is under a form of guardianship imposed by law or court order that continues after the student turns 18 years of age.

Education Code 28.02124

Students with Dyslexia

In measuring the academic achievement or proficiency of a student who has dyslexia, the student's potential for achievement or proficiency in the area must be considered. *Education Code 28.021(b)* [See policies at EHB, EKB, and FB]

Optional Extended-Year Program

An optional extended year program may extend the day, the week, or the year to provide additional support and instruction for eligible students. The program shall be conducted beyond the required instructional days, which may include intercessions for year-round programs. *19 TAC 105.1001(b)*

A student is eligible for services in accordance with Education Code 29.082(a)(1)-(2). A student who does not demonstrate proficiency in a subject area as determined by the district is also eligible for services. *19 TAC 105.1001(c); Education Code 29.082(a)(1)-(2)*

A student who attends at least 90 percent of the extended-year program days and who satisfies the requirements for promotion (academic achievement or demonstrated proficiency of the subject matter of the course or grade level) shall be promoted to the next grade level at the beginning of the next school year. However, if the student's parent presents a written request to the school principal asking that the student not be promoted, the principal shall hold a formal meeting with the parent, the teacher, and the school counselor, as soon as practicable after receiving such a request. During the meeting, the principal, teacher, or school counselor shall explain the possible effects of not promoting a student. If the parent withdraws the request after the meeting, the student shall be promoted, and the district shall continue to use innovative practices to ensure that the student is successful in school in succeeding school years.

If a district provides an extended-year program, it shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention.

Education Code 29.082(e)-(f) [See EHBC]

Table of Contents

High School Diploma 2
FAFSA Required 2
Individual Graduation Committee 4
Special Education 6
Posthumous Diploma 6
Diplomas for Veterans 7
Texas First Early High School Completion Program 7
Notice Upon Enrollment 7
Personal Graduation Plan 8
Junior High or Middle School PGP 8
High School PGP 8
Early Graduation 9
State Graduation Requirements 10
Students Entering Grade 9 10
Students Who Entered Grade 9 Before the 2014-15 School Year 17
Transfers from Out-of-State or Nonpublic Schools 20
Graduation of Students Receiving Special Education Services 21
Modified Curriculum and Content 21
Employability and Self-Help Skills 21
Summary of Academic Achievement and Evaluation 21
Graduation of Military Dependents 23
Course Waiver 23
Transfers During Senior Year 23
Substitute Passing Standard 23
Graduation of Student Who Is Homeless or in Conservatorship of DFPS 24

High School Diploma

A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or

2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021-22 school year.

FAFSA Required

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as provided below.

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;

2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or

3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district to comply with the commissioner’s rules.

A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form

to the student or the student's parent or other person standing in parental relation to the student.

Education Code 28.0256; 19 TAC 74.11(b)

Opt-Out Form

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

19 TAC 74.1023(c)

Notification

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

Proof of Submission

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

19 TAC 74.1023(e)

Information Submission and Confidentiality

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the

confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

19 TAC 74.1023(f)-(g)

Individual Graduation Committee

A student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
    a. The student's parent or person standing in parental relation to the student;
    b. A designated advocate if the parent is unable to serve; or
    c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)-(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)-(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

Emergent Bilingual Students

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma

Beginning with students who would have graduated at the end of the 2019-20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Penal Code Title 5 or 6 or adjudicated as having engaged in conduct constituting a felony offense under Penal Code Title 5 or 6.

Education Code 28.0254

Diplomas for Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

Texas First Early High School Completion Program

A district shall allow a student to graduate and receive a high school diploma under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements.

A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.

Notice Upon Enrollment

On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program.

Education Code 28.0253(e)-(g); 19 TAC 21.52(a)

The notice must include information about the requirement that a student must provide an official copy of their assessment results

and transcripts, as applicable, to receive credit for the assessments and credits required to receive early graduation from the program. *19 TAC 21.54*

Personal Graduation Plan

Junior High or Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

Students Receiving Special Education Services

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The

PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)*
[See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007-08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014-15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (d)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts — 4 credits;
2. Mathematics — 3 credits;
3. Science — 3 credits;
4. Social Studies — 3 credits;
5. Languages other than English — 2 credits;
6. Physical Education — 1 credit;
7. Fine Arts — 1 credit; and
8. Elective courses — 5 credits.

19 TAC 74.12(a)-(b)

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110-117, 127, and 130 are followed.

19 TAC 74.13(a)-(d); Education Code 28.025

For more information on endorsements, including the requirements for specific endorsements, see 19 Administrative Code 74.13(e)-(g).

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(e)

Distinguished Level of Achievement

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(f)*

Algebra II Notification

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or

3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(j)-(k)

Dual Credit Courses

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

Core Curriculum College Courses

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and

3. Is entitled to receive a high school diploma.

19 TAC 74.11(o)

Languages Other Than English

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

Physical Education

The required credit may be selected from one full credit or a combination of two half credits from two different courses from the following courses:

1. Lifetime Fitness and Wellness Pursuits;
2. Lifetime Recreation and Outdoor Pursuits; and
3. Skill-Based Lifetime Activities.

Other Physical Education Activities

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that meets the requirement for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. Junior Reserve Officer Training Corps (JROTC); and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the required physical education courses may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Credit may not be earned more than once for the Lifetime Fitness and Wellness Pursuits course or the Skill-Based Lifetime Activities course. Credit may not be earned more than twice for the Lifetime Recreation and Outdoor Pursuits course.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies, or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

19 TAC 74.12(b)(6); Education Code 28.025(b-10)-(b-11)

Community-Based Fine Arts Programs

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
    a. In a dual credit course;
    b. In bilingualism and biliteracy;
    c. On a College Board advanced placement test or international baccalaureate examination;

d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014-15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014-15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the 10th grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009-10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012-13 or 2013-14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012-13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D-F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

Advanced / Distinguished Achievement High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

Other Physical Activity

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007-08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)-(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspon-

dence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(g)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110-117, 126-128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Modified Curriculum and Content

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(i)*

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(g)-(h)*

Students Entering Grade 9 in or After the 2014-15 School Year

A student entering grade 9 in the 2014-15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative

Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

   a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

   b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

   c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

   d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:

    a. The curriculum requirements identified by the SBOE for the foundation high school program; and

    b. The additional endorsement curriculum requirements prescribed by the SBOE; and

2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

    a. Without modification of the curriculum; or

    b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)-(c-8), 19 TAC 89.1070(c)

Students Entering Grade 9 Before the 2014-15 School Year

A student receiving special education services who entered grade 9 before the 2014-15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

Graduation of Military Dependents

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During Senior Year

Should a military student transferring at the beginning or during the student’s senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

Substitute Passing Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for

graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the 10th-grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

Graduation of Student Who Is Homeless or in Conservatorship of DFPS

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

Definitions

"Recent unschooled immigrant" means an immigrant who initially enrolled in a school in the United States not more than 12 months before the date of the administration of an assessment and who, as a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum determined by the language proficiency assessment committee (LPAC). *Education Code 39.027(g)*

"Unschooled asylee or refugee" means a student who:

1. Initially enrolled in a school in the United States as:
    a. An asylee as defined by 45 C.F.R. 400.41; or
    b. A refugee as defined by 8 U.S.C. 1101;
2. Has a visa issued by the U.S. Department of State with a Form I-94 Arrival/Departure record, or a successor document, issued by the U.S. Citizenship and Immigration Services that is stamped with "Asylee," "Refugee," or "Asylum"; and
3. As a result of inadequate schooling outside of the United States, lacks the necessary foundation in the essential knowledge and skills of the curriculum prescribed under Education Code 28.002, as determined by the LPAC established under Education Code 29.063. [See EHBE]

Education Code 39.027(a-1); 19 TAC 101.1005(c)

"Inadequate schooling outside the United States" is defined as little or no formal schooling outside the United States such that the asylee or refugee lacks basic literacy in his or her primary language upon enrollment in school in the United States. *19 TAC 101.1005(d)*

English Language Proficiency Assessment

In kindergarten-grade 12, an emergent bilingual (EB) student, as defined as a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork, shall be administered state English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state requirements under Education Code, Chapter 39, Subchapter B, and federal requirements. *19 TAC 101.1003(a)*

Language Proficiency Assessment Committee

The LPAC shall select the appropriate assessment option for each EB student in grade 3 or higher. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by the Texas Education Agency (TEA).

Documentation

The LPAC shall document in the student's permanent record file:

1. The decisions and justifications related to English language proficiency assessments under 19 Administrative Code 101.1003;
2. The decisions and justifications related to selecting the appropriate assessment option under 19 Administrative Code 101.1005; and
3. In conjunction with the admission, review, and dismissal (ARD) committee [see EHBAB], the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

State Assessment

Grades 3-8

An EB student shall participate in the grades 3-8 assessments, with or without allowable testing accommodations, and, except as provided below, shall be administered the general form of the English-version state assessment.

Spanish-Version Assessment

An EB student in grades 3-5 may be administered the Spanish-version state assessment, with or without allowable testing accommodations, if the assessment in Spanish is the most appropriate measure of the student's academic progress.

Linguistically Accommodated Assessments

An EB student in grade 3 or higher who receives special education services based on the most significant cognitive disabilities may be administered an alternate assessment instrument based on alternative achievement standards, in accordance with Education Code 39.023(b) [see EKB], if the student meets the participation requirements.

19 TAC 101.1005(b)

Exemption for Asylee or Refugee

An unschooled asylee or refugee (as defined above) who meets the criteria at Spanish-Version Assessment and Linguistically Accommodated Assessments above shall be granted an exemption from an administration of an assessment instrument under Education Code 39.023(a), (b), or (l). This exemption will only apply during the school year an unschooled asylee or refugee is first enrolled in a U.S. public school. *19 TAC 101.1005(c)*

End-of-Course Assessments

An EB student shall participate in the end-of-course assessments, with or without allowable testing accommodations, as required by Education Code 39.023(c) and, except as provided below, shall be administered the general form of the English-version state assessment. *19 TAC 101.1005(b)*

An EB student shall not be exempt from taking an end-of-course assessment for reasons associated with limited English proficiency or inadequate schooling outside the United States, except as provided below.

Exception

If an EB student is enrolled in an English I course or an English for Speakers of Other Languages (ESOL) I course has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Assessment, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an unschooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then the student shall not be required to retake the applicable English I assessment each time it is administered if the student passes the course but fails to achieve the passing standard on the assessment [See EKB]

19 TAC 101.1007(a), (b)

Individual Graduation Committees

An EB student who qualifies for the English I special exception in 19 Administrative Code 101.1007, above, may graduate without an individual graduation committee (IGC) if the student achieves satisfactory performance on the remaining end-of-course (EOC) assessments that the student is required to take.

The qualifying EB student becomes eligible for IGC review by failing to achieve satisfactory performance on the English I EOC assessment and one other EOC assessment or by failing to achieve satisfactory performance on no more than two of the remaining EOC assessments if the student achieved satisfactory performance on the English I EOC assessment.

If a qualifying EB student does graduate by means of an IGC, the student is required to complete IGC requirements for each course in which the student did not achieve satisfactory performance on the EOC assessment for that course.

19 TAC 101.3022(e)(2)

Emergent Bilingual Students

A district may administer the assessment of academic skills in Spanish to a student who is not identified as an EB student but who participates in a bilingual program if the LPAC determines the assessment in Spanish to be the most appropriate measure of the student's academic progress. *19 TAC 101.1005(f)*

Limitations on Exemptions

First Year After Enrollment

An EB student may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to one year after initial enrollment in a school in the United States if the student has not demonstrated proficiency in English

as determined by the assessment system developed to evaluate academic progress of an EB student. *Education Code 39.027(a)(1)*

Subsequent Years

An EB student granted the initial exemption period above may be administered an accommodated or alternative assessment instrument or may be granted an exemption from or a postponement of the administration of the state assessment for up to:

1. An additional two years if the student is a recent unschooled immigrant or is in a grade for which no assessment instrument in the primary language of the student is available; or
2. An additional four years if the student's initial enrollment in a school in the United States was as an unschooled asylee or refugee.

The LPAC must determine that the student lacks the academic language proficiency in English necessary for an assessment in English to measure the student's academic progress in a valid, reliable manner.

Minimum Days for Enrollment

Regardless of the date on which the student initially enrolled in a school in the United States, unless a student is enrolled in a school in the United States for a period of at least 60 consecutive calendar days during a year, the student may not be considered to be enrolled in a school in the United States for that year for the purpose of determining a number of years under Education Code 39.027(a)(1), (2), or (3).

Education Code 39.027(a)(1)-(2), (a-1), (a-2), (g); 19 TAC 101.1001

Special Education

Selecting Assessments

For each EB student who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The LPAC shall document the decisions and justifications in the student's permanent record file, and the ARD committee shall document the decisions and justifications in the student's individualized education program (IEP). Assessment decisions shall be made on an individual student basis and in accordance with administrative procedures established by TEA.*19 TAC 101.1005(a)*

In rare cases, the ARD committee in conjunction with the LPAC may determine that it is not appropriate for an EB student in grades 2-12 who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Assessment, above] for reasons associated with the student's particular disability. Students with the most significant cognitive disabilities who cannot participate in the

general English language proficiency assessment, even with allowable accommodations, and meet the participation requirements for the alternate English language proficiency assessment shall participate in the alternate English language proficiency assessment to meet federal requirements. The ARD committee shall document the decisions and justifications in the student's IEP, and the LPAC shall document the decisions and justifications in the student's permanent record file. *19 TAC 101.1003(b)*

In the case of an EB student who receives special education services, the ARD committee in conjunction with the LPAC shall determine and document the need for allowable testing accommodations in accordance with administrative procedures established by TEA. *19 TAC 101.1003(c)*

Testing Accommodations

The LPAC in conjunction with the ARD committee shall determine and document any allowable testing accommodations for assessments in accordance with administrative procedures established by TEA. *19 TAC 101.1005(e)*

Note: The following provisions address requirements for a charter partnership to receive the benefits of Education Code 11.174 and 48.252. For the general campus charter requirements applicable to partnership charters, see EL(LEGAL).

Contract Regarding Operation of District Campus

The board may contract with a partner to operate a campus. The partner may be an open-enrollment charter school or, on approval by the commissioner of education, an entity granted a charter by the district under Chapter 12, Subchapter C that is eligible to be awarded a charter under Education Code 12.101(a). The campus must be granted a charter under Chapter 12, Subchapter C. *Education Code 11.174(a), (d)*

A campus operated under a contract qualifies for an exemption from intervention as provided below and qualifies for funding as provided by Education Code 48.252 [see Funding for Certain Students, below].

The board may enter into a contract only if:

1. The charter of the open-enrollment charter school has not been previously revoked;
2. For the three school years preceding the school year of the proposed operation of the campus, the open-enrollment charter school has received:
    a. An overall performance rating of acceptable or higher; and
    b. A financial accountability rating indicating financial performance of satisfactory or higher; or
3. The entity considered for a district-authorized charter has not previously operated an open-enrollment charter school in which the charter expired or was revoked or surrendered.

Education Code 11.174(a)-(b)

Intervention Pause

For a campus under a contract that received an overall performance rating of unacceptable under Education Code Chapter 39, Subchapter C for the school year before operation under the contract began, the commissioner may not impose a sanction or take action against the campus under Education Code 39A for failure to satisfy academic performance standards during the first two school years of operation of a campus under the contract. [See AIA, AIC]

A campus is eligible for an exemption from applicable sanctions or actions if the campus and the partnership to operate the campus

meet all applicable requirements and the campus was operated under the partnership from the first to the last day of the school year of the campus. A school year must include, at a minimum, all minutes of operation and instructional time conducted on the campus, and all the days for which the instructional workforce of the campus that provides education services for students are employed.

The overall performance rating received by the campus during those first two school years is not included in calculating consecutive school years and is not considered a break in consecutive school years.

Education Code 11.174(f); 19 TAC 97.1077

Applicability

A campus shall not qualify for an intervention pause unless during the school year prior to the operation of a partnership charter the campus received an unacceptable performance rating, except as provided by 19 Administrative Code 97.1077(e) (campus that operates a partnership charter for less than a year)*. 19 TAC 97.1062(b)*

The Texas Education Agency (TEA) will not withdraw or postpone issuing any orders or determinations required or authorized that arise due to the performance rating from the school year prior to the school year in which the campus qualifies for the intervention pause, and any order or determination will resume upon expiration of the intervention pause.

Any intervention or sanction not covered by the intervention pause shall continue.

If a campus ceases to qualify for the intervention pause at any point during a school year, TEA will resume previously ordered interventions and sanctions, order interventions and sanctions based on the rating from that school year, and count that rating for purposes of consecutive years of performance.

TEA will not pursue interventions under Education Code 39A.101-39A.109 and 39A.111 for a campus eligible for an intervention pause if one of the school years eligible for an intervention pause results in an acceptable or higher overall rating.

If after the expiration of the intervention pause a campus receives an unacceptable rating, TEA will apply the requisite interventions that apply to the consecutive year that corresponds to the campus's actual number of consecutive years of unacceptable performance minus the number of intervention pause years and, if applicable, accounting for the modification under 19 Administrative Code 97.1062(c).

If a campus qualifies for an intervention pause for a school year after the conclusion of the school year in which an order is authorized under Education Code 39A.111, the intervention under Education Code 39A.111 will not pause.

A campus that receives an intervention pause will still receive an accountability rating for that school year.

Performance of students at a campus that receives an intervention pause shall be considered in the accountability rating of the district and the application of an intervention pause to a campus shall not pause or alter any intervention applicable to the district or other campuses.

Appeal

A determination under this section that arises from the application of Education Code 28.020 is final and may not be appealed.

19 TAC 97.1062(d), (f)-(m)

Additional Exemption

A campus that receives an exemption from a sanction or other action may receive another exemption while operating under a subsequent contract only if the campus receives approval for the exemption from the commissioner. *Education Code 11.174(g)*

Funding for Certain Students

A district that enters into a contract is entitled to receive for each student in average daily attendance at the campus an amount equivalent to the difference, if the difference results in increased funding, between the amount described by Education Code 12.106 and the amount to which the district would be entitled under this Education Code Chapter 48. This section applies only to a district that does not appoint a majority of the governing body of the charter holder. *Education Code 48.252*

Consultation with Campus Personnel

Before entering into a contract, the district must consult with campus personnel regarding the provisions to be included in the contract between the district and the open-enrollment charter school. All rights and protections afforded by current employment contracts or agreements may not be affected by the contract entered into between a district and an open-enrollment charter school. *Education Code 11.174(c)*

Notice to Commissioner

A district proposing to enter into a contract with a campus or program charter shall notify the commissioner of the district's intent to enter into the contract according to commissioner rules. The commissioner shall notify the district whether the proposed contract is approved not later than the 60th day after the date the commissioner receives notice of the proposed contract and all information required by the commissioner to be submitted. If the commissioner fails to notify the district that the proposed contract has been approved or denied within the period prescribed by this subsection,

the proposed contract is considered approved. *Education Code 11.174(k)*

Enrollment Eligibility

The contract must include a provision addressing student eligibility for enrollment.

The contract must provide that any student residing in the attendance zone of the campus as the attendance zone existed before operation of the campus under the contract shall be admitted for enrollment at the campus. The contract must establish enrollment preference for students who do not reside in the attendance zone as follows:

1. Other students residing in the school district in which the campus is located; and
2. Students who reside outside the school district.

Education Code 11.174(h), (i)

Operating Partner

An operating partner means a state authorized open-enrollment charter school or an eligible entity as defined by Education Code 12.101(a). *19 TAC 97.1075(b)(1)*

Conferred Authority

The district must confer, at a minimum, the following enhanced authorities to the operating partner:

Staffing Authorities

1. The operating partner must have authority to employ and manage the campus chief operating officer, including the initial and final non-delegable authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment, and establish any other terms of employment.
2. The operating partner must have authority over the employees of the operating partner, including initial and final non-delegable authority for the operating partner to employ and/or manage all of the operating partner's own administrators, educators, contractors, or other staff. Such authority includes the authority to hire, supervise, manage, assign, evaluate, develop, advance, compensate, continue employment and establish any other terms of employment.
3. The operating partner must have sole authority over the assignment of all district employees to the campus, including initial and final authority to approve the assignment of all district employees or contractors to the campus.
4. The operating partner must have initial, final, and sole authority to supervise, manage, evaluate, and rescind the assignment of any district employee or district contractor from the

campus. If the operating partner rescinds the assignment of any district employee or district contractor, the district must grant the request within 20 working days.

5. The operating partner must directly manage the campus principal or chief operating officer, including having the sole responsibility for evaluating the performance of the campus principal or chief operating officer.

19 TAC 97.1075(c)(1)

Other Authorities

The operating partner must have:

1. Initial, final, and sole authority to approve all curriculum decisions beyond the minimum requirements outlined in 19 Administrative Code 74.2 and 74.3 (required elementary and secondary curriculum), lesson plans, instructional strategies, and instructional materials as defined by law, to be used at that campus;

2. Initial, final, and sole authority over educational programs for specific, identified student groups, such as gifted and talented students, students of limited English proficiency, students at risk of dropping out of school, special education students, and other statutorily defined populations;

3. Initial, final, and sole authority to set the school calendar and daily schedule, which may differ from those in other district campuses;

4. Initial, final, and sole authority to select and determine the use of any and all assessments to be used on the campus that are not required by the state of Texas;

5. Initial, final, and sole authority to determine how the entire campus budget, including any and all federal and state grant funds due the campus, is allocated. The governing body of the operating partner shall approve the campus budget in a meeting held under the Texas Open Meetings Act [see BE]. Notwithstanding such budget authority, the operating partner's expenditures must comply with the applicable restrictions on the use of state and federal funds; and

6. Initial, final, and sole authority to implement and adjust the campus budget.

19 TAC 97.1075(c)(2)

Performance Contract

To contract to partner to operate under Education Code 11.174, the district's board must grant the operating partner a campus charter under Education Code Chapter 12, Subchapter C. The

charter must include performance expectations memorialized in a performance contract as required by law. The performance contract must include, at a minimum, the following:

1. A clear and unambiguous description of enhanced authorities as outlined above;

2. Academic performance expectations and goals, which shall include, but are not limited to;

    a. For campuses that are paired for accountability purposes, specific annual targets for improved student academic performance;

    b. For campuses issued an accountability rating under Education Code 39.054, a specific annual target for the overall campus academic rating; and

    c. Specific consequences in the event that the operating party does not meet the academic performance expectations and goals described in the performance contract;

3. Annual financial performance expectations and goals, which shall include, but are not limited to:

    a. The completion of an annual independent financial report, including an audit, of the operating partner organization, limited to matters directly related to the management or operation of the campus or campuses;

    b. Receipt of an unqualified audit opinion, in connection with the annual financial report required above; and

    c. Specific consequences in the event that the operating partner does not meet the annual financial performance expectations and goals described in the performance contract;

4. A description of the campus enrollment and expulsion policies that must comply with Education Code 11.174(i);

5. A contract term of up to 10 years as required by Education Code 12.0531, with a provision(s) specifying a requirement for a public hearing at least 30 days prior to any district action to terminate or extend if required by 19 Administrative Code 97.1075(d)(5);

6. A contract term stating that the campus is exempt from laws and rules to the fullest extent allowed by the Education Code, Chapter 12, Subchapter C, and is exempt from all district policies except for laws, rules, and policies that are specifically

identified as applicable to the campus in the performance contract;

7. A section that describes the funding structure of the partnership as required by 19 Administrative Code 97.1075(d)(7);

8. Service-level agreements that list the resources and services the operating partner intends to purchase from the district and the specific costs of such services by pupil, square foot, campus, or the percentage of the total district budget for the specific resource or service. The resources and services may include:

   a. Facility use and related matters;

   b. Transportation;

   c. Specific education program services, such as providing special education services; and

   d. Access to other resources and services as agreed between the parties;

9. A section that describes the educational plan or academic model that the operating partner will implement on the campus or campuses;

10. An assurance that the district has consulted with campus personnel regarding the provisions included in the performance contract and that the rights and protections afforded by current employment contracts or agreements shall not be affected by this contract as required by Education Code 11.174(c), unless the district is partnering with an entity described in Education Code 11.174(a)(2); and

11. A description of the specific and material consequence(s) in the instance that either the district or the operating partner breaches the contract.

19 TAC 97.1075(d); Education Code 12.0531

Eligible partnerships must notify TEA of amendments to performance contracts within 30 calendar days of the amendment of the contract. *19 TAC 97.1075(g)*

TEA Monitoring

The commissioner shall continue to evaluate and assign overall and domain performance ratings under Education Code 39.054 to the campus. In order to qualify for ongoing benefits subsequent to initial eligibility validation or approval, the eligible partnership campus must comply with all information requests or monitoring visits

deemed necessary by the TEA staff to monitor the ongoing eligibility of the partnership. *19 TAC 97.1075(h)-(i)*

Entity Granted a Charter by the District

Title 19 Administrative Code 97.1079 applies only to districts that intend to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2).

Definitions

Eligible Entity

"Eligible entity" means an institution of higher education, a nonprofit organization, or a governmental entity. For applicants seeking approval of an institution of higher education, which has been granted a charter in accordance with Education Code Chapter 12, Subchapter E, the commissioner will treat the institution of higher education as an open-enrollment charter.

Campus

"Campus" means an organizational unit operated by a district that is eligible to receive a campus performance rating in the state accountability system, including a rating of Not Rated or Not Rated: Data Integrity Issues. This definition includes a charter school campus.

Applicant

"Applicant" means a district seeking approval to receive benefits for an eligible entity to contract to partner to operate a campus.

Proposed Operating Partner

"Proposed operating partner" means an eligible entity seeking approval in coordination with a district to contract to partner to operate a campus.

19 TAC 97.1079(b)-(c), .1051(3); Education Code 12.101(a)

Eligibility Approval Process

TEA shall review application packages submitted under this provision. If TEA determines that an application package is not complete and/or the applicant does not meet the eligibility criteria, TEA shall notify the applicant and allow 10 business days for the applicant to submit any missing or explanatory documents.

Upon written notice to TEA, an applicant may withdraw an application package.

19 TAC 97.1079(e)(2)-(3)

Public Information

All parts of the district's eligibility approval request are releasable under the Texas Public Information Act [see GBA] and will be posted to the TEA website. Information described in 19 Administrative Code 97.1079(e)(4) must be excluded or redacted from an eligibility approval request. *19 TAC 97.1079(e)(4)*

Criteria for Approval

The commissioner shall consider the criteria described in 19 Administrative Code 97.1079(e)(9) when determining approval to contract to partner to operate a campus and receive benefits under Education Code 11.174(a)(2). *19 TAC 97.1079(e)*

Threat Assessment

Definitions

"Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student's expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

"Team" means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

Education Code 37.115(a)

Threat Assessment and Safe and Supportive Schools Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs;
3. Require each team established under this section to report the required information regarding the team's activities to TEA [see Reporting to TEA, below];
4. Require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee; and

5. Provide for:

    a. A district employee who reports a potential threat to a team to elect for the employee's identity to be confidential and not subject to disclosure Government Code Chapter 552 (Public Information Act), except as necessary for the team, the district, or law enforcement to investigate the potential threat; and

    b. The district to maintain a record of the identity of a district employee who elects for the employee's identity to be confidential.

Membership

The superintendent shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a district, provided that each district campus is assigned a team.

Oversight Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:

    a. Referring a student for mental health assessment; and

    b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;

2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Parental Participation

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student regarding the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to participate in the assessment, either in person or remotely, and to submit to the team information regarding the student.

After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

Consent for Mental Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

Education Code 37.115(c)-(g)

Determination of Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

Education Code 37.115(h)-(j)

Recordkeeping

Materials and information provided to or produced by a team during a threat assessment of a student under this provision must be maintained in the student's school record until the student's 24th birthday. *Education Code 37.115(j-1)*

[For information regarding the transfer of threat assessment records between school districts, see FD and FDA.]

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
    a. Any disciplinary action taken, including a change in school placement;
    b. Any action taken by law enforcement; or
    c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
    a. Citations issued for Class C misdemeanor offenses;
    b. Arrests;
    c. Incidents of uses of restraint;
    d. Changes in school placement, including placement in a JJAEP or DAEP;
    e. Referrals to or changes in counseling, mental health, special education, or other services;
    f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;
    g. Unexcused absences of 15 or more days during the school year; and

h. Referrals to juvenile court for truancy; and

5. The number and percentage of school personnel trained in:

   a. A best-practices program or research-based practice under Education Code 38.351 [see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;

   b. Mental health or psychological first aid for schools;

   c. Training relating to the safe and supportive school program; or

   d. Any other program relating to safety identified by the commissioner.

Education Code 37.115(k)

Policy and Program to Address Sexual Abuse, Trafficking, and Maltreatment

A district shall provide child abuse antivictimization programs in elementary and secondary schools. *Education Code 38.004*

A district shall adopt and implement a policy addressing sexual abuse, sex trafficking, and other maltreatment of children, to be included in the district improvement plan [see BQ] and any information handbook provided to students and parents. *Education Code 38.0041(a)*

The policy included in any informational handbook provided to students and parents must address the following:

1. Methods for increasing staff, student, and parent awareness of issues regarding sexual abuse, trafficking, and other forms of maltreatment of children, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Actions a child who is a victim of sexual abuse, trafficking, or other maltreatment should take to obtain assistance and intervention; and
3. Available counseling options for students affected by sexual abuse, trafficking, or other maltreatment.

19 TAC 103.1401(b)(3)

Definitions

Child Abuse

"Abuse" includes the following acts or omissions by a person:

1. Mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;
2. Causing or permitting the child to be in a situation in which the child sustains a mental or emotional injury that results in an observable and material impairment in the child's growth, development, or psychological functioning;
3. Physical injury that results in substantial harm to the child, or the genuine threat of substantial harm from physical injury to the child, including an injury that is at variance with the history or explanation given and excluding an accident or reasonable discipline by a parent, guardian, or managing or possessory conservator that does not expose the child to a substantial risk of harm;
4. Failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

5. Sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or disabled individual under Penal Code 21.02, indecency with a child under Penal Code 21.11, sexual assault under Penal Code 22.011, or aggravated sexual assault under Penal Code 22.021;

6. Failure to make a reasonable effort to prevent sexual conduct harmful to a child;

7. Compelling or encouraging the child to engage in sexual conduct as defined by Penal Code 43.01, compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Penal Code 20A.02(a)(7) or (8), solicitation of prostitution under Penal Code 43.021, or compelling prostitution under Penal Code 43.05(a)(2);

8. Causing, permitting, encouraging, engaging in, or allowing the photographing, filming, or depicting of the child if the person knew or should have known that the resulting photograph, film, or depiction of the child is obscene as defined by Penal Code or pornographic;

9. The current use by a person of a controlled substance as defined by Health and Safety Code Chapter 481, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

10. Causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Health and Safety Code Chapter 481;

11. Causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Penal Code 43.25;

12. Knowingly causing, permitting, encouraging, engaging in, or allowing a child to be trafficked in a manner punishable as an offense under Penal Code 20A.02(a)(5), (6), (7), or (8), or the failure to make a reasonable effort to prevent a child from being trafficked in a manner punishable as an offense under any of those sections; or

13. Forcing or coercing a child to enter into a marriage.

Neglect

"Neglect" means an act or failure to act by a person responsible for a child's care, custody, or welfare evidencing the person's blatant disregard for the consequences of the act or failure to act that re-

sults in harm to the child or that creates an immediate danger to the child's physical health or safety.

Neglect includes:

1. The leaving of a child in a situation where the child would be exposed to an immediate danger of physical or mental harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent, guardian, or managing or possessory conservator of the child;

2. The following acts or omissions by a person:

    a. Placing a child in or failing to remove a child from a situation that a reasonable person would realize requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or an immediate danger of harm to the child;

    b. Failing to seek, obtain, or follow through with medical care for a child, with the failure resulting in or presenting an immediate danger of death, disfigurement, or bodily injury or with the failure resulting in an observable and material impairment to the growth, development, or functioning of the child;

    c. The failure to provide a child with food, clothing, or shelter necessary to sustain the life or health of the child, excluding failure caused primarily by financial inability unless relief services had been offered and refused;

    d. Placing a child in or failing to remove the child from a situation in which the child would be exposed to an immediate danger of sexual conduct harmful to the child; or

    e. Placing a child in or failing to remove the child from a situation in which the child would be exposed to acts or omissions that constitute abuse as defined above at items 5-9 committed against another child;

3. The failure by the person responsible for a child's care, custody, or welfare to permit the child to return to the child's home without arranging for the necessary care for the child after the child has been absent from the home for any reason, including having been in residential placement or having run away; or

4. A negligent act or omission by an employee, volunteer, or other individual working under the auspices of a facility or program, including failure to comply with an individual treatment

plan, plan of care, or individualized service plan, that causes or may cause substantial emotional harm or physical injury to, or the death of, a child served by the facility or program as further described by rule or policy.

Neglect does not include:

1. The refusal by a person responsible for a child's care, custody, or welfare to permit the child to remain in or return to the child's home resulting in the placement of the child in the conservatorship of the department if:
   a. The child has a severe emotional disturbance;
   b. The person's refusal is based solely on the person's inability to obtain mental health services necessary to protect the safety and well-being of the child; and
   c. The person has exhausted all reasonable means available to the person to obtain the mental health services described at item b, above;
2. Allowing the child to engage in independent activities that are appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture; or
3. A decision by a person responsible for a child's care, custody, or welfare to:
   a. Obtain an opinion from more than one medical provider relating to the child's medical care;
   b. Transfer the child's medical care to a new medical provider; or
   c. Transfer the child to another health care facility.

Family Code 261.001(1), (4)

Other Maltreatment — This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a Child — The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

19 TAC 103.1401(a)

Duty to Report

Report by Any Person — Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect by any person shall immediately make a report as required by law. *Family Code 261.101(a)*

Report by Any Professional	Any professional who has reasonable cause to believe that a child has been or may be abused or neglected shall make a report as required by law. The report must be made within 48 hours after the professional first has reasonable cause to believe that the child has been or may be abused or neglected or is the victim of an offense of indecency with a child. A professional may not delegate to or rely on another person to make the report. A "professional" is a person who is licensed or certified by the state or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, day-care employees, juvenile probation officers, and juvenile detention or correctional officers. *Family Code 261.101(b)*
Abuse of Persons with Disabilities	A person having cause to believe that a person with a disability is in a state of abuse, neglect, or exploitation shall report the information immediately to the Texas Department of Family and Protective Services (DFPS). A person commits a Class A misdemeanor if the person has cause to believe that a person with a disability has been abused, neglected, or exploited or is in a state of abuse, neglect, or exploitation and knowingly fails to report. A person filing a report or testifying or otherwise participating in any judicial proceeding arising from a petition, report, or investigation is immune from civil or criminal liability on account of his or her petition, report, testimony, or participation, unless the person acted in bad faith or with a malicious purpose. *Human Resources Code 48.051, .052, .054*
Adult Victims of Abuse	A person or professional shall make a report in the manner required above if the person or professional has reasonable cause to believe that an adult was a victim of abuse or neglect as a child and the person or professional determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly person or person with a disability. *Family Code 261.101(b-1)*

Restrictions on Reporting

Psychotropic Drugs and Psychological Testing

An employee may not use or threaten to use the refusal of a parent, guardian, or managing or possessory conservator to administer or consent to the administration of a psychotropic drug to a child, or to consent to any other psychiatric or psychological testing or treatment of the child, as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Education Code 26.0091; Family Code 261.111(a) [See FFEB]

Contents of Report

The report should reflect the reporter's belief that a child has been or may be abused or neglected or has died of abuse or neglect. The individual making the report shall identify, if known:

1. The name and address of the child;
2. The name and address of the person responsible for the care, custody, or welfare of the child;
3. The facts that caused the individual to believe the child has been abused or neglected and the source of the information;
4. The individual's name and telephone number;
5. The individual's:
    a. Home address; or
    b. If the individual is a professional as defined by Family Code 261.101(b) [see Report by Any Professional, above], the individual's business address and profession; and
6. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

Confidentiality of Report

A report of alleged or suspected abuse or neglect and the identity of the person making the report is confidential and not subject to release under Government Code Chapter 552 (Public Information Act) and may be disclosed only for purposes consistent with the Family Code and applicable federal or state law or under rules adopted by an investigating agency. *Family Code 261.201(a)-(a)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confiden-

tial and may be disclosed only to a law enforcement officer for the purposes of a criminal investigation of the report, or as ordered by a court under Family Code 261.201. *Family Code 261.101(d)*

Abuse and Neglect Involving School Personnel and Those Responsible for Care

If the alleged or suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is made to a state agency under item 4, below, or the report involves a juvenile justice program or facility [see JJAEPS, below].

All other reports shall be made to:

1. Any local or state law enforcement agency;
2. DFPS, Child Protective Services (CPS) Division;
3. A local office of CPS, where available; or
4. The state agency that operates, licenses, certifies, or registers the facility in which the alleged abuse or neglect occurred.

Family Code 261.103(a); 19 TAC 103.1401(b)(1)-(2)

“Person responsible for a child’s care, custody, or welfare” means a person who traditionally is responsible for a child’s care, custody, or welfare, including:

1. A parent, guardian, managing or possessory conservator, or foster parent of the child;
2. A member of the child’s family or household as defined by Family Code Chapter 71;
3. A person with whom the child’s parent cohabits;
4. School personnel or a volunteer at the child’s school;
5. Personnel or a volunteer at a public or private child-care facility that provides services for the child or at a public or private residential institution or facility where the child resides; or
6. An employee, volunteer, or other person working under the supervision of a licensed or unlicensed child-care facility, including a family home, residential child-care facility, employer-based day-care facility, or shelter day-care facility, as those terms are defined in Human Resources Code Chapter 42.

Family Code 261.001(5)

Reporting Abuse, Neglect, or Exploitation in a JJAEP

Any report of alleged abuse, neglect, or exploitation, as those terms are defined in Family Code 261.405, in a juvenile justice program or facility shall be made to the Texas Juvenile Justice Department and a local law enforcement agency for investigation. The term "juvenile justice program" includes a juvenile justice alternative education program. *Family Code 261.405(a)(4)(A), (b)*

Immunity from Liability

A person acting in good faith who reports or assists in the investigation of a report of alleged child abuse or neglect or who testifies or otherwise participates in a judicial proceeding arising from a report, petition, or investigation of alleged child abuse or neglect is immune from any civil or criminal liability that might otherwise be incurred or imposed. *Family Code 261.106*

A district may not suspend or terminate the employment of, or otherwise discriminate against, or take any other adverse employment action against a professional who makes a good faith report of abuse or neglect. *Family Code 261.110(b)* [See DG]

Criminal Offenses

Failure to Report

A person commits a Class A misdemeanor if he or she is required to make a report under Family Code 261.101(a) [see Duty to Report, above] and knowingly fails to make a report as provided by law.

A person who is a professional commits a Class A misdemeanor if the person is required to make a report under Family Code 261.101(b) [see Duty to Report] and knowingly fails to make a report as provided by law. The professional commits a state jail felony if he or she intended to conceal the abuse or neglect.

Family Code 261.109

False Report

A person commits an offense if, with the intent to deceive, the person knowingly makes a report of abuse and neglect that is false. The offense is a state jail felony, except that it is a felony of the third degree if the person has previously been convicted of the offense. *Family Code 261.107(a)*

Coercion

A public servant, including as a school administrator, who coerces another into suppressing or failing to report child abuse or neglect to a law enforcement agency commits a Class C misdemeanor offense. *Penal Code 39.06*

SBEC Disciplinary Action

The State Board for Educator Certification (SBEC) may take any of the actions listed in 19 Administrative Code 249.15(a) (impositions, including revocation of a certificate and administrative penalties) based on satisfactory evidence that the person has failed to report or has hindered the reporting of child abuse pursuant to Family Code 261.001, or has failed to notify the SBEC, the commissioner of education, or the school superintendent or director under the cir-

cumstances and in the manner required by Education Code 21.006, 21.0062, 22.093, and 19 Administrative Code 249.14(d)-(f). *19 TAC 249.15(b)(4)*

Note: The following legal provisions address child abuse and neglect investigations generally. See GRA for additional legal provisions addressing notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. See 40 Administrative Code Chapter 707, Subchapter B for more information regarding investigations of abuse or neglect in a school setting.

Investigations

Reports to District

If DFPS initiates an investigation and determines that the abuse or neglect involves an employee of a public elementary or secondary school, and that the child is a student at the school, the department shall orally notify the superintendent of the district in which the employee is employed. *Family Code 261.105(d)*

On request, DFPS shall provide a copy of the completed report of its investigation to the board, the superintendent, and the school principal, unless the principal is alleged to have committed the abuse or neglect. The report shall be edited to protect the identity of the person who made the report. *Family Code 261.406(b)*

Interview of Student

The investigating agency shall be permitted to interview the child at any reasonable time and place, including at the child's school. *Family Code 261.302(b)* [See GRA]

Interference with Investigation

A person may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS. *Family Code 261.303(a)*

Confidentiality

A photograph, videotape, audiotape, or other audio or visual recording, depiction, or documentation of a child that is made by DFPS in the course of an inspection or investigation is confidential, is not subject to release under the Public Information Act, and may be released only as required by state or federal law or rules adopted by the DFPS. *Human Resources Code 42.004*

Reporting Policy

A board shall adopt and annually review policies for reporting child abuse and neglect. The policies shall follow the requirements of Family Code Chapter 261. *19 TAC 103.1401(b)*

The policies must require every school employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect to submit a written or oral report to at least one of the authorities listed above [see To Whom Reported, above] within 48 hours or less, as determined

by the board, after learning of facts giving rise to the suspicion. *19 TAC 103.1401(b)(1)*

The policies must be consistent with the Family Code Chapter 261 and 40 Administrative Code Chapter 700 (CPS) regarding investigations by DFPS, including regulations governing investigation of abuse by school personnel and volunteers. [See GRA]

The policies must require a report to DFPS if the alleged abuse or neglect involves a person responsible for the care, custody, or welfare of the child and must notify school personnel of the following:

1. Penalties under Penal Code 39.06 (misuse of official information), Family Code 261.109 (failure to report), and 19 Administrative Code Chapter 249 (actions against educator's certificate) for failure to submit a required report of child abuse or neglect;

2. Applicable prohibitions against interference with an investigation of a report of child abuse or neglect, including:

    a. Family Code 261.302 and 261.303, prohibiting school officials from denying an investigator's request to interview a student at school; and

    b. Family Code 261.302, prohibiting school officials from requiring the presence of a parent or school administrator during an interview by an investigator.

3. Immunity provisions applicable to a person who reports child abuse or neglect or otherwise assists an investigation in good faith;

4. Oral reports made to DFPS are recorded;

5. Confidentiality provisions relating to a report of suspected child abuse or neglect, including the following:

    a. The requirement for the individual making the report to provide his or her name and telephone number;

    b. The requirement for the individual making the report to provide his or her home address or, if the individual making the report is a school employee, agent, or contractor, provide his or her business address and profession; and

    c. The limited circumstances under which the identity of the individual making a report may be disclosed;

6. Any disciplinary action that may result from noncompliance with a district's reporting policy; and

7. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 103.1401(b)(2)

The policies may not require that school personnel report suspicions of child abuse or neglect to a school administrator before making a report to one of the agencies listed above.

The policies must:

1. Include the current toll-free number for DFPS;
2. Provide for cooperation with law enforcement child abuse investigations without the consent of the child's parent, if necessary, including investigations by DFPS; and
3. Include child abuse anti-victimization programs in elementary and secondary schools consisting of age-appropriate, research-based prevention designed to promote self-protection and prevent sexual abuse and trafficking.

19 TAC 103.1401(b)(5)-(8)

Annual Distribution and Staff Development

The policies required by these provisions and adopted by the board shall be distributed to all personnel at the beginning of each school year. The policies shall be addressed in staff development programs at regular intervals determined by a board. *19 TAC 103.1401(c)* [See also DH and GRA]

[For training requirements under these provisions, see DMA.]

Required Poster

Using a format and language that is clear, simple, and understandable to students, each public school shall post, in English and in Spanish:

1. The current toll-free DFPS Abuse Hotline telephone number;
2. Instructions to call 911 for emergencies; and
3. Directions for accessing the DFPS Texas Abuse Hotline website[1] for more information on reporting abuse, neglect, and exploitation.

A district shall post the information specified above at each school campus in at least one high-traffic, highly and clearly visible public area that is readily accessible to and widely used by students. The information must be on a poster (11x17 inches or larger) in large print and placed at eye-level to the student for easy viewing. Additionally, the current toll-free Texas Department of Family and Pro-

tective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 103.1401(e)-(f)

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[1] Texas Abuse Hotline website: https://www.txabusehotline.org/

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of DFPS at 800-252-5400 or the Texas Abuse Hotline website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus principal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

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[1] Texas Abuse Hotline website: http://www.txabusehotline.org

Table of Contents

Dating Violence....2
Policy Requirements....2
Student Resources....2
Sexual Harassment....2
Designation of Title IX Coordinator....3
Parties Entitled to Notice....3
Reporting....3
Notification of Policy....3
Publication Requirements....3
Adopting and Publishing Complaint Procedures....4
Response to Sexual Harassment....4
Title IX Coordinator Response....6
Process for Title IX Formal Complaint....8
Recordkeeping....15
Retaliation Prohibited....16
Confidentiality....17

Note: The following legal provisions address dating violence and sexual harassment. For legal provisions addressing discrimination on the basis of disability, sex, and other protected characteristics, see FB.

Dating Violence

Policy Requirements

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must include:

1. A definition of dating violence that includes the intentional use of physical, sexual, verbal, or emotional abuse by a person to harm, threaten, intimidate, or control another person in a dating relationship, as defined by Family Code 71.0021;
2. A clear statement that dating violence is not tolerated at school; and
3. Reporting procedures and guidelines for students who are victims of dating violence, including a procedure for immediately notifying the parent or guardian of a student about a report received by the district identifying the student as an alleged victim or perpetrator of dating violence.

A dating violence policy must also address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators at each district campus that instructs students in grade 6 or higher, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Student Resources

To the extent possible, a district shall make available to students age-appropriate educational materials that include information on the dangers of dating violence and resources to students seeking help. *Education Code 37.0831(c)*

Sexual Harassment

A district may develop and implement a sexual harassment policy to be included in the district improvement plan. *Education Code 37.083* [See BQ]

Sexual abuse of a student by an employee, when there is a connection between the physical sexual activity and the employee's duties and obligations as a district employee, violates a student's constitutional right to bodily integrity. Sexual abuse may include fondling, sexual assault, or sexual intercourse. *U.S. Const. Amend. 14; Doe v. Taylor Indep. Sch. Dist., 15 F.3d 443 (5th Cir. 1994)*

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance. *20 U.S.C. 1681 (Title IX)*

A district's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX. *34 C.F.R. 106.45; 20 U.S.C. 1681* [See also FB regarding Title IX]

Designation of Title IX Coordinator

A district must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX, which employee must be referred to as the "Title IX Coordinator."

Parties Entitled to Notice

The district must notify applicants for admission and employment, students, parents or legal guardians, employees, and all professional organizations holding professional agreements with the district ("Parties Entitled to Notice") of the name or title, office address, electronic mail address, and telephone number of the employee or employees designated as the Title IX Coordinator.

34 C.F.R. 106.8(a)

Reporting

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during nonbusiness hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. *34 C.F.R. 106.8(a)*

Notification of Policy

A district must notify the Parties Entitled to Notice, above, that the district does not discriminate on the basis of sex in the education program or activity that it operates, and that it is required by Title IX not to discriminate in such a manner. The notification must state that the requirement not to discriminate in the education program or activity extends to employment, and that inquiries about the application of Title IX to such district may be referred to the district's Title IX Coordinator, to the assistant secretary for civil rights of the Department of Education, or both. *34 C.F.R. 106.2(d), .8(b)(1)*

Publication Requirements

A district must prominently display the contact information required to be listed for the Title IX Coordinator and the nondiscrimination policy described at Notification of Policy, above, on its website, if

any, and in each handbook that it makes available to the Parties Entitled to Notice, above.

A district must not use or distribute a publication stating that the district treats applicants, students, or employees differently on the basis of sex except as such treatment is permitted by Title IX.

34 C.F.R. 106.8(b)(2)

Note: To distinguish the process described below from the district's general grievance policies [see DGBA, FNG, and GF], this policy refers to the grievance process required by Title IX regulations for responding to formal complaints of Title IX sexual harassment in an education program or activity and against a person in the United States as the district's "Title IX formal complaint process."

Adopting and Publishing Complaint Procedures

A district must adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any action that would be prohibited by Title IX and a Title IX formal complaint process that complies with 34 C.F.R. 106.45 for formal complaints as defined below.

A district must provide notice to the Parties Entitled to Notice, above, of the district's procedures and Title IX formal complaint process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the district will respond.

The requirements of this provision apply only to sex discrimination occurring against a person in the United States.

34 C.F.R. 106.8(c)-(d)

Response to Sexual Harassment

Definitions

"Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a district's Title IX Coordinator or any official of the district who has authority to institute corrective measures on behalf of the district, or to any employee of an elementary and secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the district with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the district. "Notice" as

used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

“Complainant” means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

“Consent” is not defined by the Title IX regulations, nor do the regulations require districts to adopt a particular definition of consent with respect to sexual assault.

“Formal complaint” means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the district with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the district. As used in this paragraph, the phrase “document filed by a complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the district) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party to a Title IX formal complaint, and must comply with the requirements of the Title IX formal complaint process, including the informal resolution process.

“Respondent” means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

“Sexual harassment” means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the district conditioning the provision of an aid, benefit, or service of the district on an individual’s participation in unwelcome sexual conduct;

2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the district’s education program or activity; or

3. “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30).

"Supportive measures" means nondisciplinary, nonpunitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the district's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the district's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or district-provided housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The district must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the district to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

34 C.F.R. 106.2, .30(a)

Deliberate Indifference

A district with actual knowledge of sexual harassment in an education program or activity of the district against a person in the United States, must respond promptly in a manner that is not deliberately indifferent. A district is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances.

Education Program or Activity

For the purposes of 34 C.F.R. 106.30 [see Definitions, above] and 106.45 [see Process for Title IX Formal Complaint, below], "education program or activity" includes locations, events, or circumstances over which the district exercised substantial control over both the respondent and the context in which the sexual harassment occurs.

34 C.F.R. 106.44(a)

Title IX Coordinator Response

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Title IX Coordinator must respond in this manner with or without a formal complaint. *34 C.F.R. 106.44(b)(1)*

Supportive Measures Required

A district's response must treat complainants and respondents equitably by offering supportive measures and by following a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below] before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. [For Emergency Removal procedures, see below.]

Constitutional Restrictions

The Department of Education may not deem a district to have satisfied the district's duty to not be deliberately indifferent under Title IX based on the district's restriction of rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment.

34 C.F.R. 106.44(a)

Response to a Formal Complaint

In response to a formal complaint, a district must follow a process that complies with 34 C.F.R. 106.45 [see Process for Title IX Formal Complaint, below]. *34 C.F.R. 106.44(b)(1)*

Emergency Removal

The Title IX regulations do not preclude a district from removing a respondent from the district's education program or activity on an emergency basis, provided that the district:

1. Undertakes an individualized safety and risk analysis;
2. Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
3. Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act.

34 C.F.R. 106.44(c)

Administrative Leave

The Title IX regulations do not preclude a district from placing a nonstudent employee respondent on administrative leave during the pendency of a Title IX formal complaint. This provision may not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act. *34 C.F.R. 106.44(d)*

Process for Title IX Formal Complaint

For the purpose of addressing formal complaints of sexual harassment, a district's process must comply with the following requirements. Any provisions, rules, or practices other than those required by this provision that a district adopts as part of its process for han-

dling formal complaints of sexual harassment must apply equally to both parties. *34 C.F.R. 106.45(b)*

A district's Title IX formal complaint process must:

1. Treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a process that complies with the Title IX regulations before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent. Remedies must be designed to restore or preserve equal access to the district's education program or activity. Such remedies may include the same individualized services described as supportive measures; however, remedies need not be nondisciplinary or nonpunitive and need not avoid burdening the respondent;

2. Require an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence—and provide that credibility determinations may not be based on a person's status as a complainant, respondent, or witness;

3. Require that any individual designated by a district as a Title IX Coordinator, investigator, decision-maker, or any person designated by a district to facilitate an informal resolution process, not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A district must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the definition of sexual harassment, the scope of the district's education program or activity, how to conduct an investigation and Title IX formal complaint process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. A district must ensure that decision-makers receive training on any technology to be used at a live hearing, if any, and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. [See Hearings, below] A district also must ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. [See Investigation of a Formal Complaint, below] Any materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal res-

olution process, must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment;

4. Include a presumption that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process;

5. Include reasonably prompt time frames for conclusion of the Title IX formal complaint process, including reasonably prompt time frames for filing and resolving appeals and informal resolution processes if the district offers informal resolution processes, and a process that allows for the temporary delay of the Title IX formal complaint process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities;

6. Describe the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that the district may implement following any determination of responsibility;

7. State whether the standard of evidence to be used to determine responsibility is the preponderance of the evidence standard or the clear and convincing evidence standard, apply the same standard of evidence for formal complaints against students as for formal complaints against employees, including faculty, and apply the same standard of evidence to all formal complaints of sexual harassment;

8. Include the procedures and permissible bases for the complainant and respondent to appeal;

9. Describe the range of supportive measures available to complainants and respondents; and

10. Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

34 C.F.R. 106.45(b)(1)

Notice of Allegations

Upon receipt of a formal complaint, a district must provide the following written notice to the parties who are known:

1. Notice of the district's Title IX formal complaint process, including any informal resolution process.

2. Notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include:

   a. The identities of the parties involved in the incident, if known;

   b. The conduct allegedly constituting sexual harassment; and

   c. The date and location of the alleged incident, if known.

   The written notice must include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Title IX formal complaint process. The written notice must inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney and may inspect and review evidence [see Investigation of a Formal Complaint, below]. The written notice must inform the parties of any provision in the district's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the Title IX formal complaint process.

If, in the course of an investigation, the district decides to investigate allegations about the complainant or respondent that are not included in the Notice of Allegations, above, the district must provide notice of the additional allegations to the parties whose identities are known.

34 C.F.R. 106.45(b)(2)

Dismissal of a Formal Complaint

The district must investigate the allegations in a formal complaint. If the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the district's education program or activity, or did not occur against a person in the United States, then the district must dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not preclude action under another provision of the district's code of conduct.

The district may dismiss the formal complaint or any allegations therein, if at any time during the investigation or hearing: a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allega-

tions therein; the respondent is no longer enrolled or employed by the district; or specific circumstances prevent the district from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon a dismissal required or permitted pursuant to 34 C.F.R. 106.45(b)(3), the district must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

A district may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a Title IX formal complaint process involves more than one complainant or more than one respondent, references in this provision to the singular "party," "complainant," or "respondent" include the plural, as applicable.

34 C.F.R. 106.45(b)(3)-(4)

Investigation of a Formal Complaint

When investigating a formal complaint and throughout the Title IX formal complaint process, a district must:

1. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on the district and not on the parties provided that the district cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the district obtains that party's voluntary, written consent to do so for a Title IX formal complaint (if a party is not an "eligible student," as defined in 34 C.F.R. 99.3 then the district must obtain the voluntary, written consent of a "parent," as defined in 34 C.F.R. 99.3) [see FL(LEGAL) at Education Records];
2. Provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;
3. Not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any Title IX formal complaint proceeding, in-

cluding the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or Title IX formal complaint proceeding; however, the district may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties;

5. Provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate;

6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the district does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the district must send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties must have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The district must make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination; and

7. Create an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

34 C.F.R. 106.45(b)(5)

Hearings

The district's Title IX formal complaint process may, but need not, provide for a hearing. With or without a hearing, after the district has sent the investigative report to the parties pursuant to 34 C.F.R. 106.45(b)(5)(vii) [see Investigation of a Formal Complaint, above] and before reaching a determination regarding responsibility, the decision-maker(s) must afford each party the opportunity to

submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. With or without a hearing, questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant. *34 C.F.R. 106.45(b)(6)(ii)*

Determination Regarding Responsibility

The decision-maker(s), who cannot be the same person(s) as the Title IX Coordinator or the investigator(s), must issue a written determination regarding responsibility. To reach this determination, the district must apply the standard of evidence described at Process for Title IX Formal Complaint, above.

The written determination must include:

1. Identification of the allegations potentially constituting sexual harassment;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the district's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the district imposes on the respondent, and whether remedies designed to restore or preserve equal access to the district's education program or activity will be provided by the district to the complainant; and
6. The district's procedures and permissible bases for the complainant and respondent to appeal.

The district must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the district provides the parties with the written determination of the result of the appeal, if an appeal is

filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

34 C.F.R. 106.45(b)(7)(i)-(ii)

Implementation of Remedies

The Title IX Coordinator is responsible for effective implementation of any remedies. *34 C.F.R. 106.45(b)(7)(iv)*

Appeals

A district must offer both parties an appeal from a determination regarding responsibility, and from a district's dismissal of a formal complaint or any allegations therein, on the following bases:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

A district may offer an appeal equally to both parties on additional bases.

As to all appeals, the district must:

1. Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
2. Ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
3. Ensure that the decision-maker(s) for the appeal complies with the standards in the Title IX regulations regarding conflict of interest and bias [see Process for Title IX Formal Complaint, item 3, above];
4. Give both parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
5. Issue a written decision describing the result of the appeal and the rationale for the result; and
6. Provide the written decision simultaneously to both parties.

34 C.F.R. 106.45(b)(8)

Informal Resolution

A district may not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment consistent with Title IX. Similarly, a district may not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility the district may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the district:

1. Provides to the parties a written notice disclosing:
    a. The allegations;
    b. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the Title IX formal complaint process with respect to the formal complaint; and
    c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
2. Obtains the parties' voluntary, written consent to the informal resolution process; and
3. Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

34 C.F.R. 106.45(b)(9)

Recordkeeping

A district must maintain for a period of seven years records of:

1. Each sexual harassment investigation including any determination regarding responsibility, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the district's education program or activity;
2. Any appeal and the result therefrom;
3. Any informal resolution and the result therefrom; and

4. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. A district must make these training materials publicly available on its website or if the district does not maintain a website the district must make these materials available upon request for inspection by members of the public.

For each response required under Title IX Coordinator Response, above, a district must create, and maintain for a period of seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the district must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the district's education program or activity.

If a district does not provide a complainant with supportive measures, then the district must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the district in the future from providing additional explanations or detailing additional measures taken.

34 C.F.R. 106.45(b)(10)

Retaliation Prohibited

No district or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation.

Complaints alleging retaliation may be filed according to the Process for Title IX Formal Complaint above.

The exercise of rights protected under the First Amendment does not constitute retaliation prohibited by Title IX.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX formal complaint proceeding does not constitute retaliation prohib-

ited by Title IX, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

34 C.F.R. 106.71(a)-(b)

Confidentiality

The district must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA) statute, 20 U.S.C. 1232g, or FERPA regulations, 34 C.F.R. Part 99, or as required by law, or to carry out the purposes of 34 C.F.R. Part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. *34 C.F.R. 106.71(a)*

Table of Contents

UIL Rules and District Policies....3
Athletic Activities....3
UIL Forms....3
Notices....3
Records....3
Unsafe Practices....3
Safety Precautions....4
Concussions....4
Football Helmet Safety Requirements....7
Steroid Testing....7
Cardiac Assessment....7
Safety of Official....8
Interscholastic Athletic Competition Based on Biological Sex....9
Water Activities....9
Definitions....9
Parent Affirmation....9
Flotation Device Required....9
Failure to Comply....10
Rodeos....10
Educational Program....10
Restriction on Participation....10
Protective Gear for Bull Riding....10
Eligibility....11
Military Dependents....11
Attendance and Participation....11
SBOE Rules....11
Extracurricular Activities....11
Exceptions....12
Limits on Participation and Practice....12
Record of Absences....13
Students Receiving Outpatient Mental Health Services....13
Participation by Homeschooled Students....14
Suspension from Extracurricular Activities....17
Length of Suspension....17

Grade Evaluation Period....17
School Week....17
Exempt Courses....17
Students with Disabilities....18
Practice or Rehearsal....18
Reinstatement....18
Suspension for Certain Conduct Involving Extracurricular Officials....18
Spectator Suspension....19
Parental Notice and Consent....19
Anonymous Evaluations....19
Videotaping and Recording....20
Discriminatory Club....20
Special Olympics Recognition....20
Student Election Clerks....20
Before-School and After-School Programs....20

UIL Rules and District Policies

A student enrolled in a district or who participates in an extracurricular activity or a University Interscholastic League (UIL) competition is subject to district policy and UIL rules regarding participation only when the student is under the direct supervision of an employee of the school or district in which the student is enrolled or at any other time specified by resolution of a board. *Education Code 33.081(b)* [See FO regarding additional standards of conduct for extracurricular activities]

Athletic Activities

UIL Forms

Each student participating in an extracurricular athletic activity must complete the UIL forms entitled "Preparticipation Physical Evaluation — Medical History" and "Acknowledgement of Rules." Each form must be signed by both the student and the student's parent or guardian. *Education Code 33.203(a)*

Notices

Each school that offers an extracurricular athletic activity shall:

1. Prominently display at its administrative offices the telephone number and electronic mail address that the commissioner of education maintains for reporting violations of Education Code Chapter 33, Subchapter F; and
2. Provide each student participant and the student's parent or guardian a copy of the text of Education Code 33.201-33.207 and a copy of the UIL's parent information manual. The document may be provided in an electronic format unless otherwise requested.

Education Code 33.207(b), .208

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person enrolled in the district who is required to receive safety training.

A campus that is determined by the superintendent to be out of compliance with the safety training requirements or the requirements regarding unsafe practices and safety precautions (see below) shall be subject to the range of penalties determined by the UIL.

Education Code 33.206

Unsafe Practices

A coach, trainer, or sponsor for an extracurricular athletic activity may not encourage or permit a student participant to engage in any unreasonably dangerous athletic technique that unnecessarily endangers the health of a student, including using a helmet or any other sports equipment as a weapon. *Education Code 33.204*

Safety Precautions

A coach, trainer, or sponsor for an extracurricular athletic activity shall at each athletic practice or competition ensure that:

1. Each student participant is adequately hydrated;
2. Any prescribed asthma medication for a student participant is readily available to the student;
3. Emergency lanes providing access to the practice or competition area are open and clear; and
4. Heatstroke prevention materials are readily available.

If a student participating in a practice or competition becomes unconscious during the activity, the student may not:

1. Return to the activity during which the student became unconscious; or
2. Participate in any extracurricular athletic activity until the student receives written authorization for such participation from a physician.

Education Code 33.205

Concussions

"Interscholastic athletic activity" includes practice and competition, sponsored or sanctioned by a district, including a home-rule district, or a public school, including any school for which a charter has been granted under Education Code Chapter 12, or the UIL. *Education Code 38.152*

"Concussion" means a complex pathophysiological process affecting the brain caused by a traumatic physical force or impact to the head or body, which may include temporary or prolonged altered brain function resulting in physical, cognitive, or emotional symptoms or altered sleep patterns, and involve loss of consciousness. *Education Code 38.151(4)*

Concussion Oversight Team

The board of a district with students enrolled who participate in an interscholastic athletic activity shall appoint or approve a concussion oversight team. *Education Code 38.153(a)*

Each concussion oversight team must include at least one physician and, to the greatest extent practicable, considering factors including the population of the metropolitan statistical area in which the district is located, district enrollment, and the availability of and access to licensed health-care professionals in the district or charter school area, must also include one or more of the following: an athletic trainer, an advanced practice nurse, a neuropsychologist, or a physician assistant. If a district employs an athletic trainer, the athletic trainer must be a member of the concussion oversight

team. If a district employs a school nurse, the school nurse may be a member of the district concussion oversight team if requested by the school nurse.

A district may include a licensed chiropractor or physical therapist as a member of the district concussion oversight team, provided that the person meets the training requirements.

Education Code 38.154

Training Requirements

Each member of the concussion oversight team must have had training in the evaluation, treatment, and oversight of concussions at the time of appointment or approval as a member of the team. The members also must take a training course at least once every two years and submit proof of timely completion to the superintendent or designee in accordance with Education Code 38.158. *Education Code 38.154(c), .158(f)*

A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. *Education Code 38.158(g)*

Return-to-Play Protocol

Each concussion oversight team shall establish a return-to-play protocol, based on peer-reviewed scientific evidence, for a student's return to interscholastic athletics practice or competition following the force or impact believed to have caused a concussion. *Education Code 38.153(b)*

Required Annual Form

A student may not participate in an interscholastic athletic activity for a school year until both the student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have signed a form for that school year that acknowledges receiving and reading written information that explains concussion prevention, symptoms, treatment, and oversight and that includes guidelines for safely resuming participation in an athletic activity following a concussion. The form must be approved by the UIL. *Education Code 38.155*

Removal from Play

A student shall be removed from an interscholastic athletics practice or competition immediately if one of the following persons believes the student might have sustained a concussion during the practice or competition: a coach; a physician; a licensed health-care professional, as defined by Education Code 38.151(5); a licensed chiropractor or physical therapist; a school nurse; or the student's parent or guardian or another person with legal authority to make medical decisions for the student. *Education Code 38.156*

Return to Play

A student removed from an interscholastic athletics practice or competition under Education Code 38.156 may not be permitted to

practice or compete again following the force or impact believed to have caused the concussion until:

1. The student has been evaluated, using established medical protocols based on peer-reviewed scientific evidence, by a treating physician chosen by the student or the student's parent or guardian or another person with legal authority to make medical decisions for the student;

2. The student has successfully completed each requirement of the return-to-play protocol established under Education Code 38.153 necessary for the student to return to play;

3. The treating physician has provided a written statement indicating that, in the physician's professional judgment, it is safe for the student to return to play; and

4. The student and the student's parent or guardian or another person with legal authority to make medical decisions for the student have acknowledged that the student has completed the requirements of the return-to-play protocol necessary for the student to return to play, have provided the treating physician's written statement to the person responsible for compliance with the return-to-play protocol and the person who has supervisory responsibilities, and have signed a consent form indicating that the person signing:

    a. Has been informed concerning and consents to the student participating in returning to play in accordance with the return-to-play protocol;

    b. Understands the risks associated with the student returning to play and will comply with any ongoing requirements in the return-to-play protocol;

    c. Consents to the disclosure to appropriate persons, consistent with the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, of the treating physician's written statement and, if any, the return-to-play recommendations of the treating physician; and

    d. Understands the immunity provisions under Education Code 38.159.

A coach of an interscholastic athletics team may not authorize a student's return to play.

The superintendent or designee shall supervise an athletic trainer or other person responsible for compliance with the return-to-play

protocol. The person who has supervisory responsibilities may not be a coach of an interscholastic athletics team.

Education Code 38.157

Immunity

These provisions do not:

1. Waive any immunity from liability of a district or of district officers or employees;
2. Create any liability for a cause of action against a district or against district officers or employees;
3. Waive any immunity from liability under Civil Practice and Remedies Code 74.151; or
4. Create any cause of action or liability for a member of a concussion oversight team arising from the injury or death of a student participating in an interscholastic athletics practice or competition, based on service or participation on the concussion oversight team.

Education Code 38.159

Football Helmet Safety Requirements

A district may not use a football helmet that is 16 years old or older in the district's football program. A district shall ensure that each football helmet used in the district's football program that is 10 years old or older is reconditioned at least once every two years.

A district shall maintain and make available to parents of students enrolled in the district documentation indicating the age of each football helmet used in the district's football program and the dates on which each helmet is reconditioned.

Education Code 33.094(a)-(c)

Steroid Testing

The UIL shall adopt rules for the annual administration of a steroid testing program under which high school students participating in an athletic competition sponsored or sanctioned by the league are tested at multiple times throughout the year for the presence of steroids [see FNF].

Results of such steroid tests are confidential and, unless required by court order, may be disclosed only to the student and the student's parent and the activity directors, principal, and assistant principals of the school attended by the student.

Education Code 33.091(d)-(e)

Cardiac Assessment

A district must provide a district student who is required under UIL rule or policy to receive a physical examination before being allowed to participate in an athletic activity sponsored or sanctioned

by the UIL, information about sudden cardiac arrest and electrocardiogram testing and notification of the option of the student to request the administration of an electrocardiogram, in addition to the physical examination.

A student may request an electrocardiogram from any health-care professional, including a health-care professional provided through a district program, provided that the health-care professional is appropriately licensed in Texas and authorized to administer and interpret electrocardiograms under the health-care professional's scope of practice, as establish by the health-care professional's Texas licensing act.

Immunity

These provisions do not create a cause of action or liability or a standard of care, obligation, or duty that provides a basis for a cause of action or liability against a health-care professional described in the provision, the UIL, a district, or a district officer or employee for:

1. The injury or death of a student participating in or practicing for an athletic activity sponsored or sanctioned by the UIL based on or in connection with the administration or interpretation of or reliance on an electrocardiogram; or
2. The content or distribution of the information required under these provisions or the failure to distribute the required information.

Education Code 33.096

Safety of Official

A district that holds an extracurricular athletic activity or a UIL athletic competition on district property shall provide a peace officer, a school resource officer, an administrator, or security personnel to ensure the safety of a referee, judge, or other official of the activity or competition until the official departs district property if:

1. A participant or spectator of the activity or competition engages in, attempts to engage in, or threatens violent conduct against the official or otherwise disrupts the duties or free movement of the official; or
2. The district reasonably suspects that an incident described above may occur at the activity or competition.

Education Code 33.099

[For information regarding the suspension of an individual who causes bodily injury to an official, see Suspension for Certain Conduct Involving Extracurricular Officials and Spectator Suspension, below.]

Interscholastic Athletic Competition Based on Biological Sex	An interscholastic athletic team sponsored or authorized by a district may not allow a student to compete in an interscholastic athletic competition sponsored or authorized by the district that is designated for the biological sex opposite to the student's biological sex as correctly stated on the student's official birth certificate, as described below, or if the student's official birth certificate is unobtainable, another government record.
Exception	An interscholastic athletic team sponsored or authorized by a district may allow a female student to compete in an interscholastic athletic competition that is designated for male students if a corresponding interscholastic athletic competition designated for female students is not offered or available.
Birth Certificate Statement	For purposes of this provision, a statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was entered at or near the time of the student's birth or modified to correct any type of scrivener or clerical error in the student's biological sex.
	Education Code 33.0834
Water Activities	
Definitions	“Body of water” means an artificial or natural body of water, including a swimming pool, lake, or river, typically used for recreational swimming, bathing, or play. The term does not include a wading pool. “Child” means an individual younger than 12 years of age. “Organized water activity” means an activity an organization conducts in which a participant will enter or travel on a body of water as part of the activity. “Wading pool” means a pool, including a pool that contains a public interactive water feature and fountain as defined by department rule, with a maximum water depth of not more than 18 inches.
Parent Affirmation	An organization, including a school, that authorizes a child to engage in an organized water activity shall require the child’s parent or legal guardian to affirm in writing whether the child is able to swim or is at risk of injury or death when swimming or otherwise accessing a body of water.
Flotation Device Required	The organization shall provide to each child who is unable to swim or is at risk of injury or death when swimming or otherwise entering a body of water a properly fitted and fastened Type I, II, or III United States Coast Guard approved personal flotation device or a device the executive commissioner of Texas Health and Human Services determines is equivalent. The organization shall ensure

the child is wearing the personal flotation device and the device is properly fitted and fastened for the child.

The organization is not required to provide a child with a flotation device or ensure the child is wearing the device if the child is actively participating in swim instruction or a competition and the organization ensures each child participating in the instruction or a competition is closely supervised during the instruction or competition.

Failure to Comply

An organization that violates this provision or rules adopted under this provision is subject to disciplinary action.

Health and Safety Code 341.0646(a)-(e)

Rodeos

This section applies only to a primary or secondary school that sponsors, promotes, or otherwise is associated with a rodeo in which children who attend the school are likely to participate.

"Rodeo" means an exhibition or competition, without regard to whether the participants are compensated, involving activities related to cowboy skills, including:

1. Riding a horse, with or without a saddle, with the goal of remaining on the horse while it attempts to throw off the rider;
2. Riding a bull;
3. Roping an animal, including roping as part of a team;
4. Wrestling a steer; and
5. Riding a horse in a pattern around preset barrels or other obstacles.

Educational Program

A primary or secondary school to which this section applies shall, before the first rodeo associated with the school in each school year, conduct a mandatory educational program on safety, including the proper use of protective gear, for children planning to participate in the rodeo, in accordance with 25 Administrative Code 104.4. The educational program may consist of an instructional video, subject to the Department of State Health Services approval.

Restriction on Participation

A child may not participate in a rodeo associated with the child's school during a school year unless the child has completed the educational program not more than one year before the first day of the rodeo.

Protective Gear for Bull Riding

A child may not engage in bull riding, including engaging in bull riding outside a rodeo for the purpose of practicing bull riding, unless

the child is wearing a protective vest and bull riding helmet in accordance with 25 Administrative Code 104.3.

Health and Safety Code 768.001(6), .003; 25 TAC 104.2-.4

Eligibility

A student otherwise eligible to participate in an extracurricular activity or a UIL competition is not ineligible because the student is enrolled in a course offered for joint high school and college credit, or in a course offered under a concurrent enrollment program, regardless of the location at which the course is provided. *Education Code 33.087*

Military Dependents

The district shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified. *Education Code 162.002 art. VI, § B* [See FDD]

Attendance and Participation

The State Board of Education (SBOE) by rule shall limit participation in and practice for extracurricular activities during the school day and the school week.

The board of a district may adopt a policy establishing the number of times a student who is otherwise eligible to participate in an extracurricular activity may be absent from class to participate in an extracurricular activity sponsored or sanctioned by the district, UIL, or an organization sanctioned by board resolution. The policy must permit a student to be absent from class at least 10 times during the school year, and the policy prevails over any conflicting policy adopted by the SBOE.

Education Code 33.081(a), .0811

SBOE Rules

The following provisions apply to any UIL activity.

Other organizations requiring student participation that causes a student to miss a class may request sanction from a board. If sanctioned by resolution of the board, student participation in the organization's activities shall be subject to all provisions of statute and to 19 Administration Code 76.1001. If a board does not grant sanction, any absences incurred by a student while participating with that organization's activities shall be subject to the attendance provisions of the Education Code. *19 TAC 76.1001(f)* [See FEB]

Extracurricular Activities

An extracurricular activity is an activity sponsored by the UIL, a board, or an organization sanctioned by board resolution. The activity is not necessarily directly related to instruction of the essential knowledge and skills but may have an indirect relation to some areas of the curriculum.

Extracurricular activities include, but are not limited to, public performances, contests, demonstrations, displays, and club activities. In addition, an activity is subject to this policy if any one of the following criteria applies:

1. The activity is competitive;
2. The activity is held in conjunction with another activity that is considered extracurricular;
3. The activity is held off-campus, except in a case in which adequate facilities do not exist on campus;
4. The general public is invited; or
5. An admission is charged.

Exceptions

Public Performances

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved course that requires demonstration of the mastery of the essential knowledge and skills in a public performance, may participate in the performance if:

1. The general public is invited; and
2. The requirement for student participation in public is stated in the essential knowledge and skills of the course.

State-Approved Music Courses

A student ineligible to participate in an extracurricular activity, but who is enrolled in a state-approved music course that participates in UIL Concert and Sight-Reading Evaluation, may perform with the ensemble during the UIL evaluation performance.

19 TAC 76.1001(a)

Limits on Participation and Practice

During the School Week

Limitations on practice, rehearsal, and student participation during the school week shall be as follows:

1. For any given extracurricular activity, a student may not participate in more than one activity per school week, excluding holidays, except as provided in item 2, below.
2. A student may also participate in a tournament or post-district contest, as well as a contest postponed by weather or public disaster that may determine advancement to a post-district level of competition.
3. For each extracurricular activity, a district must limit students to a maximum of eight hours of practice and rehearsal outside the school day per school week.
4. The commissioner recommends that districts avoid scheduling extracurricular activities or public performances on the day

or evening immediately preceding the day on which the statewide student assessment program is scheduled for grades 3-11.

19 TAC 76.1001(d); Education Code 33.081(a)

During the School Day

Limitations on practice and rehearsal during the school day shall be as follows:

1. A district must limit a student to one period of practice during the regularly scheduled school day for practice of extracurricular activities, such as athletics, drill team, or cheerleading.
2. The limit in item 1 does not prohibit a student from enrolling in any state-approved class. A student who is enrolled in a state-approved class that includes essential knowledge and skills that relate to the preparation for an extracurricular activity may practice that extracurricular activity for no more than one period during the school day.
3. A student may not be permitted to miss a scheduled academic class to practice for an unrelated extracurricular activity.
4. A district must limit extracurricular practice during the school day to ensure that class periods for extracurricular practice do not exceed the time allotted for other class periods.
5. Regardless of the schedule type in place (traditional or nontraditional), a school may elect to practice extracurricular activities daily, provided the total minutes allowed for the extracurricular practice is not greater than 300 minutes during the school week.

19 TAC 76.1001(e); Education Code 33.081(a)

Record of Absences

A district shall maintain an accurate record of extracurricular absences for each student in the district each school year. *19 TAC 76.1001(c)*

Students Receiving Outpatient Mental Health Services

A district may not adopt or enforce policies that restrict participation in UIL activities by a student who receives outpatient mental health services from a mental health facility and is enrolled in the district or otherwise receives public education services from a district based solely on the student's receipt of outpatient mental health services from a mental health facility or the student's absence during instructional time while receiving outpatient mental health services from a mental health facility.

This provision does not exempt a student to whom this section applies from any eligibility requirement for participation in UIL activi-

ties other than an eligibility requirement based solely on the criteria of receipt of outpatient mental health services from a mental health facility.

Education Code 33.0833(c)-(d)

Participation by Homeschooled Students

A public school that participates in an activity sponsored by UIL may provide a non-enrolled student, who otherwise meets UIL eligibility standards to represent that school in a UIL activity, with the opportunity to participate in the activity on behalf of the school in the same manner that the school provides the opportunity to participate to students enrolled in the school.

"Non-enrolled student" means a student who receives instruction as a homeschooled student as described by Education Code 29.916(a)(1) from a nonpublic school [see EK].

Relevant Policies

A non-enrolled student who seeks to participate or participates in a UIL activity on behalf of a school is subject to the following relevant policies that apply to students enrolled in the school:

1. Registration for UIL activities;
2. Age eligibility;
3. Fees;
4. Insurance;
5. Transportation;
6. Physical condition;
7. Qualifications;
8. Responsibilities;
9. Event schedules;
10. Standards of behavior; and
11. Performance.

Residency Requirements

A non-enrolled student may only participate in a UIL activity for the school in the district that the student would be eligible to attend based on the student's residential address. A non-enrolled student who seeks to participate in a UIL activity on behalf of a school shall be required to establish minimum proof of residency acceptable to the district in the same manner as an applicant to attend a school in the district under Education Code 25.001 [see FD].

Academic Requirements

The parent or person standing in parental relation to a non-enrolled student is responsible for oversight of academic standards relating

to the student's participation in a UIL activity. As a condition of eligibility to participate in a UIL activity during the first six weeks of a school year, a non-enrolled student must demonstrate grade-level academic proficiency on any nationally recognized, norm-referenced assessment instrument, such as the Iowa Test of Basic Skills, Stanford Achievement Test, California Achievement Test, or Comprehensive Test of Basic Skills. A non-enrolled student demonstrates the required academic proficiency by achieving a composite, core, or survey score that is within the average or higher than average range of scores, as established by the applicable testing service. A district shall accept assessment results administered or reported by a third party.

A non-enrolled student's demonstration of academic proficiency is sufficient for the school year in which the student achieves the required score and the subsequent school year.

After the first six weeks of a school year, the parent or person standing in parental relation to a non-enrolled student participating in a UIL activity on behalf of a public school must periodically, in accordance with the school's grading calendar, provide written verification to the school indicating that the student is receiving a passing grade in each course or subject being taught.

Previous Enrollment in Public School

A non-enrolled student is not authorized by this section to participate in a UIL activity during the remainder of any school year during which the student was previously enrolled in a public school.

Prohibitions

With respect to a non-enrolled student's education program, nothing in these provisions shall be construed to permit an agency of this state, a public school district, or any other governmental body to exercise control, regulatory authority, or supervision over a non-enrolled student or a parent or person standing in parental relation to a non-enrolled student beyond the control, regulatory authority, or supervision required to participate in a UIL activity.

Subject only to eligibility requirements, the curriculum or assessment requirements, performance standards, practices, or creed of the education program provided to a non-enrolled student may not be required to be changed in order for the non-enrolled student to participate in a UIL activity. Subject only to eligibility requirements, for a non-enrolled student participating in an education program on January 1, 2021, the education program provided to that student may not be required to comply with any state law or agency rule relating to that education program unless the law or rule was in effect on January 1, 2021.

UIL Classification

When assigning league classification to a public school based on student enrollment, the UIL must use the same student enrollment

calculation formula for a school that allows a non-enrolled student to participate in a league activity as the formula used to determine the student enrollment of a school that does not allow a nonenrolled student to participate in the league activity.

Education Code 33.0832

UIL Allotment

For each nonenrolled student who participates in a UIL activity for a school in a district that allows participation of nonenrolled students, the district is entitled to an annual allotment of $1,500 per UIL activity in which the nonenrolled student participates. *Education Code 48.305*

Definitions

“Activity season” means the period established by a school or the UIL in which practices, rehearsals, and interschool competitions or contests take place.

“Nonenrolled student” means a student who predominantly receives instruction in a general elementary or secondary education program that is provided by the parent, or a person standing in parental authority, in or through the child’s home. This may include a student who is designated as enrolled, not in membership.

“Participation” means the active involvement of a student in a minimum of 75 percent of a combined total of practices, rehearsals, or preparation activities and associated competitions and contests, including selection as an alternate, for a specific UIL activity.

“University Interscholastic League or UIL activity” means any official UIL activity identified in the UIL Constitution and Contest Rules, not including pilot activities.

UIL activities shall:

1. Be overseen by a school district-approved coach or sponsor;
2. Provide for a minimum of four weeks of coach- or sponsor-led practice, rehearsal, or preparation specific to the activity within the designated activity season; and
3. Provide opportunities for students to take part in formal, interschool competitions or contests in the associated activity during the designated activity season.

A district may still receive the allotment if a student began the activity season without injury or illness and later experienced an injury or prolonged illness that prevented participation.

For audit purposes, a district shall maintain documentation to support the requirements of this provision.

A district will be provided with estimated funding during a school year for nonenrolled students in accordance with 19 Administrative Code 105.1031(g).

19 TAC 105.1031

Suspension from Extracurricular Activities

A student shall be suspended from participation in any extracurricular activity sponsored or sanctioned by a district or the UIL after a grade evaluation period in which the student received a grade lower than the equivalent of 70 on a scale of 100 in any academic class other than a course described below at Exempt Courses.

Length of Suspension

A suspension continues for at least three school weeks and is not removed during the school year until the conditions of Reinstatement, described below, are met. A suspension shall not last beyond the end of a school year.

Grade Evaluation Period

"Grade evaluation period" means:

1. The six-week grade reporting period; or
2. The first six weeks of a semester and each grade reporting period thereafter, in the case of a district with a grade reporting period longer than six weeks.

Education Code 33.081(c)

School Week

The school week is defined as beginning at 12:01 a.m. on the first instructional day of the calendar week and ending at the close of instruction on the last instructional day of the calendar week, excluding holidays. *19 TAC 76.1001(b)*

Exempt Courses

The suspension and reinstatement provisions of Education Code 33.081(c) and (d) do not apply to an advanced placement or international baccalaureate course, or to an honors or dual credit course in the subject areas of English language arts, mathematics, science, social studies, economics, or a language other than English. *Education Code 33.081(d-1)*

Honors classes for purposes of eligibility to participate in extracurricular activities are listed at 19 Administrative Code 74.30(a).

Districts may identify additional honors courses in the subject areas of English language arts, mathematics, science, social studies, or a language other than English for the purposes of extracurricular eligibility but must identify such courses before the semester in which any exemptions related to extracurricular activities occur.

Districts are neither required to nor restricted from considering courses as honors for the purpose of grade point average calculation.

19 TAC 74.30

Students with Disabilities

In the case of a student with a disability that significantly interferes with the student's ability to meet regular academic standards, suspension must be based on the student's failure to meet the requirements of the student's individualized education program (IEP). The determination of whether the disability substantially interferes with the student's ability to meet the requirements of the student's IEP must be made by the admission, review, and dismissal (ARD) committee.

For the purposes of this provision, "student with a disability" means a student who is eligible for a district's special education program under Education Code 29.003(b).

Education Code 33.081(e)

Practice or Rehearsal

A student suspended under Education Code 33.081 may practice or rehearse with other students for an extracurricular activity but may not participate in a competition or other public performance. This provision does not apply to a student prohibited from participation for certain conduct involving extracurricular officials [see below]. *Education Code 33.081(f)*

Reinstatement

Until the suspension is removed or the school year ends, a district shall review the grades of a student at the end of each three-week period following the date on which the suspension began. At the time of a review, the suspension is removed if the student's grade in each class, other than a course described above at Exempt Courses, is equal to or greater than the equivalent of 70 on a scale of 100. The principal and each of the student's teachers shall make the determination concerning the student's grades. *Education Code 33.081(d)*

Suspension for Certain Conduct Involving Extracurricular Officials

A student who is enrolled in a district in Texas or who participates in a UIL competition shall be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the state executive committee of the league determines that the student intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular activity in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular activity.

Reinstatement After Conduct

A student prohibited from participation may submit to the UIL a request that the student be permitted to participate in future extracurricular activities sponsored or sanctioned by the UIL. The request must be submitted at least one year after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in eighth grade or below at the time of the conduct or two years after the date the student engaged in the conduct that resulted in the prohibition if the student was enrolled in ninth grade or above at the time of the conduct.

Education Code 33.081(e-1)-(e-2)

Spectator Suspension

A district shall prohibit a spectator of an extracurricular athletic activity or competition, including a parent or guardian of a student participant, from attending any future extracurricular athletic activity or competition sponsored or sanctioned by the district or the UIL if the spectator engages in conduct that intentionally, knowingly, or recklessly causes bodily injury to a person serving as referee, judge, or other official of an extracurricular athletic activity or competition in retaliation for or as a result of the person's actions taken in performing the duties of a referee, judge, or other official of the extracurricular athletic activity or competition.

A district may establish an appeals process by which a person may appeal the prohibition to the district and the district may determine the facts associated with the conduct for which the district imposed the prohibition.

A prohibition imposed under this provision must be for not less than one year after the date on which the prohibition is imposed but may not exceed five years from the date on which the prohibition is imposed.

Education Code 33.081(f-1)-(f-3)

Parental Notice and Consent

A parent is entitled to full information regarding the school activities of a parent's child except as provided by Education Code 38.004 (child abuse investigations). *Education Code 26.008(a)*

Anonymous Evaluations

Anonymous evaluations of a student that determine whether the student may participate in a school-related program do not provide full information about the student's school activities. A district may by policy establish the parameters for parental contact with evaluating teachers, taking into account the type of evaluation, the information elicited in the evaluation, and scheduling and workload requirements of the teachers. *Byard v. Clear Creek Indep. Sch. Dist., Tex. Comm'r of Educ. Decision No. 020-R5-1001 (June 17, 2002)*

Videotaping and Recording	A district employee is not required to obtain the consent of a child's parent before the employee may videotape the child or record the child's voice if the videotape or recording is to be used only for a purpose related to a cocurricular or extracurricular activity. *Education Code 26.009(b)(2)*
Discriminatory Club	An extracurricular activity sponsored or sanctioned by a district, including an athletic event or an athletic team practice, may not take place at an athletic club located in the United States that denies any person full and equal enjoyment of equipment or facilities provided by the athletic club because of the person's race, color, religion, creed, national origin, or sex. "Athletic club" means an entity that provides sports or exercise equipment or facilities to its customers or members or to the guests of its customers or members. *Education Code 33.082*
Special Olympics Recognition	If a district allows high school students to earn a letter for academic, athletic, or extracurricular achievements, the district must allow high school students to earn a letter on the basis of a student's participation in a Special Olympics event. *Education Code 33.093*
Student Election Clerks	Unless applied toward instructional requirements [see EIA], a student who is appointed as a student election clerk under Election Code 32.0511 or as a student early voting clerk under Election Code 83.012, may apply the time served toward a service requirement for participation in a school-sponsored extracurricular activity at the discretion of the school sponsor. *Education Code 33.092*
Before-School and After-School Programs	The board may establish before-school or after-school programs for students enrolled in elementary or middle school grades. A program established under this section may operate before, after, or before and after school hours. A student is eligible to participate in the district's before-school or after-school program if the student is enrolled in a public or private school or resides within the boundaries of the district. A district shall conduct a request for proposals procurement process to enable the district to determine if contracting with a child-care facility that provides a before-school or after-school program, as defined by Human Resources Code 42.002, to provide the district's before-school or after-school program would serve the district's best interests. Following the request for proposals procurement process, the district may enter into a contract with a child-care facility or implement a before-school or after-school program operated by the district. If the district enters into a contract

with a child-care facility, the contract must comply with the requirements of Education Code 44.031 and may not exceed a term of three years.

The board may adopt rules in accordance with Education Code 11.165 [see BAA] to provide access to school campuses before or after school hours for the purpose of providing a before-school or after-school program.

Education Code 33.9031

First Amendment

A district shall take no action respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition a board for a redress of grievances. *U.S. Const. Amend. I*

Freedom of Speech

Students do not shed their constitutional rights to freedom of speech or expression at the schoolhouse gate. At school and school events, students have First Amendment rights, applied in light of the special characteristics of the school environment.

Student expression that is protected by the First Amendment may not be prohibited absent a showing that the expression will materially and substantially interfere with the operation of the school or the rights of others.

Tinker v. Des Moines Indep. Cmty. Sch. Dist., 393 U.S. 503 (1969)
[See also FNCI]

The special characteristics of the school environment and the governmental interest in stopping student drug abuse allow a district to restrict student expression that it reasonably regards as promoting illegal drug use. *Morse v. Frederick, 551 U.S. 393 (2007)*

When a student threatens violence against a student body, such specific threatening speech to a school or its population is unprotected by the First Amendment: school officials may punish such speech without first collecting evidence sufficient to prove a reasonable belief that disruption would occur as a result of the speech. *Ponce v. Socorro Indep. Sch. Dist., 508 F.3d 765 (5th Cir. 2007)*

The inculcation of fundamental values necessary to the maintenance of a democratic society is part of the work of the school. The First Amendment does not prevent school officials from determining that particular student expression is vulgar and lewd, and therefore contrary to the school's basic educational mission. *Bethel Sch. Dist. No. 403 v. Fraser, 478 U.S. 675 (1986)*

Public schools may have a special interest in regulating some off-campus student speech, however, the interest must be sufficient to overcome the student's interest in free expression. Circumstances that may implicate a school's regulatory interests include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices. *Mahanoy Area School District v. B.L, 141 S.Ct. 2038 (2021)*

Prayer at School Activities

A public school student has an absolute right to individually, voluntarily, and silently pray or meditate in school in a manner that does not disrupt the instructional or other activities of the school. A student shall not be required, encouraged, or coerced to engage in or refrain from such prayer or meditation during any school activity. *Education Code 25.901*

Nothing in the Constitution as interpreted by the U.S. Supreme Court prohibits any public school student from voluntarily praying at any time before, during, or after the school day. But the religious liberty protected by the Constitution is abridged when a district affirmatively sponsors the particular religious practice of prayer.

A district shall not adopt a policy that establishes an improper majoritarian election on religion and has the purpose and creates the perception of encouraging the delivery of prayer at a series of important school events.

Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290 (2000) (addressing school-sponsored, student-led prayer delivered over the public address system at high school football games) [For invocations and benedictions at commencement, see FMH.]

Federal Funds

As a condition of receiving federal funds under the Elementary and Secondary Education Act (ESEA), a district shall certify in writing to the Texas Education Agency (TEA) that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools, as detailed in the guidance from the United States secretary of education regarding constitutionally protected prayer. The certification shall be provided by October 1 of each year.

By November 1 of each year, TEA shall report to the secretary a list of districts that have not filed the certification or against which complaints have been made to TEA that the district is not in compliance with this section. The secretary may issue and secure compliance with rules or orders with respect to a district that fails to certify, or is found to have certified in bad faith, that no policy of the district prevents, or otherwise denies participation in, constitutionally protected prayer in public schools.

20 U.S.C. 7904

Expression of Religious Viewpoints

A district shall treat a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject in the same manner the district treats a student's voluntary expression of a secular or other viewpoint on an otherwise permissible subject and may not discriminate against the student based on a religious view-

point expressed by the student on an otherwise permissible subject. *Education Code 25.151*

Policies

A district shall adopt and implement a local policy regarding a limited public forum and voluntary student expression of religious viewpoints. If a district voluntarily adopts and follows the model policy governing voluntary religious expression in public schools at Education Code 25.156, the district is in compliance with the provisions of Education Code Chapter 25, Subchapter E covered by the model policy.

A district shall adopt a policy that includes the establishment of a limited public forum for student speakers at all school events at which a student is to publicly speak. The policy regarding the limited public forum must also require a district to:

1. Provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint, if any, on an otherwise permissible subject;
2. Provide a method, based on neutral criteria, for the selection of student speakers at school events and graduation ceremonies;
3. Ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
4. State, in writing, orally, or both, that the student's speech does not reflect the endorsement, sponsorship, position, or expression of the district.

Student expression on an otherwise permissible subject may not be excluded from the limited public forum because the subject is expressed from a religious viewpoint.

Disclaimer

The disclaimer required by item 4, above, must be provided at all graduation ceremonies. A district must continue to provide the disclaimer at any other event in which a student speaks publicly for as long as a need exists to dispel confusion over the district's nonsponsorship of the student's speech.

Education Code 25.152, .155

Class Assignments

Students may express their beliefs about religion in homework, artwork, and other written and oral assignments free from discrimination based on the religious content of their submissions. Homework and classroom assignments must be judged by ordinary academic standards of substance and relevance and against other legitimate pedagogical concerns identified by a district. Students may not be

penalized or rewarded on account of the religious content of their work. *Education Code 25.153*

[For information on the study of religion, see EMI. For information on student religious groups and activities, see FNAB.]

Patriotic Observances

A district may officially encourage students to express love for the United States by reciting historical documents or singing official anthems that contain religious references; such patriotic or ceremonial occasions do not constitute a school-sponsored religious exercise. *Engel v. Vitale, 370 U.S. 421 (1962)*

A district shall not, however, compel students to participate in patriotic observances. *West Virginia State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943) (holding unconstitutional a requirement that students salute the United States flag and recite the Pledge of Allegiance)*

[See EC for more information regarding the pledge of allegiance.]

Winter Celebrations

A district may educate students about the history of traditional winter celebrations, and allow students and district staff to offer traditional greetings regarding the celebrations, including:

1. “Merry Christmas”;
2. “Happy Hanukkah”; and
3. “Happy holidays.”

A district may display on school property scenes or symbols associated with traditional winter celebrations, including a menorah or a Christmas image such as a nativity scene or Christmas tree, if the display includes a scene or symbol of more than one religion or one religion and at least one secular scene or symbol.

A display relating to a traditional winter celebration may not include a message that encourages adherence to a particular religious belief.

Education Code 29.920

Students with Disabilities Under Section 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

Students Receiving Special Education Services

ARD Committee Required

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)-(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP Placement Not Solely for Educational Purposes

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)-(d)*

Removal for 10 Days or Less

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, to the extent those alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)*

Services During Removal

A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. *34 C.F.R. 300.530(d)*

Subsequent Removals of 10 Days or Less

School personnel may remove the student for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). *34 C.F.R. 300.530(b)(1)*

Services During Removal

After a student has been removed from his or her current placement for 10 school days in the same school year, during any subsequent removal of 10 consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). *20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)*

Notice of Procedural Safeguards

Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. *20 U.S.C. 1415(k)(1)(H)*

Removals That Are a Change in Placement

Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review.

Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below].

Education Code 37.004(b)

Behavior Assessment and Intervention

If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall:

1. Not later than the 10th school day after the change in placement:

    a. Seek consent from the student's parent or person standing in parental relation to the student to conduct a functional behavioral assessment of the student, if a functional behavioral assessment has never been conducted

on the student or the student's most recent functional behavioral assessment is more than one year old; and

b. Review any previously conducted functional behavioral assessment of the student and any behavior improvement plan or behavioral intervention plan developed for the student based on that assessment; and

2. As necessary, develop a behavior improvement plan or behavioral intervention plan for the student if the student does not have a plan or, if the student has a behavior improvement plan or behavioral intervention plan, revise the student's plan.

Education Code 37.004(b-1)

Change in Placement

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than 10 consecutive school days; or

2. Subjected to a series of removals that constitute a pattern because:

a. The series of removals total more than 10 school days in a school year;

b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and

c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

34 C.F.R. 300.536

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

Manifestation Determination

Within 10 school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any

teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or

2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

If the district, the parent, and relevant members of the ARD committee determine the conduct was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.

20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)-(2)

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

19 TAC 89.1052

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or

2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

Special Circumstances

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151* [See EHBAE]

Placement During Appeals

When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever oc-

curs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533*

Reporting Crimes

Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535* [See FL]

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)*

District Knowledge

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)

Exception

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)

Behavior Management Techniques

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[For restrictions on aversive techniques, see FO.]

Rules on Restraint and Seclusion

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. The procedures must be consistent with Education Code 37.0021(d). *Education Code 37.0021(d)*

School Peace Officers

This provision and any rules or procedures adopted under this provision apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a district; or
2. Provides, as a school resource officer, a regular police presence on a district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(l)

Exceptions

Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by

Education Code 37.0021(i) [see Restraint, Documentation, below];

2. Juvenile probation, detention, or corrections personnel; or

3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Law Enforcement Duties

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(l), (m)

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and

2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and

2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. *19 TAC 89.1053(b)(2)*

The following provisions do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced above does not include:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 C.F.R. 300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
4. Seat belts and other safety equipment used to secure students during transportation.

19 TAC 89.1053(f)

Limitations on Use of Restraint

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

Emergency

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)

Training

Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).

Documentation

In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation and notification requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

Education Code 37.0021(i)

Time-Out

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

19 TAC 89.1053(b)(3)

Limitations on Use of Time-Out

A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or behavior improvement plan or behavioral intervention plan if it is utilized on a recurrent basis to increase or decrease targeted behavior.
3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately

toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

Training Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or behavior improvement plan or behavioral intervention plan. If a student has a behavior improvement plan or behavioral intervention plan, the district must document each use of time-out prompted by a behavior of the student specified in the student's behavior improvement plan or behavioral intervention plan, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

Nondiscrimination

No person shall, on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any district program or activity. *42 U.S.C. 2000d*

An officer or employee of a district who is acting or purporting to act in an official capacity may not, because of a person's race, religion, color, sex, or national origin:

1. Refuse to permit the person to use facilities open to the public and owned, operated, or managed by or on behalf of the district;
2. Refuse to permit the person to participate in a program owned, operated, or managed by or on behalf of the district;
3. Refuse to grant a benefit to the person; or
4. Impose an unreasonable burden on the person.

Civil Practices and Remedies Code 106.001(a)

Individuals with Disabilities

Federal Prohibition

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a district, or be subjected to discrimination by a district. Nor shall a district exclude or otherwise deny equal services, programs, or activities to an individual because of the known disability of an individual with whom the individual is known to have a relationship or association. *42 U.S.C. 12132; 28 C.F.R. 35.130(g)*

Definition

A "qualified individual with a disability" is an individual with a disability who, with or without reasonable modifications to rules, policies, or practices, the removal of architectural, communication, or transportation barriers, or the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by a district. *42 U.S.C. 12131(2); 28 C.F.R. 35.104*

Reasonable Modification

A district shall make reasonable modifications in policies, practices, or procedures when the modifications are necessary to avoid discrimination on the basis of disability, unless the district can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. *28 C.F.R. 35.130(b)(7)*

Communications

A district shall take appropriate steps to ensure that communications with applicants, participants, and members of the public with disabilities are as effective as communications with others. To this end, a district shall furnish appropriate auxiliary aids and services where necessary to afford an individual with a disability an equal

opportunity to participate in, and enjoy the benefits of, a service, program, or activity conducted by the district. In determining what type of auxiliary aid or service is necessary, a district shall give primary consideration to the requests of the individual with disabilities. *28 C.F.R. 35.160*

Auxiliary Aids and Services

"Auxiliary aids and services" includes:

1. Qualified interpreters, note-takers, transcription services, written materials, assistive listening systems, and other effective methods for making aurally delivered materials available to individuals with hearing impairments;

2. Qualified readers, taped texts, audio recordings, Braille materials, large print materials, or other effective methods for making visually delivered materials available to individuals with visual impairments;

3. Acquisition or modification of equipment or devices; and

4. Other similar services and actions.

28 C.F.R. 35.104

Limits of Required Modification

A district is not required to take any action that it can demonstrate would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens. Any decision that compliance with its responsibility to provide effective communication for individuals with disabilities would fundamentally alter the service, program, or activity or unduly burden a district shall be made by a board after considering all resources available for use in funding and operating the program, service, or activity. The decision shall be accompanied by a written statement of the reasons for reaching that conclusion. *28 C.F.R. 35.164*

Notice

A district shall make available to applicants, participants, beneficiaries, and other interested persons information regarding the provisions of Title II of the Americans with Disabilities Act (ADA) and its applicability to the services, programs, or activities of the district. The information shall be made available in such manner as the board and superintendent find necessary to apprise such persons of the protections against discrimination assured them by the ADA. *28 C.F.R. 35.106*

Compliance Coordinator

A district shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title II of the ADA, including any investigation of any complaint communicated to it alleging its noncompliance or alleging any actions that would be prohibited under the ADA. A district shall make available to all interested individuals the name, office address, and tele-

phone number of the employee(s) so designated and shall adopt and publish procedures for the prompt and equitable resolution of complaints alleging any action that would be prohibited under the ADA. *28 C.F.R. 35.107* [See DAA and GF]

State Prohibition

Nondiscrimination

No person with a disability may be denied admittance to any public facility in the state because of the person's disability. No person with a disability may be denied the use of a white cane, assistance animal, wheelchair, crutches, or other device of assistance.

The discrimination prohibited by this section includes a refusal to allow a person with a disability to use or be admitted to any public facility, a ruse or subterfuge calculated to prevent or discourage a person with a disability from using or being admitted to a public facility and a failure to:

1. Comply with Government Code Chapter 469;
2. Make reasonable accommodations in policies, practices, and procedures; or
3. Provide auxiliary aids and services necessary to allow the full use and enjoyment of the public facility.

Regulations

Regulations relating to the use of public facilities by any designated class of persons from the general public may not prohibit the use of particular public facilities by persons with disabilities who, except for their disabilities or use of assistance animals or other devices for assistance in travel, would fall within the designated class.

Human Resources Code 121.003(c)-(e)

Religious Freedom

A district may not substantially burden a person's free exercise of religion, unless it is acting in furtherance of a compelling governmental interest and has used the least restrictive means of furthering that interest. *Civil Practice and Remedies Code 110.003* [See also DAA and FB]

A district may not penalize or withhold benefits or privileges, including tax exemptions or governmental contracts, grants, or licenses, from a religious organization, an organization supervised or controlled by or in connection with a religious organization, an individual employed by a religious organization while acting in the scope of that employment, or a clergy or minister, because the organization or individual refuses to solemnize any marriage or provide services, accommodations, facilities, goods, or privileges for a purpose related to the solemnization, formation, or celebration of any marriage if the action would cause the organization or individual to violate a sincerely held religious belief. *Family Code 2.601-.602*

Adverse Action Prohibited

Notwithstanding any other law, a district may not take any adverse action against any person based wholly or partly on the person's membership in, affiliation with, or contribution, donation, or other support provided to a religious organization. *Gov't Code 2400.002*

Definitions

"Adverse action" means any action taken by a district to:

1. Withhold, reduce, exclude, terminate, or otherwise deny any grant, contract, subcontract, cooperative agreement, loan, scholarship, license, registration, accreditation, employment, or other similar status from or to a person;
2. Withhold, reduce, exclude, terminate, or otherwise deny any benefit provided under a benefit program from or to a person;
3. Alter in any way the tax treatment of, cause any tax, penalty, or payment assessment against, or deny, delay, or revoke a tax exemption of a person;
4. Disallow a tax deduction for any charitable contribution made to or by a person;
5. Deny admission to, equal treatment in, or eligibility for a degree from an educational program or institution to a person; or
6. Withhold, reduce, exclude, terminate, or otherwise deny access to a property, educational institution, speech forum, or charitable fundraising campaign from or to a person.

"Benefit program" means any program administered or funded by a governmental entity or federal agency that provides assistance in the form of payments, grants, loans, or loan guarantees.

"Person" has the meaning assigned by Government Code 311.005, except the term does not include:

1. An employee of a governmental entity acting within the employee's scope of employment;
2. A contractor of a governmental entity acting within the scope of the contract; or
3. An individual or a medical or residential custodial health-care facility while the individual or facility is providing medically necessary services to prevent another individual's death or imminent serious physical injury.

"Religious organization" means an organization that is a religious organization under Civil Practice and Remedies Code 110.011(b).

Gov't Code 2400.001

Exception for Prohibited Contracts or Investments

This prohibition does not apply to an investment or contract with a company that boycotts Israel prohibited under Government Code Chapters 808 or 2271. [See CH] *Gov't Code 2400.0015*

Interpretation

This prohibition may not be construed to:

1. Preempt a state or federal law that is equally or more protective of the free exercise of religious beliefs or to narrow the meaning or application of a state or federal law protecting the free exercise of religious beliefs; or
2. Prevent a district from providing, either directly or through a person who is not seeking protection under this prohibition, any benefit or service authorized under state or federal law.

Gov't Code 2400.005

Web Content and Mobile App Accessibility

Note: Using the population estimate for the district as calculated by the United States Census Bureau in the most recent Small Area Income and Poverty Estimates, a district with a total population of 50,000 or more shall comply with these requirements beginning April 24, 2026. A district with a total population of less than 50,000 shall comply beginning April 26, 2027. *28 C.F.R. 35.104, .200(b)*

A district shall ensure that web content and mobile apps that it provides or makes available, directly or through contractual, licensing, or other arrangements, are readily accessible to and usable by individuals with disabilities.

A district shall ensure that its web content and mobile apps comply with Level A and Level AA success criteria and conformance requirements specified in WCAG 2.1, unless the district can demonstrate that compliance would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens.

28 C.F.R. 35.200

Exceptions

These accessibility requirements do not apply to the following:

1. Archived web content as defined in 28 C.F.R. 35.104.
2. Conventional electronic documents that are available as part of a district's web content or mobile apps before the date the district is required to comply with 28 C.F.R. Part 35, Subpart H, unless such documents are currently used to apply for,

gain access to, or participate in the district's services, programs, or activities.

3. Content posted by a third party, unless the third party is posting due to contractual, licensing, or other arrangements with the district.

4. Conventional electronic documents that are:

   a. About a specific individual, their property, or their account; and

   b. Password-protected or otherwise secured.

5. A district's social media posts that were posted before the date the district is required to comply with 28 C.F.R. Part 35, Subpart H.

28 C.F.R. 35.201

Conforming Alternate Versions

A district may use conforming alternate versions of web content, as defined by WCAG 2.1, to comply with these requirements only where it is not possible to make web content directly accessible due to technical or legal limitations. *28 C.F.R. 35.202*

Equivalent Facilitation

Nothing in 28 C.F.R. Part 35, Subpart H prevents the use of designs, methods, or techniques as alternatives to those prescribed, provided that the alternative designs, methods, or techniques result in substantially equivalent or greater accessibility and usability of the web content or mobile app. *28 C.F.R. 35.203*

Fundamental Alteration and Undue Burden

Where a district can demonstrate that compliance with these requirements would result in a fundamental alteration in the nature of a service, program, or activity or in undue financial and administrative burdens, compliance is required to the extent that it does not result in a fundamental alteration or undue financial and administrative burdens.

In those circumstances where personnel of the district believe that the proposed action would fundamentally alter the service, program, or activity or would result in undue financial and administrative burdens, a district has the burden of proving that compliance would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the head of a district or their designee after considering all resources available for use in the funding and operation of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion.

If an action would result in such an alteration or such burdens, a district shall take any other action that would not result in such an

alteration or such burdens but would nevertheless ensure that individuals with disabilities receive the benefits or services provided by the district to the maximum extent possible.

28 C.F.R. 35.204

Noncompliance with Minimal Impact on Access

A district that is not in full compliance with these requirements will be deemed to have met the requirements in the limited circumstance in which the district can demonstrate that the noncompliance has such a minimal impact on access that it would not affect the ability of individuals with disabilities to use the district's web content or mobile app to do any of the following in a manner that provides substantially equivalent timeliness, privacy, independence, and ease of use:

1. Access the same information as individuals without disabilities;
2. Engage in the same interactions as individuals without disabilities;
3. Conduct the same transactions as individuals without disabilities; and
4. Otherwise participate in or benefit from the same services, programs, and activities as individuals without disabilities.

28 C.F.R. 35.205

Social Security Numbers

It shall be unlawful for a district to deny to any individual any right, benefit, or privilege provided by law because of the individual's refusal to disclose his or her Social Security number.

Exceptions

The above provision does not apply to:

1. Any disclosure that is required by federal statute. The United States Internal Revenue Code provides that the Social Security number issued to an individual for purposes of federal income tax laws shall be used as the identifying number for taxpayers;
2. Any disclosure to a district maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted before such date to verify the identity of an individual; or
3. Any use for the purposes of establishing the identity of individuals affected by any tax, general public assistance, driver's license, or motor vehicle registration law within a district's jurisdiction.

Statement of Uses

A district that requests disclosure of a Social Security number shall inform that individual whether the disclosure is mandatory or voluntary, by what statutory authority such number is solicited, and what uses will be made of it.

5 U.S.C. 552a Note; PL 93-579, § 7, 88 Stat. 1896 (1974)

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products, e-cigarettes, or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Interlocal Cooperation Act

General Authority

A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the United States secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of Texas to perform governmental functions and services in accordance with Government Code Chapter 791 (the Interlocal Cooperation Act).

A party to an interlocal contract may contract with a state agency, as that term is defined by Government Code 771.002, or similar agency of another state.

An interlocal contract may:

1. Study the feasibility of the performance of a governmental function or service by interlocal contract; or
2. Provide a governmental function or service that each party to the contract is authorized to perform individually.

Gov't Code 791.011(a), (b), (c)

"Governmental functions and services" means all or part of a function or service in any of the following areas:

1. Police protection and detention services;
2. Fire protection;
3. Streets, roads, and drainage;
4. Public health and welfare;
5. Parks and recreation;
6. Library and museum services;
7. Records center services;
8. Waste disposal;
9. Planning;
10. Engineering;
11. Administrative functions;
12. Public funds investment;
13. Comprehensive health care and hospital services; or
14. Other governmental functions in which the contracting parties are mutually interested.

Gov't Code 791.003(3)

Requirements

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract unless a party to the contract is a municipally owned electric utility;
2. State the purpose, terms, rights, and duties of the contracting parties; and
3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract.

An interlocal contract may be renewed and may have a specified term of years.

Gov't Code 791.011(d), (e), (f), (i)

Note: For legal provisions related to using interlocal contracts for purchasing goods and services, see CH.

For legal provisions related to using cooperative purchasing for construction-related goods and services, see CV.

Health Care and Hospital Services

A district may contract with another local government authorized to provide health care and hospital services to provide those services for the district's officers and employees and their dependents. *Gov't Code 791.030*

A hospital district may contract with a school district included in the hospital district to provide nursing services and assistance to employees or students of the district. *Health and Safety Code 281.0465*

Transportation System Outside the District

A board may establish and operate an economical public school transportation system outside the district if the district enters into an interlocal contract as provided by Government Code Chapter 791. *Education Code 34.007(a)(2)* [See CNA]

School Crossing Guards

A municipality with a population greater than 1.3 million may contract with one or more school districts to provide school crossing guards. Under such a contract, a district may provide school crossing guard services to areas of the municipality that are not part of the district. *Local Gov't Code 343.011, .012*

State Hospital for Accountability Purposes

A memorandum of understanding between a district and a state hospital under which the district provides educational services to a student who resides in the state hospital must provide that the district include the performance of the student on an assessment instrument or other achievement indicator adopted under Education Code 39.053 or a reporting indicator adopted under Education Code 39.301 in determining the performance of the district. *Education Code 39.0552*

Intergovernmental Support Agreements

A district may enter into an intergovernmental support agreement with a branch of the armed forces of the United States under the National Defense Authorization Act (10 U.S.C. Section 2679) to provide installation-support services to a military installation located in this state. *Gov't Code 793.002*

"Installation-support services" means those services, supplies, resources, and support typically provided by a local government for its own needs and without regard to whether such services, supplies, resources, and support are provided to its residents generally, except that the term does not include security guard or firefighting functions. *10 U.S.C. 2679(f)(1)*

All Trustees, employees, vendors, contractors, agents, consultants, volunteers, and any other parties who are involved in the District's financial transactions shall act with integrity and diligence in duties involving the District's fiscal resources.

Note: See the following policies and/or administrative regulations regarding conflicts of interest, ethics, and financial oversight~~:~~:

- Code of ethics:
  - for Board members~~—~~ — BBF
  - for employees~~—~~ — DH
- Financial conflicts of interest:
  - for public officials~~—~~ — BBFA
  - for all employees~~—~~ — DBD
  - for vendors~~—~~ — CHE
- Compliance with state and federal grant and award requirements: CB, CBB
- Financial conflicts and gifts and gratuities regarding federal funds: CB, CBB
- Systems for monitoring the District's investment program: CDA
- Budget planning and evaluation: CE
- Compliance with accounting regulations: CFC
- Activity fund management: CFD
- Criminal history record information for employees: DBAA, DC
- Disciplinary action for fraud by employees: DCD, DCE, and DF series

Fraud and Financial Impropriety

The District prohibits fraud and financial impropriety, as defined below, in the actions of its Trustees, employees, vendors, contractors, agents, consultants, volunteers, and others seeking or maintaining a business relationship with the District.

Definition

Fraud and financial impropriety shall include but not be limited to~~:~~:

1. Forgery or unauthorized alteration of any document or account belonging to the District.
2. Forgery or unauthorized alteration of a check, bank draft, or any other financial document.

3. Misappropriation of funds, securities, supplies, or other District assets, including employee time.
4. Impropriety in the handling of money or reporting of District financial transactions.
5. Profiteering as a result of insider knowledge of District information or activities.
6. Unauthorized disclosure of confidential or proprietary information to outside parties.
7. Unauthorized disclosure of investment activities engaged in or contemplated by the District.
8. Accepting or seeking anything of material value from contractors, vendors, or other persons providing services or materials to the District, except as otherwise permitted by law or District policy. [See CB, DBD]
9. Inappropriately destroying, removing, or using records, furniture, fixtures, or equipment.
10. Failure to provide financial records required by federal, state, or local entities.
11. Failure to disclose conflicts of interest as required by law or District policy.
12. Any other dishonest act regarding the finances of the District.
13. Failure to comply with requirements imposed by law, the awarding agency, or a pass-through entity for state and federal awards.

Financial Controls and Oversight

Each employee who supervises or prepares District financial reports or transactions shall set an example of honest and ethical behavior and shall actively monitor his or her area of responsibility for fraud and financial impropriety.

Fraud Prevention

The Superintendent ~~or designee~~ shall maintain a system of internal controls to deter and monitor for fraud or financial impropriety in the District.

Reports

Any person who suspects fraud or financial impropriety in the District shall report the suspicions immediately to a person with authority to investigate the suspicions, including any supervisor, the Superintendent ~~or designee~~, the Board President, or local law enforcement.

Reports of suspected fraud or financial impropriety shall be treated as confidential to the extent permitted by law. Limited disclosure

may be necessary to complete a full investigation or to comply with law. All employees involved in an investigation shall be advised to keep information about the investigation confidential.

Protection from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against a person who in good faith reports perceived fraud or financial impropriety. [See DG]

Fraud Investigations

In coordination with legal counsel and other internal or external departments or agencies, as appropriate, the Superintendent, Board President, or a designee shall promptly investigate reports of potential fraud or financial impropriety.

Response

If an investigation substantiates a report of fraud or financial impropriety, the Superintendent ~~or designee~~ shall promptly inform the Board of the report, the investigation, and any responsive action taken or recommended by the administration.

If an employee is found to have committed fraud or financial impropriety, the Superintendent ~~or designee~~ shall take or recommend appropriate disciplinary action, which may include termination of employment. If a contractor or vendor is found to have committed fraud or financial impropriety, the District shall take appropriate action, which may include cancellation of the District's relationship with the contractor or vendor.

When circumstances warrant, the Board, Superintendent, or a designee may refer matters to appropriate law enforcement or regulatory authorities. In cases involving monetary loss to the District, the District may seek to recover lost or misappropriated funds.

The final disposition of the matter and any decision to file a criminal complaint or to refer the matter to the appropriate law enforcement or regulatory agency for independent investigation shall be made in consultation with legal counsel.

Federal Awards Disclosure

~~The~~ In connection with federal awards, the District shall promptly disclose~~, in a timely manner~~ in writing ~~to the federal awarding agency or pass-through entity, all violations~~whenever the District has credible evidence of the commission of a violation of federal criminal law involving fraud, conflict of interest, bribery, or gratuity violations ~~potentially affecting~~found in federal law, including the Civil False Claims Act. This provision applies to any activities or subawards of a federal ~~grant~~ award. [See CBB]

Analysis of Fraud

After any investigation substantiates a report of fraud or financial impropriety, the Superintendent ~~or designee~~ shall analyze conditions or factors that may have contributed to the fraudulent or improper activity. The Superintendent ~~or designee~~ shall ensure that

appropriate administrative procedures are developed and implemented to prevent future misconduct. These measures shall be presented to the Board for review.

Investment Authority

The Superintendent or other person designated by Board resolution shall serve as the investment officer of the District and shall invest District funds as directed by the Board and in accordance with the District's written investment policy and generally accepted accounting procedures. All investment transactions except investment pool funds and mutual funds shall be settled on a delivery versus payment basis.

Approved Investment Instruments

From those investments authorized by law and described further in CDA(LEGAL) under Authorized Investments, the Board shall permit investment of District funds, including bond proceeds and pledged revenue to the extent allowed by law, in only the following investment types, consistent with the strategies and maturities defined in this policy:

1. Obligations of, or guaranteed by, governmental entities as permitted by Government Code 2256.009.
2. Certificates of deposit and share certificates as permitted by Government Code 2256.010.
3. Fully collateralized repurchase agreements permitted by Government Code 2256.011.
4. A securities lending program as permitted by Government Code 2256.0115.
5. Banker's acceptances as permitted by Government Code 2256.012.
6. Commercial paper as permitted by Government Code 2256.013.
7. No-load mutual funds, except for bond proceeds, and no-load money market mutual funds, as permitted by Government Code 2256.014.
8. A guaranteed investment contract as an investment vehicle for bond proceeds, provided it meets the criteria and eligibility requirements established by Government Code 2256.015.
9. Public funds investment pools as permitted by Government Code 2256.016.

Safety

The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month

period any market price losses resulting from interest-rate fluctuations by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

Investment Management

In accordance with Government Code 2256.005(b)(3), the quality and capability of investment management for District funds shall be in accordance with the standard of care, investment training, and other requirements set forth in Government Code Chapter 2256.

Liquidity and Maturity

Any internally created pool fund group of the District shall have a maximum dollar weighted maturity of 180 days. The maximum allowable stated maturity of any other individual investment owned by the District shall not exceed two years from the time of purchase. The Board may specifically authorize a longer maturity for a given investment, within legal limits.

The District's investment portfolio shall have sufficient liquidity to meet anticipated cash flow requirements.

Diversity

The investment portfolio shall be diversified in terms of investment instruments, maturity scheduling, and financial institutions to reduce risk of loss resulting from overconcentration of assets in a specific class of investments, specific maturity, or specific issuer.

Monitoring Market Prices

The investment officer shall monitor the investment portfolio and shall keep the Board informed of significant changes in the market value of the District's investment portfolio. Information sources may include financial/investment publications and electronic media, available software for tracking investments, depository banks, commercial or investment banks, financial advisers, and representatives/advisers of investment pools or money market funds. Monitoring shall be done monthly or more often as economic conditions warrant by using appropriate reports, indices, or benchmarks for the type of investment.

Monitoring Rating Changes

In accordance with Government Code 2256.005(b), the investment officer shall develop a procedure to monitor changes in investment ratings and to liquidate investments that do not maintain satisfactory ratings.

Funds/Strategies

Investments of the following fund categories shall be consistent with this policy and in accordance with the applicable strategy defined below. All strategies described below for the investment of a particular fund should be based on an understanding of the suitability of an investment to the financial requirements of the District and consider preservation and safety of principal, liquidity, marketability of an investment if the need arises to liquidate before maturity, diversification of the investment portfolio, and yield.

Operating Funds	The primary objective of investment strategies for operating funds is to ensure that anticipated cash flows are matched with adequate investment liquidity. Because the funds are pooled for investment purposes, the portfolio shall address the varying needs of all funds in the pooled fund group. The highest quality securities shall be chosen to ensure preservation of principal, liquidity, and ultimate marketability in the case of needed liquidity. The secondary objective is to create a portfolio structure that will experience minimal volatility during economic cycles. Diversification shall be addressed by using different local government investment pools and by purchasing quality short- to medium-term securities that will complement each other in a laddered maturity structure. A cash flow analysis of these funds shall be used to determine any funds available for longer term investments. Investments shall be made in accordance with this cash flow analysis.
Custodial Funds	Investment strategies for custodial funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Debt Service Funds	Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
Capital Project Funds	Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.
Enterprise Funds	Investment strategies for enterprise fund investments shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Safekeeping and Custody	The District shall retain clearly marked receipts providing proof of the District's ownership. The District may delegate, however, to an investment pool the authority to hold legal title as custodian of investments purchased with District funds by the investment pool.
Sellers of Investments	Prior to handling investments on behalf of the District, a broker/dealer or a qualified representative of a business organization must submit required written documents in accordance with law. [See Sellers of Investments, CDA(LEGAL)]
	Representatives of brokers/dealers and representatives with distributors of investment pools shall be registered with the Texas

State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA). Distributors of investment pools shall also be a registrant in good standing with the Municipal Securities Rulemaking Board (MSRB).

Soliciting Bids for CDs

In order to get the best return on its investments, the District may solicit bids for certificates of deposit in writing, by telephone, or electronically, or by a combination of these methods.

Interest Rate Risk

To reduce exposure to changes in interest rates that could adversely affect the value of investments, the District shall use final and weighted-average-maturity limits and diversification.

The District shall monitor interest rate risk using weighted average maturity and specific identification.

Internal Controls

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

1. Separation of transaction authority from accounting and recordkeeping and electronic transfer of funds.
2. Avoidance of collusion.
3. Custodial safekeeping.
4. Clear delegation of authority.
5. Written confirmation of telephone transactions.
6. Documentation of dealer questionnaires, quotations and bids, evaluations, transactions, and rationale.
7. Avoidance of bearer-form securities.

These controls shall be reviewed by the District's independent auditing firm.

Annual Review

The Board shall review this investment policy and investment strategies not less than annually and shall document its review in writing, which shall include whether any changes were made to either the investment policy or investment strategies.

Annual Audit

In conjunction with the annual financial audit, the District shall perform a compliance audit of management controls on investments and adherence to the District's established investment policies.

Intellectual Property

All copyrights, trademarks, and other intellectual property rights belonging to the District shall remain with the District at all times. Except as provided by law, policy, or written authorization from the Superintendent, the use of District intellectual property shall be limited to District-related purposes.

Students

A student shall retain all rights to their own work created as part of instruction or using District technology resources.

Employees

District Ownership

As an agent of the District, an employee, including a student employee, shall not have rights to work ~~he or she creates~~created on District time or using District technology resources. The District shall own any work or work product created by a District employee in the course and scope of ~~his or her~~District employment, including the right to obtain patents or copyrights.

Employee Ownership

~~If the employee obtains a patent for such work, the employee shall grant a non-exclusive, non-transferable, perpetual, royalty-free, Districtwide license to the District for use of the patented work.~~ A District employee shall own any work or work product produced on ~~his or her own~~ personal time~~, away from his or her job~~ and with personal equipment and materials, including the right to obtain patents or copyrights.

~~*Permission*~~

~~*A District employee may apply to the*~~*Exception*

The Superintendent ~~or designee~~shall have the authority to permit use of District materials and equipment in ~~his or her creative~~ developing the employee's own projects, provided the employee agrees ~~either~~in writing to grant to the District a ~~non-exclusive, non-transferable~~nonexclusive, nontransferable, perpetual, royalty-free, Districtwide license to use the work, or permits the District to be listed as co-author or co-inventor if the District contribution to the work is substantial. District materials do not include student work, all rights to which are retained by the student.

~~Works Made for Hire~~

Independent Contractors

The District may hire an independent contractor for specially commissioned ~~work(s)~~works under a written works-made-for-hire agreement that provides that the District shall own the work product created under the agreement, as permitted by copyright law. Independent contractors shall comply with copyright law in all works commissioned.

Return of Intellectual Property

Upon the termination of any person's association with the District, all permission to possess, receive, or modify the District's intellectual property shall also immediately terminate. All such persons shall return to the District all intellectual property, including but not limited to any copies, no matter how kept or stored, and whether directly or indirectly possessed by such person.

Copyright

Unless the proposed use of a copyrighted work is an exception under the "fair use" guidelines maintained by the Superintendent ~~or designee~~, the District shall require an employee or student to obtain a license or permission from the copyright holder before copying, modifying, displaying, performing, distributing, or otherwise employing the copyright holder's work for instructional, curricular, or extracurricular purposes. This policy does not apply to any work sufficiently documented to be in the public domain.

Technology Use

~~All persons are prohibited from using~~Use of District technology in violation of any law, including copyright law~~.~~, is prohibited. Only appropriately licensed images, applications, programs, or other software may be used with District technology resources. ~~No person shall use the~~The District's technology resources shall not be used to post, publicize, or duplicate information in violation of copyright law. The ~~Board shall direct the~~ Superintendent ~~or designee to~~shall employ all reasonable measures to prevent the use of District technology resources in violation of the law. ~~All persons~~Any person using District technology resources in violation of law shall lose user privileges in addition to other sanctions. [See BBI and CQ]

~~Electronic Media~~

~~Unless a license or permission is obtained, electronic media in the classroom~~Performances and Displays

The display and performance of copyrighted material, including motion pictures ~~and other audiovisual~~, dramatic works, ~~must be used in~~ musical performances, or other audio and visual works, may only occur as part of instructional activities and in accordance with the following:

- As a regular part of teaching and directly related to the ~~course of~~curriculum;
- During face-to-face teaching activities ~~as defined by law~~;
- When viewed in a classroom or designated place of instruction; and
- With a lawfully made copy or through authorized access.

Designated Agent

The District shall designate an agent to receive notification of alleged online copyright infringement and shall notify the U.S. Copyright Office of the designated agent's identity. The District shall include on its ~~Web site~~website information on how to contact the District's designated agent and a copy of the District's copyright policy. Upon notification, the District's designated agent shall take all actions necessary to remedy any violation. The District shall provide the designated agent appropriate training and resources necessary to protect the District.

If a content owner reasonably believes that the District's technology resources have been used to infringe upon a copyright, the owner may notify the designated agent.

Trademark

The District protects all District and campus trademarks, including names, logos, mascots, and symbols, from unauthorized use.

School-Related Use

The District grants permission to students, student organizations, parent organizations and other District~~ ~~affiliated school-support or booster organizations to use, without charge, District and campus trademarks to promote a group of students, an activity or event, a campus, or the District, if the use is in furtherance of a school-related business or activity. The Superintendent ~~or designee~~ shall determine what constitutes use in furtherance of a school-related business or activity and is authorized to revoke permission if the use is improper or does not conform to administrative regulations.

Public Use

Members of the ~~general~~ public, outside organizations, vendors, commercial manufacturers, wholesalers, and retailers shall not use District trademarks without ~~the~~ written ~~permission of~~authorization from the Superintendent~~ or designee~~. Any production of merchandise with District trademarks for sale or distribution must be pursuant to a trademark licensing agreement and may be subject to the payment of royalties.

Any individual, organization, or business that uses District or campus trademarks without appropriate authorization ~~shall~~may be subject to legal action.

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action~~. [See the CKE series]~~ [see the CKE series];
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee

shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent ~~or designee~~.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information

An employee shall not be required to disclose his or her personal email address or personal phone number to a student.

Safety Requirements

Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.

Harassment or Abuse

An employee shall not engage in prohibited harassment, including sexual harassment, of:

1. Other employees. [See DIA]
2. Students. [See FFH; see FFG regarding child abuse and neglect.]

While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents.

An employee shall report child abuse or neglect as required by law. [See FFG]

Relationships with Students

An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH]

As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]

Tobacco and Nicotine Products and E-Cigarettes

~~An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]~~

An employee is prohibited from possessing or using any type of tobacco product, e-cigarette, or any other electronic vaporizing device while on school property, in a District vehicle, or while attending an off-campus school-related activity. An employee is also prohibited from possessing or using any type of nicotine product, including nicotine pouches, regardless of whether the product contains tobacco, while on District property, in a District vehicle, or while attending an off-campus school-related activity.

An employee's supervisor is authorized to approve an exception to this policy for a smoking cessation product.

Alcohol and Drugs / Notice of Drug-Free Workplace

As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below.

An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Alcohol or any alcoholic beverage.
3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;
2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or
3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;
2. Referral to employee assistance programs;
3. Termination from employment with the District; and
4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for

any felony, any misdemeanor (excluding minor traffic offenses punishably by fine only), and any offense involving moral turpitude. The obligation to notify as set forth in the preceding sentence includes, but is not limited to, offenses and conduct as indicated below:

1. Crimes involving school property or funds;
2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;
3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or
4. Crimes involving moral turpitude, which include:
    - Dishonesty; fraud; deceit; theft; misrepresentation;
    - Deliberate violence;
    - Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
    - Possession or conspiracy to possess, transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
    - Driving while intoxicated (DWI);
    - Acts constituting abuse or neglect under the Texas Family Code; or
    - Acts involving public intoxication, unlawful use of controlled substances, or operating a motor vehicle under the influence of alcohol or a controlled substance.

Dress and Grooming

An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Dyslexia and Related Disorders

The District shall comply with all applicable state rules ~~and standards adopted by the State Board of Education and guidance published by the commissioner of education to implement the program to test~~regarding students ~~for~~with dyslexia and related disorders, including the "Dyslexia Handbook" and the provision of dyslexia instruction for students with dyslexia or a related disorder as determined by the student's admission, review, and dismissal committee.

In accordance with administrative procedures, the District shall provide regular training opportunities for teachers of students with dyslexia that include new research and practices for educating students with dyslexia.

Referral

Students may be referred for the gifted and talented program at any time by teachers, school counselors, parents, or other interested persons.

Screening and Identification Process

The District shall provide assessment opportunities to complete the screening and identification process for referred students at least once per school year.

The District shall schedule a gifted and talented program awareness session for parents that provides an overview of the ~~assessment~~identification procedures and services for the program prior to beginning the screening and identification process.

Parental Consent

The District shall obtain written parental consent before any special testing or individual assessment is conducted as part of the screening and identification process. All student information collected during the screening and identification process shall be an educational record, subject to the protections set out in policies at FL.

Identification Criteria

The Board-approved program for the gifted and talented shall establish criteria to identify gifted and talented students. The criteria shall be specific to the state definition of gifted and talented and shall ensure the fair assessment of students with special needs, such as the culturally different, the economically disadvantaged, and students with disabilities.

Assessments

Data collected through both objective and subjective assessments shall be measured against the criteria approved by the Board to determine individual eligibility for the program. Assessment tools may include, but are not limited to, the following: achievement tests, intelligence tests, creativity tests, behavioral checklists completed by teachers and parents, student/parent conferences, and available student work products.

Selection

A ~~selection~~placement committee shall evaluate each referred student according to the established criteria and shall identify those students for whom placement in the gifted and talented program is the most appropriate educational setting. The committee shall be composed of at least three professional educators who have received training in the nature and needs of gifted students, as required by law.

Notification

The District shall provide written notification to parents of students who qualify for services through the District's gifted and talented program. Participation in any program or services provided for gifted students shall be voluntary, and the District shall obtain written permission from the parents before placing a student in a gifted and talented program.

Reassessment

If the District reassesses students in the gifted and talented program, the reassessment shall be based on a student's performance in response to services and shall occur no more than once in elementary grades, once in middle school grades, and once in high school grades.

Transfer Students

Interdistrict

When a student identified as gifted by a previous school district enrolls in the District, the ~~selection~~placement committee shall review the student's records and conduct assessment procedures when necessary to determine if placement in the District's program for gifted and talented students is appropriate.

[See FDD(LEGAL) for information regarding transfer students and the Interstate Compact on Educational Opportunities for Military Children]

Intradistrict

A student who transfers from one campus in the District to the same grade level at another District campus shall continue to receive services in the District's gifted and talented program.

Furloughs

The District may place on a furlough any student who is unable to maintain satisfactory performance or whose educational needs are not being met within the structure of the gifted and talented program. A furlough may be initiated by the District, the parent, or the student.

In accordance with the Board-approved program, a furlough shall be granted for specified reasons and for a specified period of time. At the end of a furlough, the student may reenter the gifted and talented program, be placed on another furlough, or be exited from the program.

Exit Provisions

The District shall monitor student performance in response to gifted and talented program services. If at any time the ~~selection~~placement committee or a parent determines ~~it is in the best interest of the student to exit~~ the program is not meeting the student's educational needs, the committee shall meet with the parent and student before finalizing an exit decision.

Appeals

A parent, student, or educator may appeal any final decision of the ~~selection~~placement committee regarding ~~selection for or exit from~~ services in the gifted and talented program. Appeals shall be made first to the ~~selection~~placement committee. Any subsequent appeals shall be made in accordance with FNG(LOCAL) beginning at Level Two.

Program Evaluation

The District shall annually evaluate the effectiveness of the District's gifted and talented program, and the results of the evaluation shall be used to modify and update the District and campus im-

provement plans. The District shall include parents in the evaluation process and shall share the information with Board members, administrators, teachers, school counselors, students in the gifted and talented program, and the community.

Funding

The ~~District's~~ Superintendent shall develop administrative procedures to ensure that 100 percent of the state funds allocated for the gifted and talented program ~~shall address effective use of funds for programs~~are spent providing and ~~services consistent with the standards in the state plan~~enhancing the District's program and that a method accounting for expenditures related to the gifted and talented ~~students~~program is established and aligns with the Texas Education Agency's financial compliance guidance.

Community Awareness

The District shall ensure that information about the District's gifted and talented program is available to parents and community members and that they have an opportunity to develop an understanding of and support for the program.

Program to Address Child Sexual Abuse, Trafficking, and Maltreatment

The District's program to address child sexual abuse, trafficking, and other maltreatment of children, as included in the District improvement plan and the student handbook, shall include:

1. Methods for increasing staff, student, and parent awareness regarding these issues, including prevention techniques and knowledge of likely warning signs indicating that a child may be a victim;
2. Age-appropriate, research-based antivictimization programs for students;
3. Actions that a child who is a victim should take to obtain assistance and intervention; and
4. Available counseling options for affected students.

Training

The District shall provide training to employees as required by law and District policy. Training shall address techniques to prevent and recognize sexual abuse, trafficking, and all other maltreatment of children, including children with significant cognitive disabilities. [See DMA]

[See BBD for Board member training requirements and BJCB for Superintendent continuing education requirements.]

Reporting Child Abuse and Neglect

Any person who has reasonable cause to believe that a child's physical or mental health or welfare has been adversely affected by abuse or neglect has a legal responsibility, under state law, to immediately report the suspected abuse or neglect to an appropriate authority.

As defined in state law, child abuse and neglect include both sex and labor trafficking of a child.

The following individuals have an additional legal obligation to submit a written or oral report within 48 hours of learning of the facts giving rise to the suspicion of abuse or neglect:

1. Any District employee, agent, or contractor who suspects a child's physical or mental health or welfare has been adversely affected by abuse or neglect.
2. A professional who has reasonable cause to believe that a child has been or may be abused or neglected or may have been a victim of indecency with a child. A professional is anyone licensed or certified by the state who has direct contact with children in the normal course of duties for which the individual is licensed or certified.

A person is required to make a report if the person has reasonable cause to believe that an adult was a victim of abuse or neglect as a

child and the person determines in good faith that disclosure of the information is necessary to protect the health and safety of another child or an elderly or disabled person.

[For parental notification requirements regarding an allegation of educator misconduct with a student, see FFF.]

Oral Reports

As required by law, an oral report made to the Texas Department of Family and Protective Services (DFPS) is recorded.

Restrictions on Reporting

In accordance with law, an employee is prohibited from using or threatening to use a parent's refusal to consent to administration of a psychotropic drug or to any other psychiatric or psychological testing or treatment of a child as the sole basis for making a report of neglect, unless the employee has cause to believe that the refusal:

1. Presents a substantial risk of death, disfigurement, or bodily injury to the child; or
2. Has resulted in an observable and material impairment to the growth, development, or functioning of the child.

Making a Report

Reports may be made to any of the following:

1. A state or local law enforcement agency;
2. The Child Protective Services (CPS) division of ~~the Texas Department of Family and Protective Services (~~DFPS~~)~~ at ~~(~~800~~)~~ 252-5400 or the Texas Abuse Hotline ~~Website~~website[1];
3. A local CPS office; or
4. If applicable, the state agency operating, licensing, certifying, or registering the facility in which the suspected abuse or neglect occurred.

However, if the suspected abuse or neglect involves a person responsible for the care, custody, or welfare of the child, the report must be made to DFPS, unless the report is to the state agency that operates, licenses, certifies, or registers the facility where the suspected abuse or neglect took place; or the report is to the Texas Juvenile Justice Department as a report of suspected abuse or neglect in a juvenile justice program or facility. As defined by law, a person responsible for the care, custody, or welfare of a child includes school personnel and volunteers and day-care workers. [See FFG(LEGAL)]

An individual does not fulfill his or her responsibilities under the law by only reporting suspicion of abuse or neglect to a campus princi-

pal, school counselor, or another District staff member. Furthermore, the District is prohibited from requiring an employee to first report his or her suspicion to a District or campus administrator.

In accordance with law, an individual must provide their name and telephone number when making a report. If the individual making the report is a school employee, agent, or contractor, they must also provide their business address and profession.

Confidentiality

~~In accordance with state law, the~~The identity of a person making a report of suspected child abuse or neglect shall be kept confidential and disclosed only in accordance with the law and the rules of the investigating agency.

Immunity

A person who in good faith reports or assists in the investigation of a report of child abuse or neglect is immune from civil or criminal liability.

Failing to Report Suspected Child Abuse or Neglect

By failing to report suspicion of child abuse or neglect, an employee:

1. May be placing a child at risk of continued abuse or neglect;
2. Violates the law and may be subject to legal penalties, including criminal sanctions for knowingly failing to make a required report;
3. Violates Board policy and may be subject to disciplinary action, including possible termination of employment; and
4. May have his or her certification from the State Board for Educator Certification suspended, revoked, or canceled in accordance with 19 Administrative Code Chapter 249.

It is a criminal offense to coerce someone into suppressing or failing to report child abuse or neglect.

Responsibilities Regarding Investigations

In accordance with law, District officials shall be prohibited from:

1. Denying an investigator's request to interview a child at school in connection with an investigation of child abuse or neglect;
2. Requiring that a parent or school employee be present during the interview; or
3. Coercing someone into suppressing or failing to report child abuse or neglect.

District personnel shall cooperate fully and without parental consent, if necessary, with an investigation of reported child abuse or neglect. [See GKA]

[1] Texas Abuse Hotline ~~Website~~website: http://www.txabusehotline.org

Access to District Property

Authorized District officials, including school resource officers and District police officers if applicable, may refuse to allow a person access to property under the District's control in accordance with law.

District officials may request assistance from law enforcement in an emergency or when a person is engaging in behavior rising to the level of criminal conduct.

Ejection or Exclusion under Education Code 37.105

In accordance with Education Code 37.105, a District official shall provide a person refused entry to or ejected from property under the District's control written information explaining the right to appeal such refusal of entry or ejection under the District's grievance process.

A person appealing under the District's grievance process shall be permitted to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See FNG and GF]

Off-Campus Activities

Employees shall be designated to ensure appropriate conduct of participants and others attending a school-related activity at non-District or out-of-District facilities. Those so designated shall coordinate their efforts with persons in charge of the facilities.

Prohibitions

Tobacco and E-Cigarettes

The District prohibits smoking and the use of tobacco products ~~and~~, e-cigarettes, or other electronic vaporizing devices on District property, in District vehicles, or at school-related activities.

Weapons

The District prohibits the unlawful use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on all District property at all times.

Exceptions

No violation of this policy occurs when:

1. A Texas handgun license holder stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, as long as the handgun or other firearm is not in plain view; or
2. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: Elizabeth Cox

RE: First Reading of Board Policy Update 125

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Background Information

Board Policy Update 125 covers several policies that address board operations, such as election of board officers, creation of board committees, and formation of advisory committees. The legal policies are provided for your information only. The local policies included in this packet provide additions, deletions, and revisions that clarify the current policy language.

Update 125 proposes changes to the following local policies:

- BDAA: Officers and Officials, Duties and Requirements of Board Officers
- BDB: Board Internal Organization, Board Committees
- BDF: Board Internal Organization, Advisory Committees
- EI: Academic Achievement
- FDE: Admission, School Safety Transfers
- FEC: Attendance, Attendance for Credit
- FFAC: Wellness and Health Services, Medical Treatment

Please see the Explanatory Notes included in this update packet for a description of the specific changes for each policy.

Fiscal Implications

None

Administrative Recommendation(s):

At this time, Board Policy Update 125 is presented for first reading and consideration only. The second reading and proposed adoption will be part of the agenda for the board meeting on August 21, 2025.

Instruction Sheet

TASB Localized Policy Manual Update 125

Waco ISD

Code	Type	Action To Be Taken	Note
AIA	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
B	(LEGAL)	Replace table of contents	Revised table of contents
BBD	(LEGAL)	Replace policy	Revised policy
BDAA	(LOCAL)	Replace policy	Revised policy
BDB	(LEGAL)	Replace policy	Revised policy
BDB	(LOCAL)	Replace policy	Revised policy
BDF	(LEGAL)	Replace policy	Revised policy
BDF	(LOCAL)	ADD policy	See explanatory note
BJB	(LEGAL)	Replace policy	Revised policy
CBA	(LEGAL)	Replace policy	Revised policy
CKA	(LEGAL)	Replace policy	Revised policy
CKC	(LEGAL)	Replace policy	Revised policy
CLA	(LEGAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNB	(LEGAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
DEAB	(LEGAL)	Replace policy	Revised policy
DMA	(LEGAL)	Replace policy	Revised policy
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAD	(LEGAL)	Replace policy	Revised policy
EHBAF	(LEGAL)	Replace policy	Revised policy
EHBE	(LEGAL)	Replace policy	Revised policy
EHDE	(LEGAL)	Replace policy	Revised policy
EI	(LOCAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
FDA	(LEGAL)	Replace policy	Revised policy
FDE	(LOCAL)	Replace policy	Revised policy
FEC	(LOCAL)	No policy enclosed	See explanatory note
FFAC	(LEGAL)	Replace policy	Revised policy
FFAC	(LOCAL)	No policy enclosed	See explanatory note
FFB	(LEGAL)	Replace policy	Revised policy
FOC	(LEGAL)	Replace policy	Revised policy
FOF	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 125

Waco ISD

AIA(LEGAL) ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions to 19 Administrative Code 97.1003(f)(3), effective February 10, 2025, prompted edits at Local Accountability Plan — Submission and Audit Standards.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

A citation to the Administrative Code has been adjusted at the end of the policy.

B(LEGAL) LOCAL GOVERNANCE

The Section B Table of Contents has been updated to reflect revised names for policies BDB, Board Committees, and BDF, Advisory Committees.

BBD(LEGAL) BOARD MEMBERS: TRAINING AND ORIENTATION

19 Administrative Code 61.1051 was repealed on December 6, 2024, but 19 Administrative Code 61.1(b)(7), which references the repealed rule, was not amended. The requirements in the repealed provision were moved to 19 Administrative Code 103.1401. A Note has been added at Identifying and Reporting Abuse to clarify the location of the requirements.

BDAA(LOCAL) OFFICERS AND OFFICIALS: DUTIES AND REQUIREMENTS OF BOARD OFFICERS

Revisions are recommended to this local policy on board officer duties and requirements. At Board Officers, the sentence indicating that the board may assign a district employee to provide clerical assistance is recommended for deletion since the superintendent, rather than the board, manages staff assignments, including providing support to the board.

BDB(LEGAL) BOARD INTERNAL ORGANIZATION: BOARD COMMITTEES

To coordinate with the recommended changes to the local policy at this code, the subtopic has been changed from Internal Committees to Board Committees.

BDB(LOCAL) BOARD INTERNAL ORGANIZATION: BOARD COMMITTEES

This policy has been revised in coordination with BDF(LOCAL) to clarify the difference between board committees and advisory committees. Accordingly, the subtopic of this code has been changed from Internal Committees to Board Committees, and new provisions are recommended to establish how board committees are formed and outline their purpose. Text addressing Dissolution of board committees is also recommended for inclusion. The language previously at Special Committees has been moved to BDF(LOCAL).

BDF(LEGAL) BOARD INTERNAL ORGANIZATION: ADVISORY COMMITTEES

To coordinate with the recommended changes to the local policy at this code, the subtopic has been changed from Citizen Advisory Committees to Advisory Committees.

BDF(LOCAL) BOARD INTERNAL ORGANIZATION: ADVISORY COMMITTEES

This new local policy is recommended for inclusion to coordinate with the changes at BDB. The subtopic of this code has been changed from Citizen Advisory Committees to Advisory Committees. Language has been moved here from BDB(LOCAL) and updated to clarify how advisory committees are formed and the parameters of their responsibilities. A section on Dissolution of the committees is also recommended for inclusion.

Waco ISD

BJB(LEGAL) SUPERINTENDENT: RECRUITMENT AND APPOINTMENT

New rules at 19 Administrative Code 103.1213 regarding the Sentinel system were adopted on December 13, 2024, and a new section on required reporting in that system after a superintendent change has been added to this legal framework.

CBA(LEGAL) STATE AND FEDERAL REVENUE SOURCES: STATE

Revisions reflect amendments at 19 Administrative Code 61.1034, effective April 13, 2025, to clarify the criteria a district must meet to be eligible for the New Instructional Facility Allotment (NIFA). Additional information about NIFA has also been included to outline eligibility provisions and the application process. NIFA was created in 1999 for districts to provide for operational expenses associated with the opening of a new instructional facility and is available to all public school districts that meet the requirements of the statute and rule.

CKA(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: SAFETY AND SECURITY AUDITS AND MONITORING

New rules at 19 Administrative Code 103.1213, effective December 15, 2024, relating to the Sentinel system prompted revisions to this legal framework on safety and security audits and monitoring. A section on Reporting Through Sentinel has been added, and additional changes reflecting new reporting requirements for vulnerability assessments and intruder detection audits have been made.

CKC(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

The new rules regarding the Sentinel system necessitated additional language regarding the Texas School Safety Center's uploading of multihazard emergency operation plans to that system. The new rules became effective December 15, 2024, and are found at 19 Administrative Code 103.1213.

CLA(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY

New requirements have been added at Human Trafficking Warning Signs to reflect a new rule adopted at 19 Administrative Code 103.1403, effective December 11, 2024.

CMD(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

Changes at 19 Administrative Code 67.1315, effective December 15, 2024, prompted revisions relating to the requirement for districts to adopt an open education resource instructional materials plan unless otherwise exempt.

CNB(LEGAL) TRANSPORTATION MANAGEMENT: DISTRICT VEHICLES

A cross-reference to CNC has been added at School Bus Advertising for clarity regarding reporting requirements for crashes involving buses with advertising.

CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

At Annual Report to TEA, revisions to this legal framework were required after 19 Administrative Code 61.1028 was repealed and provisions moved to the new 19 Administrative Code 103.1231, effective March 10, 2025. Other revisions have been made for clarity.

Waco ISD

DEAB(LEGAL) COMPENSATION PLAN: WAGE AND HOUR LAWS

At Exempt Employees — Academic Administrators, the salary/fee rate has been removed and replaced with a reference to the established weekly threshold to prevent the need for continuous updating as the Fair Labor Standards Act rules are amended over time.

DMA(LEGAL) PROFESSIONAL DEVELOPMENT: REQUIRED STAFF DEVELOPMENT

A citation change at Child Abuse, Trafficking, and Maltreatment reflects provisions from the Administrative Code that were repealed on December 11, 2024, and moved to 19 Administrative Code 103.1401. At Mental Health, provisions have been added to reflect the adoption of 19 Administrative Code 153.1015, effective December 2, 2024.

EHBAA(LEGAL) SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

At Evaluation for Change in Eligibility, provisions have been removed to reflect amendments to 19 Administrative Code 89.1070, adopted November 1, 2024. A cross-reference to EIF has been added for clarity.

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

Provisions at Graduation have been revised to reflect amendments to 19 Administrative Code 89.1070, adopted November 1, 2024.

EHBAF(LEGAL) SPECIAL EDUCATION: VIDEO/AUDIO MONITORING

19 Administrative Code 61.1051 was repealed on December 6, 2024, but 19 Administrative Code 103.1301, which references the repealed rule, was not amended. The requirements in the repealed provision were moved to 19 Administrative Code 103.1401. A Note has been added at Confidentiality — Duty to Report to clarify the location of the requirements.

EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

Extensive revisions throughout this legal framework reflect amendments to numerous Administrative Code rules, effective February 7, 2025, relating to bilingual and ESL programs.

EHDE(LEGAL) ALTERNATIVE METHODS FOR EARNING CREDIT: DISTANCE LEARNING

Changes throughout this legal framework reflect amendments to the Administrative Code adopted on February 14, 2025.

EI(LOCAL) ACADEMIC ACHIEVEMENT

At Partial Credit, recommended revisions replace the phrase "combined grade for" with "average of" to more accurately reflect the determination of awarding credit when a student earns a passing grade in only half of a course.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

Revisions to this legal framework are a result of amendments to 19 Administrative Code 89.1070, adopted November 1, 2024.

FDA(LEGAL) ADMISSIONS: INTERDISTRICT TRANSFERS

A paragraph has been added at Discipline and Threat Assessment Records as a result of the new Sentinel rules found at 19 Administrative Code 103.1213, effective December 15, 2024.

Waco ISD

FDE(LOCAL) ADMISSIONS: SCHOOL SAFETY TRANSFERS

At Safe Schools Data, “bullying” is recommended for inclusion as an offense for which the district must collect and maintain data. The revision aligns with the Unsafe School Choice Option Guidance Handbook.

FEC(LOCAL) ATTENDANCE: ATTENDANCE FOR CREDIT

This local policy has been impacted by the district’s innovation plan. Please contact your policy consultant to discuss your renewed or revised innovation plan and any potential policy revisions.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Extensive changes throughout this legal framework have been made for clarity and to reflect new Department of State Health Services rules on Maintenance and Administration of Medication for Respiratory Distress.

FFAC(LOCAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

The revisions to the legal framework at this code reflect the new Department of State Health Services rules on unassigned medication for respiratory distress. If your district currently maintains medication that can be used when a person is experiencing respiratory distress, please contact your policy consultant for appropriate text to include in your local policy.

FFB(LEGAL) STUDENT WELFARE: CRISIS INTERVENTION

A section on Use of Sentinel Assessment Instrument, Manual, and Field Guide has been added to reflect the new Sentinel rules found at 19 Administrative Code 103.1213, effective December 15, 2024.

FOC(LEGAL) STUDENT DISCIPLINE: PLACEMENT IN A DISCIPLINARY ALTERNATIVE EDUCATION SETTING

Revisions to this legal framework at Determination of Violent Conduct reflect new language at 19 Administrative Code 103.1205, effective October 29, 2024.

FOF(LEGAL) STUDENT DISCIPLINE: STUDENTS WITH DISABILITIES

A new section on Peace Officer or Security Personnel Use of Restraint or Taser has been added to reflect new language at 19 Administrative Code 89.1053, effective October 7, 2024.

Accreditation

Each district must be accredited by Texas Education Agency (TEA). A district that is not accredited may not receive funds from TEA or hold itself out as operating a public school of this state. *Education Code 11.001, 39.052(f)*

District accreditation is determined in accordance with Education Code Chapter 39, Subchapter C and rules adopted by the commissioner of education at 19 Administrative Code, Chapter 97, Subchapter EE (Accreditation Status, Standards, and Sanctions). *Education Code 39.051*

Statuses

The commissioner shall determine criteria for the following accreditation statuses:

1. Accredited. Accredited means TEA recognizes the district as a public school of this state that meets the standards determined by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1059; and is not currently assigned an accreditation status of Accredited-Warned or Accredited-Probation;

2. Accredited-Warned. Accredited-Warned means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(b), that, if not addressed, will lead to probation or revocation of its accreditation status;

3. Accredited-Probation. Accredited-Probation means the district exhibits deficiencies in performance, as specified in 19 Administrative Code 97.1055(c), that must be addressed to avoid revocation of its accreditation status; and

4. Not Accredited-Revoked. Not Accredited-Revoked means TEA does not recognize the district as a Texas public school because the district's performance has failed to meet standards adopted by the commissioner under Education Code 39.052(b) and (c), and specified in 19 Administrative Code 97.1055(d).

Education Code 39.051; 19 TAC 97.1055(a)(1)

Annual Evaluation

Each year, the commissioner shall determine the accreditation status of each district. In determining the accreditation status of a district, the commissioner:

1. Shall evaluate and consider performance:

    a. On achievement indicators under Education Code 39.053 [see Performance Indicators, below]; and

b. Under the financial accountability rating system developed under Education Code, Chapter 39, Subchapter D [see CFA].

2. May evaluate and consider:

a. The district's compliance with statutory requirements and requirements imposed by rule of the commissioner or State Board of Education that relate to:

(1) Reporting data through the Public Education Information Management System (PEIMS) or other reports required by state or federal law or court order;

(2) High school graduation requirements; or

(3) Extracurricular activities, student health and safety, purchasing, elementary class size limits, removal of a disruptive student from the classroom, at-risk programs, and prekindergarten programs;

b. The effectiveness of the district's programs for special populations; and

c. The effectiveness of the district's career and technology program.

Based on a district's performance, the commissioner shall assign each district an accreditation status or revoke the accreditation of the district and order closure of the district.

A district's accreditation status may be raised or lowered based on the district's performance or may be lowered based on the performance of one or more campuses in the district that is below a standard required by Education Code Chapter 39, Subchapter C.

Education Code 7.056(e)(3)(C)-(I), 39.052; 19 TAC 97.1055

For additional information on the commissioner process for assigning accreditation status, see 19 Administrative Code 97.1055.

Notice of Status

The commissioner shall notify a district if the district has received an accreditation status of accredited-warned or accredited-probation, or a campus's performance is below standard. *Education Code 39.052(e)*

To Parents and Property Owners

A district assigned an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked shall notify the parents of students enrolled in the district and property owners in the district as specified in 19 Administrative Code 97.1055. The district's notice must contain information about the accreditation status, the implications of such status, and the steps the district is tak-

ing to address the areas of deficiency identified by the commissioner. The district's notice shall use the format and language determined by the commissioner.

The district's notice must:

1. Not later than 30 calendar days after the accreditation status is assigned, appear on the home page of the district's website, with a link to the required notification, and remain until the district is assigned the accredited status; and

2. Appear in a newspaper of general circulation, as defined in 19 Administrative Code 97.1051 (Definitions), in the district for three consecutive days as follows:

   a. From Sunday through Tuesday of the second week following assignment of the status; or

   b. If the newspaper is not published from Sunday through Tuesday, then for three consecutive issues of the newspaper beginning the second week following assignment of the status; or

3. Not later than 30 calendar days after the status is assigned, be sent by first class mail addressed individually to each parent of a student enrolled in the district and each property owner in the district; or

4. Not later than 30 calendar days after the status is assigned, be presented as a discussion item in a public meeting of the board of trustees conducted at a time and location that allows parents of students enrolled in the district and property owners in the district to attend and provide public comment.

To TEA

A district required to act under this subsection shall send the following to TEA via certified mail, return receipt requested:

1. The universal resource locator (URL) for the link to the notification required above; and

2. Copies of the notice in the newspaper showing dates of publication, or a paid invoice showing the notice content and its dates of publication; or

3. Copies of the notice sent by mail and copies of all mailing lists and postage receipts; or

4. Copies of the notice presented at a public meeting and copies of the board of trustees meeting notice and minutes for the

board meeting in which the notice was presented and publicly discussed.

19 TAC 97.1055(f)

Performance Indicators

The commissioner shall adopt a set of indicators of the quality of learning and achievement, including three domains of achievement indicators. [See Achievement Indicators, below] *Education Code 39.053(a)*

The indicators must measure and evaluate districts and campuses with respect to:

1. Improving student preparedness for success in subsequent grade levels and entering the workforce, the military, or post-secondary education;
2. Reducing, with the goal of eliminating, student academic achievement differentials among students from different racial and ethnic groups and socioeconomic backgrounds; and
3. Informing parents and the community regarding campus and district performance.

Education Code 39.053(a-1)

Achievement Indicators

Districts and campuses must be evaluated based on indicators of achievement grouped in three domains:

1. Student achievement domain;
2. School progress domain; and
3. Closing the gaps domain.

Education Code 39.053(c)

Performance on the achievement indicators in the three domains shall be compared to state-established standards. The indicators must be based on information that is disaggregated by race, ethnicity, and socioeconomic status. *Education Code 39.053(b)*

Each school district shall submit the data required for the indicators to the commissioner. *Education Code 39.053(i)*

A-F Performance Ratings

Except when the commissioner determines the assignment of an overall performance rating would be inappropriate [see Assignment of Not Rated, below], the commissioner shall adopt rules to evaluate district and campus performance and assign each district and campus an overall performance rating of A, B, C, D, or F.

In addition to the overall performance rating, the commissioner shall assign each district and campus a separate domain perfor-

mance rating of A, B, C, D, or F for each domain under Education Code 39.053(c) [see Achievement Indicators, above].

An overall or domain performance rating of:

1. A reflects exemplary performance.
2. B reflects recognized performance.
3. C reflects acceptable performance.
4. D reflects performance that needs improvement.
5. F reflects unacceptable performance.

A district may not receive an overall or domain performance rating of A if the district includes any campus with a corresponding overall or domain performance rating of D or F.

For purposes of assigning districts and campuses an overall and a domain performance rating, the commissioner shall ensure that the method used to evaluate performance is implemented in a manner that provides the mathematical possibility that all districts and campuses receive an A rating.

Not later than August 15 of each year, the following information shall be made publicly available as provided by rules adopted by the commissioner:

1. The performance ratings for each district and campus; and
2. If applicable, the number of consecutive school years of unacceptable performance ratings for each district and campus.

Education Code 39.054(a), (a-3), (b)

Assignment of Not Rated

Notwithstanding any other law, the commissioner may assign a district or campus an overall performance rating of “Not Rated” if the commissioner determines that the assignment of a performance rating of A, B, C, D, or F would be inappropriate because:

1. The district or campus is located in an area that is subject to a declaration of a state of disaster under Government Code Chapter 418 and due to the disaster, performance indicators for the district or campus are difficult to measure or evaluate and would not accurately reflect quality of learning and achievement for the district or campus;
2. The district or campus has experienced breaches or other failures in data integrity to the extent that accurate analysis of data regarding performance indicators is not possible;

3. The number of students enrolled in the district or campus is insufficient to accurately evaluate the performance of the district or campus; or

4. For other reasons outside the control of the district or campus, the performance indicators would not accurately reflect quality of learning and achievement for the district or campus.

Education Code 39.054(a-4)

Calculating Consecutive Years

Notwithstanding any other law, an overall performance rating of "Not Rated" is not included in calculating consecutive school years of unacceptable performance ratings and is not considered a break in consecutive school years of unacceptable performance ratings for purposes of any provision of the Education Code. *Education Code 39.054(a-5)*

Acceptable Performance

A reference in law to an acceptable performance rating or acceptable performance includes an overall or domain performance rating of A, B, or C or performance that is exemplary, recognized, or acceptable. A reference in law to an unacceptable performance rating or unacceptable performance includes an overall or domain performance rating of F. For the purposes of public reporting requirements, an overall or domain performance rating of D shall be referred to as performance that needs improvement. *Education Code 39.0543(a)*

D Rating

A reference in law to an acceptable performance rating or acceptable performance for a district or campus includes an overall performance rating of D if, since previously receiving an overall performance rating of C or higher, the district or campus has not previously received more than one overall performance rating of D or has not received an overall performance rating of F. *Education Code 39.0543(b)*

Local Accountability System

The local accountability system standards established by the commissioner under Education Code 39.0544 shall be used by districts to develop a plan to locally evaluate the performance of their campuses. *19 TAC 97.1003(a)*

Local Accountability Plan

A local accountability plan created by a district must include domain performance ratings assigned by the commissioner under Education Code 39.054, and performance ratings based on locally developed domains or sets of accountability measures. *19 TAC 97.1003(b)*

A district must create its local accountability plan based on school type. The four school types are elementary school, middle school, high school, and kindergarten-grade 12. The plan must include all campuses within a school type. The district may also request to

identify an additional school group within a school type for which to customize its local accountability plan. Otherwise, all campuses within a school type must be evaluated on a common set of components determined by the district. A district may also request to identify a campus rated under alternative education accountability provisions as a unique school type. *19 TAC 97.1003(b)(4)*

Plan Components

A locally developed domain or set of accountability measures is referred to as a plan component. Plan components must describe each item and the reason for its inclusion in the plan. A district must assign each component to one of the following five domains: academics, culture and climate, extra- and co-curricular, future-ready learning, and locally determined. The weight of all plan components must equal 100 percent. *19 TAC 97.1003(b)(1)*

A district may assign weights to each plan component, as determined by the district, provided that the plan components must in the aggregate account for no more than 50 percent of the combined overall performance rating. A local accountability plan may include no fewer than two and no more than 10 components weighted between 5 percent and 60 percent. *19 TAC 97.1003(c)*

Each plan component must contain levels of performance that allow for differentiation, with assigned standards for achieving the differentiated levels that are aligned to a letter grade of A, B, C, D, or F and meet the requirements of 19 Administrative Code 97.1003(d)(1)-(3). *19 TAC 97.1003(d)*

Each plan component measure must meet standards for reliability and validity as required by 19 Administrative Code 97.1003(e)(1)-(3). *19 TAC 97.1003(e)*

Campuses without STAAR or State Ratings

For the purposes of assigning state accountability ratings, a campus that does not serve any grade level for which a State of Texas Assessments of Academic Readiness (STAAR) examination is administered is paired with a campus in its district that serves grade levels for which STAAR examinations are administered.

A campus not rated under the state accountability system is not eligible to combine state and local ratings. Local accountability data for a campus without state ratings may be displayed on TEA, district, and campus websites but will not be combined with state accountability data. The state accountability manual adopted under 19 Administrative Code 97.1001 (Accountability Rating System) provides information about campus ratings and eligibility for applicable years.

19 TAC 97.1003(b)(3)

Campus Performance Ratings

A district authorized to assign campus performance ratings shall evaluate the performance of each campus and assign each campus a performance rating of A, B, C, D, or F for overall performance and for each locally developed domain or set of accountability measures. Not later than a date established by the commissioner, the district shall:

1. Report the performance ratings to the agency; and
2. Make the performance ratings available to the public as provided by commissioner rule.

Education Code 39.0544(e)

Each campus with an approved district plan is eligible to receive a local accountability rating. A campus with an overall state accountability rating of C or higher based on ratings derived from student performance at the campus is eligible to combine an overall local accountability rating with the overall state accountability rating to determine the combined rating. *19 TAC 97.1003(b)(2); Education Code 39.054(a)*

Submission and Audit Standards

Calculations for each plan component and overall performance ratings must be capable of being audited by a third party.

A district must use a one-to-one correspondence when converting campus grades based on plan component measures to a standard scale of 30-100 where A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59.

Categorical data, or data not on a continuous scale, must be converted to the standard scale of A=90-100, B=80-89, C=70-79, D=60-69, and F=30-59 by assigning the maximum value for each scaled score interval with the corresponding category used in the campus rating scale.

A district is required to submit a local accountability plan that includes components, domains, and overall scaled scores and ratings to TEA on a timeline determined by the commissioner. The timeline will be published on the TEA website.

All scaled scores and letter grades submitted by a school district are subject to audit. Any data discrepancies or any indication that data have been compromised may result in verification and audit of district and campus data used to assign local accountability ratings. The audit process may include requests for data used for campus-level calculation of component and domain scaled scores.

On an annual basis, TEA will randomly select districts for local accountability audits, and, for each such audit, TEA will randomly se-

lect components for review. Selected districts must submit the requested data for review within the timeframe specified. A district must maintain documentation of its local accountability plan, along with all associated data used to assign campus ratings, for two years after the end of the plan implementation period.

Responsibility for the accuracy and quality of data used to determine local accountability ratings rests with each district. Superintendent certification of data accuracy during the ratings submission process shall include an assurance that calculations have been verified to ensure that all data were included as appropriate for all components.

19 TAC 97.1003(f)(1)-(6)

Scorecard and Website

A district must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings. The campus scorecard shall include, at a minimum, the scaled score and rating for each component and domain along with the overall rating. A link to the local accountability ratings posted by the district must be provided to TEA and may be included on the agency-developed school report card. *19 TAC 97.1003(g)*

Appeal and Revision

An appeal of a local accountability rating may be submitted by the superintendent once ratings are released. The local accountability appeals timeline follows the appeal deadline dates and processes as described in the state accountability manual adopted under 19 Administrative Code 97.1001 of this title for the applicable year. *19 TAC 97.1003(f)(7)*

Ratings may be revised as a result of investigative activities by the commissioner as authorized under Education Code 39.057(d) and (e) (redesignated to Education Code 39.003). *19 TAC 97.1003(h)*

Distinction Designations for Outstanding Performance

The commissioner shall award distinction designations for outstanding performance. A distinction designation awarded to a district or campus shall be referenced directly in connection with the performance rating assigned to the district or campus and made publicly available together with the A-F performance ratings.

A district or campus may not be awarded a distinction designation unless the district or campus has acceptable performance under the A-F performance ratings.

Education Code 39.201

Academic Distinction

The commissioner shall establish an academic distinction designation for districts and campuses for outstanding performance in at-

tainment of postsecondary readiness based on the commissioner's adopted criteria. *Education Code 39.202*

Campus Distinction

The commissioner shall award a campus a distinction designation for outstanding performance in:

1. Improvement in student achievement;
2. Closing student achievement differentials; and
3. Academic achievement in English language arts, mathematics, science, or social studies.

Education Code 39.203

The commissioner may award a distinction designation for outstanding performance in advanced middle or junior high school student achievement. *Education Code 39.203(d)*

Excellence Exemptions

Except as listed below, a district or campus that is rated A (exemplary) is exempt from requirements and prohibitions imposed under the Education Code, including regulations adopted under the Education Code.

An exemplary campus or district is not exempt from:

1. A prohibition on conduct that constitutes a criminal offense;
2. Requirements imposed by federal law or rule, including requirements for special education or bilingual education programs;
3. A requirement, restriction, or prohibition relating to:
    a. Curriculum essential knowledge and skills or high school graduation requirements;
    b. Public school accountability;
    c. Extracurricular activities;
    d. Health and safety;
    e. Purchasing;
    f. Elementary class size limits;
    g. Removal of a disruptive student from the classroom;
    h. At-risk programs;
    i. Prekindergarten programs;
    j. Rights and benefits of school employees;

k. Special education programs; or

l. Bilingual education programs.

The commissioner may exempt an exemplary campus from class size limits if the campus submits a written plan showing steps that will be taken to ensure that the exemption will not be harmful to the academic achievement of the students on the school campus. If granted, the exemption remains in effect until the commissioner determines that achievement levels of the campus have declined.

Education Code 39.232

Special Investigations

The commissioner may authorize a special investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to the Texas Education Agency (TEA) of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;
5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;

13. When an excessive number of students is graduating with a particular endorsement;

14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;

15. When 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on the determination of an individual graduation committee under Education Code 28.0258;

16. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;

17. In response to repeated complaints submitted to TEA concerning imposition of excessive paperwork requirements on classroom teachers; or

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.004(a)*

Note: The procedures for conducting a special investigation, holding a hearing following an investigation, the process for commissioner determinations, and judicial appeal are described in Education Code 39.004-.007.

Commissioner Action

Based on the results of a special investigation, the commissioner may:

1. Take appropriate action under Education Code Chapter 39A, [see AIC];

2. Lower the district's accreditation status or a district's or campus's performance rating; or

3. Take action under both items 1 and 2 above.

Education Code 39.003(d)

At any time before issuing a report with the TEA's final findings, the commissioner may defer taking the above action until:

1. A person who is a third party, selected by the commissioner, has reviewed programs or other subjects of a special investigation and submitted a report identifying problems and proposing solutions;
2. A district completes a corrective action plan developed by the commissioner; or
3. The completion of actions under both items 1 and 2 above.

Education Code 39.003(e)

Based on the results of an action taken above, the commissioner may decline to take the deferred action. *Education Code 39.003(f)*

Note: The procedures for an informal review or hearing following an investigation are described in 19 Administrative Code Chapter 157, Subchapter EE.

Monitoring Reviews

In accordance with Education Code 7.028(a), TEA may monitor compliance with requirements applicable to a process or program provided by a district, campus, or program, only as necessary to ensure:

1. Compliance with federal law and regulations;
2. Financial accountability, including compliance with grant requirements;
3. Data integrity for purposes of:
    a. The Public Education Information Management System (PEIMS); and
    b. Accountability under Education Code Chapter 39 and 39A; and
4. Qualification for funding under Education Code Chapter 48.

The board has primary responsibility for ensuring that the district complies with all applicable requirements of state educational programs.

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation, implemented by TEA under 34 C.F.R. 300.600-.609 [see Supervision

Under IDEA, below], and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

1. Random, targeted, or cyclical reviews authorized under Education Code 39.056 (monitoring reviews), conducted remotely or on-site to identify problems implementing state and federal requirements and to provide support for development of reasonable and appropriate strategies to address identified problems; and/or

2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.003 and 39.004.

Activities described above are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC], dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB], and program effectiveness for emergent bilingual students in Education Code 29.062.

19 TAC 97.1071(b)-(d)

Notice

TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. *Education Code 39.056(d)*

Conducting the Review

A monitoring review may include desk reviews and on-site visits, including random on-site visits. In conducting a monitoring review, TEA may obtain information from administrators, other district employees, parents of students enrolled in the district, and other persons as necessary. *Education Code 39.056(c), (g)*

Converting to a Special Investigation

The commissioner may at any time convert a monitoring review to a special investigation under Education Code 39.003, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

Improvements

TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. *Education Code 39.056(e)-(f)*

Appeals

A decision by the commissioner under Education Code Chapter 39 or 39A is final and may not be appealed unless an applicable provision of Chapter 39 or 39A provides otherwise. *Education Code 39A.906* [See AIC]

Compliance Investigation

A compliance investigation is an investigation by TEA of a state education grant recipient to determine compliance with the statutory or rule requirements of a state education program. A compliance investigation is not a special investigation subject to Education Code 39.003 and 39.004 (above). *19 TAC 102.1401(a)(1)*

Supervision Under IDEA

In exercising its general supervision authority under 34 C.F.R. sections 300.149 and 300.600, TEA has established a process that provides for the investigation and issuance of findings regarding credible allegations of violations of the Individuals with Disabilities Education Act (IDEA), Part B, or a state statute or administrative rule created to implement IDEA, that arise from an area of concern. The following guidelines shall apply to this process.

Definitions

"Area of concern" means that TEA has been made aware of an allegation regarding a violation of, or noncompliance with, a requirement of IDEA, Part B, or a state special education law or administrative rule.

"Credible allegation" means that TEA has determined that an allegation arising from an area of concern is credible enough to investigate further to determine if a violation or noncompliance has occurred.

Credibility Determination

Information and awareness of an area of concern may arise directly from TEA or from external sources.

TEA will engage in a process to determine if an area of concern is determined to be a credible allegation, and, if determined credible, TEA will initiate an investigation to determine if findings of noncompliance will be issued.

TEA will generally not engage in the process described below to determine if an area of concern is a credible allegation if it is a media report, social media post, or an anonymous report, unless TEA receives corroborating information and facts that a specific violation of state or federal law or rule has occurred if the allegation were to be confirmed true.

When an individual or organization reports a special education area of concern, TEA may direct the individual or organization to the established dispute resolution processes. Depending on the frequency or specificity of the type of allegation made, TEA may engage in a process to determine credibility of the allegation.

Process

The process to determine if an area of concern is a credible allegation may include one or more of the following actions:

1. Reviewing existing citations of noncompliance or any noncompliance identified within the last two school years on the same or similar alleged violation;
2. Reviewing filed state complaints that are in process of being investigated or that have been substantiated within the last two school years on the same or similar alleged violation;
3. Reviewing due process hearing decisions issued within the last two years in which the hearing officer's final written decision contains a finding of noncompliance on the same or similar alleged violation;
4. Gathering evidence from groups that represent or advocate for families and communities served by the district;
5. Reviewing and analyzing available student- or district-level data that relate to the alleged violation;
6. Reviewing and analyzing fiscal and program information, such as grant applications, contracts, self-assessments, and other special education documents submitted to TEA by the district; and
7. Any other activity or measure used to gather evidence within TEA's general supervision and monitoring authority.

The investigation to determine if a credible allegation will result in the issuance of findings will include contacting the school district that is the subject of the allegation and requesting a response from the school district. Additional investigative actions may include one or more of the following:

1. Conducting interviews with the district, staff, parents, or students;
2. A referral for review or investigation by any other appropriate unit or division within TEA;
3. Utilizing the review and analysis of the activities conducted during the review process in this provision to determine if noncompliance is found; and
4. Any other activity or measure within TEA's general supervision and monitoring authority.

Intervention and Sanction	TEA may apply any intervention or sanction within its authority if noncompliance or a violation is substantiated, including those described in 19 Administrative Code 89.1076 [see AIC]. *19 TAC 97.1071(l)*

Please Note: *This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.*

SECTION B: LOCAL GOVERNANCE

BA	BOARD LEGAL STATUS
BAA	Powers and Duties
BB	BOARD MEMBERS
BBA	Eligibility/Qualifications
BBB	Elections
BBBA	Conducting Elections
BBBB	Post-election Procedures
BBBC	Campaign Finance
BBBD	Campaign Ethics
BBC	Vacancies and Removal from Office
BBD	Training and Orientation
BBE	Authority
BBF	Ethics
BBFA	Conflict of Interest Disclosures
BBFB	Prohibited Practices
BBG	Compensation and Expenses
BBH	Conventions, Conferences, and Workshops
BBI	Technology Resources and Electronic Communications
BC	BOARD MEMBERSHIPS
BD	BOARD INTERNAL ORGANIZATION
BDA	Officers and Officials
BDAA	Duties and Requirements of Board Officers
BDAE	Duties and Requirements of Depository
BDB	Board Committees
BDD	Attorney
BDE	Consultants
BDF	Advisory Committees
BE	BOARD MEETINGS
BEC	Closed Meetings
BED	Public Participation
BEE	News Coverage
BEF	Staff Participation
BF	BOARD POLICIES
BG	BOARD SELF-EVALUATION
BI	ADMINISTRATIVE GOALS AND OBJECTIVES

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SECTION B: LOCAL GOVERNANCE

BJ	SUPERINTENDENT
BJA	Qualifications and Duties
BJB	Recruitment and Appointment
BJC	Contract
BJCA	Travel
BJCB	Professional Development
BJCC	Consulting
BJCD	Evaluation
BJCE	Suspension/Termination During Contract
BJCF	Nonrenewal
BJCG	Resignation
BK	ADMINISTRATIVE ORGANIZATION
BKA	Organization Charts
BKB	Line and Staff Relations
BM	ADMINISTRATIVE COUNCILS, CABINETS, AND COMMITTEES
BP	ADMINISTRATIVE REGULATIONS
BQ	PLANNING AND DECISION-MAKING PROCESS
BQA	District-Level
BQB	Campus-Level
BR	REPORTS

Open Meetings Act Training

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its members under Government Code Chapter 551 (Open Meetings Act).

The attorney general may provide the training and may also approve other acceptable sources of training.

The board shall maintain and make available for public inspection the record of its members' completion of the training. The failure of one or more members of the board to complete the training does not affect the validity of an action taken by the board.

Gov't Code 551.005

Public Information Act Training

Not later than the 90th day after taking the oath of office, each board member shall complete training of not less than one and not more than two hours regarding the responsibilities of the board and its officers and employees under Government Code Chapter 552 (Public Information Act [PIA]). A board member may designate a public information coordinator to satisfy the training for the board member if the public information coordinator is primarily responsible for administering the responsibilities of the board member or board under the PIA. The attorney general may require a board member to complete the course of training if the attorney general determines that the district has failed to comply with a requirement of the PIA. *Gov't Code 552.012(b), (b-1), (c)* [See GBAA regarding public information coordinator training.]

SBOE-Required Training

A trustee must complete any training required by the State Board of Education (SBOE). *Education Code 11.159*

The SBOE's framework for governance leadership [see BBD(EXHIBIT)] shall be distributed annually by the board president to all current board members and the superintendent. *19 TAC 61.1(a)*

The continuing education required under Education Code 11.159 applies to each member of the board. To the extent possible, an entire board shall participate in continuing education programs together. *19 TAC 61.1(b), (i)*

No continuing education shall take place during a board meeting unless that meeting is called expressly for the delivery of board member continuing education. Continuing education may take place prior to or after a legally called board meeting in accordance with Government Code 551.001(4) (definition of "meeting"). *19 TAC 61.1(e)*

A regional education service center (ESC) board member continuing education program shall be open to any interested person, including a current or prospective board member. A district is not responsible for any costs associated with individuals who are not current board members. *19 TAC 61.1(f)*

Annually, the SBOE shall commend those board-superintendent teams that complete at least eight hours of the continuing education specified at Team Building and Additional Continuing Education, below, as an entire board-superintendent team.

Annually, the SBOE shall commend board-superintendent teams that effectively implement the commissioner of education's trustee improvement and evaluation tool developed under Education Code 11.182 [see BG] or any other tool approved by the commissioner.

19 TAC 61.1(k), (l)

Verification

For each training described below, the provider of continuing education shall provide verification of completion of board member continuing education to the individual participant and to the participant's school district. The verification must include the provider's authorization or registration number. *19 TAC 61.1(h)*

Reporting

At the last regular board meeting before an election of trustees, the board president shall announce the name of each board member who has completed the required continuing education, who has exceeded the required hours of continuing education, and who is deficient in meeting the required continuing education as of the anniversary of the date of each board member's election or appointment to the board or two-year anniversary of his or her previous training, as applicable. The announcement shall state that completing the required continuing education is a basic obligation and expectation of any board member under SBOE rule. The minutes of the last regular board meeting held before an election of trustees must reflect whether each trustee has met or is deficient in meeting the training required for the trustee as of the first anniversary of the date of the trustee's election or appointment or two-year anniversary of his or her previous training, as applicable. The president shall cause the minutes to reflect the announcement and, if the minutes reflect that a trustee is deficient in training as of the anniversary of his or her joining the board, the district shall post the minutes on the district's internet website within 10 business days of the meeting and maintain the posting until the trustee meets the requirements. *19 TAC 61.1(j); Education Code 11.159(b)*

Local District Orientation

Each board member shall complete a local district orientation session. The purpose of the local orientation is to familiarize new

board members with local board policies and procedures and district goals and priorities.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The orientation shall:

1. Be at least three hours in length.
2. Address local district practices in the following, in addition to topics chosen by the local district:
    a. Curriculum and instruction;
    b. Business and finance operations;
    c. District operations;
    d. Superintendent evaluation; and
    e. Board member roles and responsibilities.

Each board member should be made aware of the continuing education requirements of 19 Administrative Code 61.1 and those of the following:

1. Open meetings act in Government Code 551.005 [see Open Meetings Act Training above];
2. Public information act in Government Code 552.012 [see Public Information Act Training above]; and
3. Cybersecurity in Government Code 2054.5191 [see CQB].

The orientation shall be open to any board member who chooses to attend.

19 TAC 61.1(b)(1)

Education Code Orientation

Each board member shall complete a basic orientation to the Education Code and relevant legal obligations. The orientation shall have special, but not exclusive, emphasis on statutory provisions related to governing Texas school districts.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The orientation shall be at least three hours in length. Topics shall include, but not be limited to, Education Code Chapter 26 (Parental Rights and Responsibilities) and Education Code 28.004 (Local School Health Advisory Council and Health Education Instruction).

The orientation shall:

1. Be provided by an ESC.

2. Be open to any board member who chooses to attend.

The continuing education may be fulfilled through online instruction, provided that the training incorporates interactive activities that assess learning and provide feedback to the learner and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(2)

Legislative Update

After each session of the Texas Legislature, including each regular session and called session related to education, each board member shall complete an update to the basic orientation to the Education Code.

The update session shall be of sufficient length to familiarize board members with major changes in statute and other relevant legal developments related to school governance.

The update shall be provided by an ESC or a registered provider [see Registered Provider, below].

A board member who has attended an ESC basic orientation session described at Education Code Orientation, above, that incorporated the most recent legislative changes is not required to attend an update.

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(3)

Team Building

The entire board shall participate with their superintendent in a team-building session.

The purpose of the team-building session is to enhance the effectiveness of the board-superintendent team and to assess the continuing education needs of the board-superintendent team.

The session shall be held annually and shall be at least three hours in length.

The session shall include a review of the roles, rights, and responsibilities of the board as outlined in the framework for governance leadership. [See BBD(EXHIBIT)] The assessment of needs shall be based on the framework for governance leadership and shall be used to plan continuing education activities for the year for the governance leadership team.

The team-building session shall be provided by an ESC or a registered provider [see Registered Provider and Authorized Provider, below].

19 TAC 61.1(b)(4)

Additional Continuing Education (Based on Assessed Needs)

In addition to the continuing education requirements set out above, each board member shall complete additional continuing education based on the framework for governance leadership. [See BBD(EXHIBIT)]

The purpose of continuing education is to address the continuing education needs referenced at Team Building above.

The continuing education shall be completed annually.

At least 50 percent of the continuing education shall be designed and delivered by persons not employed or affiliated with the board member's school district. No more than one hour of the required continuing education that is delivered by the district may use self-instructional materials.

The continuing education shall be provided by an ESC or a registered provider [see Registered Provider, below].

The continuing education may be fulfilled through online instruction, provided that the training is designed and offered by a registered provider, incorporates interactive activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

First Year

In a board member's first year of service, he or she shall complete at least 10 hours of continuing education in fulfillment of assessed needs.

Subsequent Years

Following a board member's first year of service, he or she shall complete at least five hours of continuing education annually in fulfillment of assessed needs.

Board President

A board president shall complete continuing education related to leadership duties of a board president as some portion of the annual requirement.

19 TAC 61.1(b)(5)

Evaluating Student Academic Performance

Each board member shall complete continuing education on evaluating student academic performance and setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness.

The purpose of the training on evaluating student academic performance is to provide research-based information to board members that is designed to support the oversight role of the board of trustees outlined in Education Code 11.1515. [See BAA]

The purpose of the continuing education on setting individual campus goals for early childhood literacy and mathematics and college, career, and military readiness is to facilitate boards meeting the requirements of Education Code 11.185 and 11.186.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The continuing education shall be completed every two years and shall be at least three hours in length.

The continuing education required by this provision shall include, at a minimum:

1. Instruction in school board behaviors correlated with improved student outcomes with emphasis on:
    a. Setting specific, quantifiable student outcome goals; and
    b. Adopting plans to improve early literacy and numeracy and college, career, and military readiness for applicable student groups evaluated in the Closing the Gaps domain of the state accountability system established under Education Code Chapter 39;
2. Instruction in progress monitoring practices to improve student outcomes; and
3. Instruction in state accountability with emphasis on the Texas Essential Knowledge and Skills, state assessment instruments administered under Education Code Chapter 39, and the state accountability system established under Chapter 39.

The continuing education shall be provided by an authorized provider [see Authorized Provider, below].

If the training is attended by an entire board and its superintendent, includes a review of local school district data on student achieve-

ment, and otherwise meets the requirements described at Team Building above, the training may serve to meet a board member's obligation to complete training described at Team Building and at Evaluating Student Academic Performance, above, as long as the training complies with the Open Meetings Act.

19 TAC 61.1(b)(6)

Identifying and Reporting Abuse

Each board member shall complete continuing education on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children in accordance with Education Code 11.159(c)(2).

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed board member who did not complete this training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

The training shall be completed every two years and shall be at least one hour in length.

The training must familiarize board members with the requirements of Education Code 38.004 and 38.0041, and 19 Administrative Code 61.1051 (relating to Reporting Child Abuse or Neglect, Including Trafficking of a Child).

Note: 19 Administrative Code 61.1051 was repealed and the requirements were recodified at 19 Administrative Code 103.1401.

The training required by this provision shall include, at a minimum:

1. Instruction in best practices of identifying potential victims of child abuse, human trafficking, and other maltreatment of children;

2. Instruction in legal requirements to report potential victims of child abuse, human trafficking, and other maltreatment of children; and

3. Instruction in resources and organizations that help support victims and prevent child abuse, human trafficking, and other maltreatment of children.

The training sessions shall be provided by a registered provider [see Registered Provider, below].

This training may be completed online, provided that the training is designed and offered by a registered provider, incorporates inter-

active activities that assess learning and provide feedback to the learner, and offers an opportunity for interaction with the instructor.

19 TAC 61.1(b)(7)

School Safety

The SBOE shall require a trustee to complete training on school safety. *Education Code 11.159(b-1)*

The continuing education required under Education Code 11.159(b-1) applies to each member of an independent school district board of trustees.

Each member shall complete the training on school safety adopted by the SBOE. The training requirement shall be fulfilled by completing the online course adopted by the SBOE and made available by the commissioner of education. The training shall be completed every two years.

A candidate for school board may complete the training up to one year before he or she is elected or appointed. A newly elected or appointed trustee who did not complete the training in the year preceding his or her election or appointment must complete the training within 120 calendar days after election or appointment.

A district shall maintain verification of completion for each trustee.

19 TAC 61.3

Training Provider

Registered Provider

For the purposes of 19 Administrative Code 61.1, a registered provider has demonstrated proficiency in the content required for a specific training. A private or professional organization, school district, government agency, college/university, or private consultant shall register with the Texas Education Agency (TEA) to provide the board member continuing education required by 19 Administrative Code 61.1(b)(3), (5), and (7) [see Legislative Update, Additional Continuing Education, and Identifying and Reporting Abuse, above].

A district that provides continuing education exclusively for its own board members is not required to register under 19 Administrative Code 61.1(c)(1)-(2).

19 TAC 61.1(c)

Authorized Provider

An authorized provider meets all the requirements of a registered provider and has demonstrated proficiency in the content required by 19 Administrative Code 61.1(b)(4) and (6). Proficiency may be demonstrated in accordance with 19 Administrative Code 61.1(d).

A private or professional organization, school district, government agency, college/university, or private consultant may be authorized

by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

An ESC shall be authorized by TEA to provide the board member training required in 19 Administrative Code 61.1(b)(4) and (6).

19 TAC 61.1(d)

[See above for 19 Administrative Code 61.1(b)(4) on Team Building and (b)(6) on Evaluating Student Academic Performance.]

Note: For cybersecurity training requirements, see CQB(LEGAL).

Board Officers The Board shall elect a President, a Vice President, and a Secretary who shall be members of the Board. Officers shall be elected by majority vote of the members present and voting.

Vacancy A vacancy among officers of the Board shall be filled by majority action of the Board.

Term and Duties Board officers shall serve for a term of one year or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.

President In addition to the duties required by law, the President of the Board shall:

1. Preside at all Board meetings unless unable to attend.
2. Have the right to discuss, make motions, propose resolutions, and vote on all matters coming before the Board.

Vice President The Vice President of the Board shall:

1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.
2. Become President only upon being elected to the position.

Secretary The Secretary of the Board shall:

1. Ensure that an accurate record is kept of the proceedings of each Board meeting.
2. Ensure that notices of Board meetings are posted and sent as required by law.
3. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.
4. Sign or countersign documents as directed by action of the Board.

Government Code Chapter 551 (Open Meetings Act) applies to board committee meetings if:

1. At least a quorum of the board is on the committee;

2. A quorum of the board is present at the committee meeting, even though less than a quorum is actually on the committee; or

3. Less than a quorum of the board is on the committee, but the committee is authorized to make final decisions or control or supervise public business.

A committee that includes less than a quorum of board members is not subject to the Open Meetings Act if it serves a purely advisory function, with no power to supervise or control public business.

Atty. Gen. Op. Nos. GA-0957 (2012), JC-0060 (1999), JH-0994 (1977); Willmann v. City of San Antonio, 123 S.W.3d 469 (Tex. App.—San Antonio 2003, pet. denied) [See BE]

Note: For advisory committees that include staff, parents, community members, or students, see BDF.

Board Committees

For purposes of this policy, a Board committee is a committee composed only of current Board members.

Formation of a Board committee shall be by Board action. When establishing a Board committee, the Board action shall, at a minimum, specify the:

- Number of Board members on the committee;
- Process to appoint Board members to the committee;
- Term of committee membership; and
- Responsibilities of the committee.

A Board committee shall be fact-finding, deliberative, and advisory, and shall make recommendations in the areas of their responsibility. Board committees shall report their findings and recommendations to the Board and shall not assume administrative duties or responsibilities.

Transacting Business

Unless specified by the Board, a Board committee shall not have final decision-making authority. Board committee recommendations must be reported to the Board at a regular or special meeting. The Board shall not accept a Board committee's recommendation without due consideration of the matter.

Dissolution

A Board committee shall be dissolved upon Board action.

School Health Advisory Council

The board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See EHAA regarding duties of the SHAC.]

Meetings

The SHAC shall meet at least four times each year. For each meeting the SHAC shall:

1. At least 72 hours before the meeting post notice of the date, hour, place, and subject of the meeting on a bulletin board in the central administrative office of each campus in the district; and ensure that the required notice is posted on the district's internet website, if the district has an internet website;
2. Prepare and maintain minutes of the meeting that state the subject and content of each deliberation and each vote, order, decision, or other action taken by the council during the meeting;
3. Make an audio or video recording of the meeting; and
4. Not later than the tenth day after the meeting, submit the minutes and audio or video recording of the meeting to the district.

As soon as practicable after receipt of the minutes and audio or video recording, the district shall post the minutes and audio or video recording on the district's internet website, if the district has an internet website.

Education Code 28.004(d-1), (d-2)

Composition

The board shall appoint at least five members to the SHAC. A majority of members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the SHAC.

The board also may appoint one or more persons from each of the following groups or a representative from a group other than a group specified:

1. Classroom teachers employed by the district;
2. School counselors certified under Education Code Chapter 21, Subchapter B, employed by the district;
3. School administrators employed by the district;
4. District students;
5. Health-care professionals licensed or certified to practice in this state, including medical or mental health professionals;

6. The business community;
7. Law enforcement;
8. Senior citizens;
9. The clergy;
10. Nonprofit health organizations; and
11. Local domestic violence programs.

Education Code 28.004(d)

Physical Activity and Fitness Planning Subcommittee

The SHAC shall establish a physical activity and fitness planning subcommittee to consider issues relating to student physical activity and fitness and make policy recommendations to increase physical activity and improve fitness among students. *Education Code 28.004(l-1)*

Annual Report

In addition to its other duties, the SHAC shall submit to the board, at least annually, a written report that includes:

1. Any SHAC recommendation concerning the district's health education curriculum and instruction or related matters that the SHAC has not previously submitted to the board;
2. Any suggested modification to a SHAC recommendation previously submitted to the board;
3. A detailed explanation of the SHAC's activities during the period between the date of the current report and the date of the last prior written report; and
4. Any recommendations made by the physical activity and fitness planning subcommittee.

Education Code 28.004(m)

Public Statement

A district shall publish in the student handbook and post on the district's internet website, if the district has an internet website, a statement of:

1. The policies and procedures adopted to promote the physical health and mental health of students, the physical health and mental health resources available at each campus, contact information for the nearest providers of essential public health services under Health and Safety Code Chapter 121, and the contact information for the nearest local mental health authority;
2. The policies adopted to ensure that elementary school, middle school, and junior high school students engage in at least

the amount and level of physical activity required by Education Code 28.002(l) [see EHAB and EHAC];

3. The number of times during the preceding year the SHAC has met;

4. Whether the district has adopted and enforces policies to ensure that district campuses comply with the Texas Education Agency's vending machine and food service guidelines for restricting student access to vending machines;

5. Whether the district has adopted and enforces policies and procedures that prescribe penalties for the use of e-cigarettes, as defined by Education Code 38.006, and tobacco products by students and others on school campuses or at school-sponsored or school-related activities [see DH and GKA];

6. Notice to parents that they can request in writing their child's physical fitness assessment results at the end of the school year [see FFAA]; and

7. Whether each campus in the district has a full-time nurse or full-time school counselor.

Education Code 28.004(k)

Note: For committees composed only of current Board members, see BDB.

Advisory Committees

For purposes of this policy, an advisory committee is a committee composed primarily of District staff, parents, other community members, and/or students. An advisory committee may also include Board members in numbers less than a quorum of the Board.

Formation of an advisory committee shall be by Board action. When establishing an advisory committee, the Board action shall, at a minimum, specify the:

- Number of members on the committee;
- Process to appoint members to the committee;
- Term of committee membership; and
- Responsibilities of the committee.

An advisory committee shall be fact-finding, deliberative, and advisory and shall not assume administrative duties or responsibilities. Advisory committees shall report their findings and recommendations to the Board.

Transacting Business

An advisory committee may transact business only within the specific authority granted by the Board. To be binding, all such committee recommendations must be reported to the Board at a regular or special meeting for approval and entry into the minutes as a public record.

Dissolution

An advisory committee shall be dissolved upon completion of the assigned task or Board action.

Vacancy Posting

A district's employment policy must provide for notice to each current district employee of a vacant position for which a certificate is required. Notice must be provided not later than the 10th school day before the date on which a district fills the position. Notice shall be posted on:

1. A bulletin board at:
    a. A place convenient to the public in the district's central administrative office, and
    b. The central administrative office of each campus during any time the office is open; or
2. The district's internet website, if the district has a website.

A district shall provide each current district employee a reasonable opportunity to apply for the position.

Education Code 11.1513(d)

Names of Applicants

The name of an applicant for superintendent is excepted from disclosure under Chapter 552, Government Code (Public Information Act). However, a board must give public notice of the name or names of the finalists being considered for superintendent at least 21 days before the date of the meeting at which a final action or vote is to be taken on the employment of the person. *Gov't Code 552.126*

Required Reporting After Superintendent Change

Subsequent to a school system superintendent change, the direct contact information of the superintendent (or person acting in that capacity) must be updated in Sentinel within three business days of a corresponding board meeting. *19 TAC 103.1213(e)(3)(F)* [See CKA]

Available School Fund

The available school fund is apportioned annually to Texas counties according to the scholastic population of each. *Education Code 43.001(b)*

Foundation School Program

The purposes of the Foundation School Program (FSP) set forth in Education Code Chapter 48 are to guarantee that each district in the state has:

1. Adequate resources to provide each eligible student a basic instructional program and facilities suitable to the student's educational needs; and
2. Access to a substantially equalized program of financing in excess of basic costs for certain services, as provided by that chapter.

The FSP consists of:

1. Two tiers that in combination provide for:
    a. Sufficient financing for all school districts to provide a basic program of education that is rated acceptable or higher under Education Code 39.054 and meets other applicable legal standards; and
    b. Substantially equal access to funds to provide an enriched program; and
2. A facilities component as provided by Education Code Chapter 46. [See CCA]

Education Code 48.002

The cost of the FSP for a district is the total sum of:

1. The sum of the tier one allotments and other funding as follows:
    a. The basic allotment under Education Code Chapter 48, Subchapter B;
    b. The student-based allotments under Education Code Chapter 48, Subchapter C; and
    c. The additional funding under Education Code Chapter 48, Subchapter D (including the transportation allotment [see CNA] and the new instructional facility allotment below); and
2. The tier two allotment under Education Code Chapter 48, Subchapter E.

The sum of the FSP maintenance and operations costs for all accredited school districts in this state constitutes the total maintenance and operations cost of the FSP.

The FSP shall be financed by:

1. State available school funds distributed in accordance with the law;
2. Ad valorem tax revenue generated by local school district effort [see CCG series]; and
3. State funds appropriated for the purposes of public school education and allocated to each district in an amount sufficient to finance the cost of each district's FSP not covered by other funds specified.

Education Code 48.251

PEIMS

A district shall participate in the Public Education Information Management System (PEIMS) and shall provide through that system information required for the administration of Education Code Chapter 48 (Foundation School Program) and of other appropriate provisions of the Education Code. Data standards, established by the commissioner of education, shall be used by a district to submit required information. *Education Code 48.008; 19 TAC 61.1025(b)*

New Instructional Facility Allotment (NIFA)

A district is entitled to an additional allotment as provided by Education Code 48.152 for operational expenses associated with opening a new instructional facility. A district entitled to an allotment may use funds from the district's allotment to renovate an existing instructional facility to serve as a dedicated cybersecurity computer laboratory. *Education Code 48.152*

Definitions

“Instructional facility” means real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the curriculum required by Education Code 28.002. *Education Code 46.001, 48.152(a)(1); 19 TAC 61.1034(a)(2)* [See CCA for the Instructional Facilities Allotment]

“New instructional facility” is a facility that includes:

1. A newly constructed instructional facility, which is a new instructional campus built from the ground up;
2. A repurposed instructional facility, which is a facility that has been renovated to become an instructional facility for the first time for the applying school district; or

3. A leased facility operating for the first time as an instructional facility with a minimum lease term of not less than 10 years. The lease must not be a continuation of or renegotiation of an existing lease for an instructional facility.

Education Code 48.152(a)(2); 19 TAC 61.1034(a)(3)

Eligibility

The following eligibility criteria apply to the NIFA in accordance with Education Code 48.152.

1. The facility for which NIFA funds are requested must meet the following requirements:

   a. The facility must qualify as an instructional campus and a new instructional facility used for teaching the curriculum required by Education Code Chapter 28.

   b. To qualify for first-year funding, a new facility must not have been occupied in the prior school year. To qualify for follow-up funding, the facility must have been occupied for the first time in the prior school year and funded for the NIFA for that first year. If an instructional facility qualifies as a new instructional facility but did not receive the allotment in the first year of eligibility due to a failure to apply, the school district or open-enrollment charter school may still apply for and receive funding for the average daily attendance (ADA) earned only during the second year of occupation in the new instructional facility.

   c. With the exception of a covered walkway connecting the new facility to another building, the new facility must be physically separate from other existing school structures.

   d. Career and technical education (CTE) campuses must report each CTE campus student’s ADA when the ADA for that student is reported at the student's home campus.

2. Expansion or renovation of existing instructional facilities, as well as portable and temporary structures, are not eligible for the NIFA.

3. All instructional buildings on the campus must be newly constructed as new instructional facilities, except for an existing gymnasium that remains on the campus and will be utilized on the instructional campus.

Application Process

To apply for the NIFA, a district must complete the Texas Education Agency's (TEA) online application process requesting funding pursuant to the NIFA.

The initial (first-year) application, or an application for one-year funding only, must be submitted electronically no later than July 15. The application must include the following:

1. The electronic submission of TEA's online application for initial funding; and
2. The electronic submission of the following materials:
    a. A brief description and photograph of the newly constructed, repurposed, or leased instructional facility;
    b. A copy of a legal document that clearly describes the nature and dates of the new or repurposed construction or a copy of the applicable lease;
    c. A site plan;
    d. A floor plan; and
    e. If applicable, a demolition plan.

Second-year applications require only the electronic submission of TEA's online application for follow-up funding no later than July 15 of the year preceding the applicable school year.

Survey on Days of Instruction

In the fall of the school year after a school year for which an applicant received NIFA funds, the district that received the funds must complete an online survey on the number of instructional days held in the new facility and submit the completed survey electronically. TEA will use submitted survey information in determining the final (settle-up) amount earned by each eligible school district, as described by 19 Administrative Code 61.1034(e)(6).

Costs and Payments

The costs and payments for the NIFA are determined by the commissioner.

The allotment for the NIFA is a part of the cost of the first tier of the FSP. This allotment is not counted in the calculation of weighted average daily attendance for the second tier of the FSP.

If, for all eligible applicants combined, the total cost of the NIFA exceeds the amount appropriated, each allotment is reduced so that the total amount to be distributed equals the amount appropriated. Reductions to allotments are made by applying the same percentage adjustment to each school district.

Allocations will be made in conjunction with allotments for the FSP in accordance with the school district's payment class. For school districts that are subject to the excess local revenue provisions under Education Code 48.257, and do not receive payments from the Foundation School Fund, NIFA distributions will be reflected as reduced recapture payments.

For school districts that are subject to the excess local revenue provisions under Education Code 48.257, NIFA distributions increase the amount of the FSP entitlement and so will automatically reduce any excess local revenue and reduce the requirement to send recapture to the state in the amount of the NIFA allocation.

For all school districts receiving the NIFA, a final (settle-up) amount earned is determined by the commissioner when information reported through the survey described above is available in the fall of the school year after the school year for which NIFA funds were received. [See Survey on Days of Instruction, above] The final amount earned is determined using the submitted survey information and final counts of ADA for the school year for which NIFA funds were received, as reported through PEIMS.

The amount of funds to be distributed for the NIFA to a school district is in addition to any other state aid entitlements.

19 TAC 61.1034(b)-(e)

Safety and Security Audit

At least once every three years, each district shall conduct a safety and security audit of the district's facilities. A district, or a person included in the registry of persons providing school safety or security consulting services established by the Texas School Safety Center (TxSSC) who is engaged by the district to conduct a safety and security audit, shall follow safety and security audit procedures developed by the TxSSC in coordination with the commissioner of education.

A district must confirm that a person is included in the registry before the district may engage the person to provide school safety or security consulting services to the district.

In a district's safety and security audit, the district must certify that the district used the funds provided through the school safety allotment only for the purposes provided by Education Code 48.115.

A district shall report the results of the safety and security audit to the board and, in the manner required by the TxSSC, to the TxSSC. The report provided to the TxSSC must be signed by the board and the superintendent.

Education Code 37.108(b), (b-1), (c), 37.2091(b-1)

In addition to a review of a district's multihazard emergency operations plan under Education Code 37.2071 [see CKC], the TxSSC may require a district to submit its plan for immediate review if the district's audit results indicate that the district is not complying with applicable standards. *Education Code 37.207(c)*

Failure to Report Audit Results

If a district fails to report the results of its audit, the TxSSC shall provide the district with written notice that the district has failed to report its audit results and must immediately report the results to the center.

If three months after the date of the initial notification the district has still not reported the results of its audit to the TxSSC, the TxSSC shall notify the Texas Education Agency (TEA) and the district of the district's requirement to conduct a public hearing under Education Code 37.1081. [See CKC]

Education Code 37.207(d)-(e)

Disclosure

Except as provided by Education Code 37.108(c-2) [see CKC], any document or information collected, developed, or produced during a safety and security audit is not subject to disclosure under Government Code Chapter 552 (Public Information Act). *Education Code 37.108(c-1)*

TEA Monitoring of Safety and Security Requirements

TEA shall monitor the implementation and operation of requirements related to school district safety and security, including school district multihazard emergency operations plans [see CKC] and safety and security audits [see above].

Office of School Safety and Security

TEA shall establish an office of school safety and security to coordinate monitoring and, in coordination with the TxSSC and relevant local law enforcement agencies, provide technical assistance to school districts to support the implementation and operation of safety and security requirements.

Vulnerability Assessments

As part of the technical assistance, TEA shall conduct a detailed vulnerability assessment of each school district on a random basis once every four years. Any documentation requested by TEA for a vulnerability assessment must be uploaded to Sentinel [see below at Reporting Through Sentinel].

On completion of a vulnerability assessment TEA shall provide to the superintendent and school safety and security committee [see CK] for the applicable school district a report on the results of the assessment that includes recommendations and required corrective actions to address any deficiencies in campus security identified by the agency.

District Information and Records

Each school district shall submit information requested by TEA in TEA's efforts to monitor the implementation and operation of school district safety and security requirements, including notice of an event requiring a district's emergency response including the discovery of a firearm on a campus and information regarding the district's response and use of emergency operations procedures during such an event [see below at Reporting Through Sentinel].

TEA may review school district records as necessary to ensure compliance with Education Code Subchapter D (Protection of Building and Grounds) and Subchapter G (Texas School Safety Center).

Any document or information collected, identified, developed, or produced relating to the monitoring of school district safety and security requirements is confidential under Government Code 418.177 and 418.181 (Texas Disaster Act), and not subject to disclosure under Government Code Chapter 552.

Education Code 37.1083; 19 TAC 103.1213(a), (e)(2)(B)

Reporting Through Sentinel

Sentinel is TEA's formal school safety system designed to collect, process, store, and distribute school safety and security information. Sentinel serves as a repository for all safety and security-related data submitted to TEA. Each school district shall report information to TEA through Sentinel, including:

1. On or before June 30th of each year, a district shall input its upcoming school year calendar into Sentinel. Any changes to the school year calendar shall be updated in Sentinel within three business days after approval by district leadership.
2. On or before June 30th of each year, a district must verify that all district facilities listed in Sentinel reflect the correct address and campus emergency contact information.
3. If a district closes for a localized emergency, closure information must be immediately recorded in Sentinel.
4. School districts shall submit information related to events requiring an emergency response, including the discovery of a firearm on a campus [see above] in the Sentinel portal. This is inclusive of notifications regarding a bomb threat or terroristic threat [see CKC]. Submission of information in the Sentinel portal does not substitute the requirement for local law enforcement notification of certain activities [see GRAA].

[For additional requirements for reporting through Sentinel, see BJB for reporting a superintendent change, CKC for TxSSC uploading of multihazard emergency operations plans, FDA for transfer of threat assessments between districts, and FFB for application to behavioral threat assessments.]

19 TAC 103.1213(a), (b)(3), (c), (e)(3)(A)-(D)

Intruder Detection Audits

TEA's office of school safety and security shall establish a school safety review team in each region served by a regional education service center, which shall annually conduct on-site general intruder detection audits of school district campuses in the team's region.

Notice to Superintendent

In conducting an intruder detection audit, a safety review team must notify the superintendent of the district in which the campus being audited is located not later than the seventh day before the date of a scheduled audit.

Documentation

Any documentation requested by TEA for an intruder detection audit must be uploaded to Sentinel [see above at Reporting Through Sentinel].

Report

On completion of the audit, a safety review team must provide to the superintendent and school safety and security committee for the school district in which the campus is located a report on the results of the audit that includes recommendations and required corrective actions to address any deficiencies in campus security identified by the team.

A report produced by a safety review team is confidential and not subject to disclosure under Government Code Chapter 552.

Education Code 37.1084; 19 TAC 103.1213(e)(4)(B)

Assignment of Conservator for Noncompliance

The commissioner may assign a conservator under Education Code Chapter 39A if a school district fails to:

1. Submit to any required monitoring, assessment, or audit under Education Code 37.1083 or 37.1084 [see above];
2. Comply with applicable safety and security requirements; or
3. Address in a reasonable time period, as determined by commissioner rule, issues raised by TEA's monitoring, assessment, or audit of the district under Education Code 37.1083 or 37.1084.

A conservator may exercise the powers and duties of a conservator under Education Code 39A.003 [see AIC] only to correct a failure identified above. TEA may not assign a conservator for a district's failure to comply with Education Code 37.0814 (Armed Security Officer Required) or a good cause exception claimed under that section. [See CKE]

Education Code 37.1085

Notice of Bomb Threat or Terroristic Threat

A district that receives a bomb threat or terroristic threat relating to a campus or other district facility at which students are present shall provide notification of the threat as soon as possible to the parent or guardian of or other person standing in parental relation to each student who is assigned to the campus or who regularly uses the facility, as applicable. *Education Code 37.113*

Notice Regarding Violent Activity

The Texas Education Agency (TEA) shall develop model standards for providing notice regarding violent activity that has occurred or is being investigated at a district campus or other district facility or at a district-sponsored activity to parents, guardians, and other persons standing in parental relation to students who are assigned to the campus, regularly use the facility, or are attending the activity, as applicable. A district shall adopt a policy for providing this notice in a manner that meets TEA standards. *Education Code 37.1131*

Emergency Response Map and Walk-Through

A district shall provide to the Department of Public Safety (DPS) and all appropriate local law enforcement agencies and emergency first responders:

1. An accurate map of each district campus and school building that is developed and documented in accordance with the standards described by Education Code 37.351 related to developing site and floor plans, access control, and exterior door numbering; and
2. An opportunity to conduct a walk-through of each district campus and school building using the map.

Education Code 37.117

Emergency Operations Plan

Each district shall adopt and implement a multihazard emergency operations plan for use in the district's facilities. The plan must address prevention, mitigation, preparedness, response, and recovery as defined by the Texas School Safety Center (TxSSC) in conjunction with the governor's office of homeland security and the commissioner. The plan must provide for:

1. Training in responding to an emergency for district employees, including substitute teachers;
2. Measures to ensure district employees, including substitute teachers, have classroom access to a telephone, including a cellular telephone, or another electronic communication device allowing for immediate contact with district emergency services or emergency services agencies, law enforcement agencies, health departments, and fire departments;

3. Measures to ensure district communications technology and infrastructure are adequate to allow for communication during an emergency;

4. Mandatory school drills and exercises, including drills required under Education Code 37.114 (emergency evacuations), to prepare district students and employees for responding to an emergency [see CKB];

5. Measures to ensure coordination with the Texas Department of State Health Services (TDSHS) and local emergency management agencies, law enforcement, health departments, and fire departments in the event of an emergency;

6. The implementation of a required safety and security audit [see CKA]; and

7. Any other requirements established by the TxSSC in consultation with TEA and relevant local law enforcement agencies.

Education Code 37.108(a)

A district shall include in its multihazard emergency operations plan:

1. A chain of command that designates the individual responsible for making final decisions during a disaster or emergency situation and identifies other individuals responsible for making those decisions if the designated person is unavailable;

2. Provisions that address physical and psychological safety for responding to a natural disaster, active shooter, and any other dangerous scenario identified for purposes of these provisions by TEA or TxSSC;

3. Provisions for ensuring the safety of students in portable buildings;

4. Provisions for ensuring that students and district personnel with disabilities are provided equal access to safety during a disaster or emergency situation;

5. Provisions for providing immediate notification to parents, guardians, and other persons standing in parental relation in circumstances involving a significant threat to the health or safety of students, including identification of the individual with responsibility for overseeing the notification;

6. Provisions for supporting the psychological safety of students, district personnel, and the community during the response

and recovery phase following a disaster or emergency situation that:

a. Are aligned with best practice-based programs and research-based practices recommended under Education Code 38.351;

b. Include strategies for ensuring any required professional development training for suicide prevention and grief-informed and trauma-informed care is provided to appropriate school personnel;

c. Include training on integrating psychological safety and suicide prevention strategies into the district's plan, such as psychological first aid for schools training, from an approved list of recommended training established by the commissioner and TxSSC for:

(1) Members of the district's school safety and security committee [see CK];

(2) District school counselors and mental health professionals; and

(3) Educators and other district personnel as determined by the district;

d. Include strategies and procedures for integrating and supporting physical and psychological safety that align with the provisions described by item 2, above; and

e. Implement trauma-informed policies;

7. A policy for providing a substitute teacher access to school campus buildings and materials necessary for the substitute teacher to carry out the duties of a district employee during an emergency or a mandatory emergency drill;

8. The name of each individual on the district's school safety and security committee and the date of each committee meeting during the preceding year [see CK]; and

9. Certification that the district is in compliance with Education Code 37.117 [see Emergency Response Map, above].

Education Code 37.108(f)

Guidelines for Individuals with Disabilities or Impairments

TEA shall establish guidelines for the provisions in a district's multi-hazard emergency operations plan to ensure the safety of students and district personnel with disabilities or impairments during a disaster or emergency situation. A district must follow the guidelines

established by TEA in adopting and implementing the district's multihazard emergency operations plan. *Education Code 37.1086*

Active Shooter Emergency

A district shall include in its multihazard emergency operations plan a policy for responding to an active shooter emergency. The district may use any available community resources in developing the policy. *Education Code 37.108(g)*

Train Derailment

A district shall include in its multihazard emergency operations plan a policy for responding to a train derailment near a district school. A district is only required to adopt the policy if a district facility is located within 1,000 yards of a railroad track, as measured from any point on the school's real property boundary line. A district may use any available community resources in developing the policy. *Education Code 37.108(d)*

Polling Place Security

A district shall include in its multihazard emergency operations plan a policy for district property selected for use as a polling place under Election Code 43.031. In developing the policy, the board may consult with the local law enforcement agency with jurisdiction over the district property selected as a polling place regarding reasonable security accommodations that may be made to the property. This requirement may not be interpreted to require the board to obtain or contract for the presence of law enforcement or security personnel for the purpose of securing a polling place located on district property. Failure to comply with this subsection does not affect the requirement of the board to make a school facility available for use as a polling place under Election Code 43.031. *Education Code 37.108(e)* [See GKD]

Disclosure

A document relating to a district's multihazard emergency operations plan is subject to disclosure if the document enables a person to:

1. Verify that the district has established a plan and determine the agencies involved in the development of the plan and the agencies coordinating with the district to respond to an emergency, including TDSHS, local emergency services agencies, law enforcement agencies, health departments, and fire departments;
2. Verify that the district's plan was reviewed within the last 12 months and determine the specific review dates;
3. Verify that the plan addresses the five phases of emergency management listed above at Emergency Operations Plan;
4. Verify that district employees have been trained to respond to an emergency and determine the types of training, the num-

ber of employees trained, and the person conducting the training;

5. Verify that each campus in the district has conducted mandatory emergency drills and exercises in accordance with the plan and determine the frequency of the drills;

6. Verify that the district has established a plan for responding to a train derailment if required [see Train Derailment, above];

7. Verify that the district has completed a safety and security audit and determine the date the audit was conducted, the person conducting the audit, and the date the district presented the results of the audit to the board [see CKA];

8. Verify that the district has addressed any recommendations by the board for improvement of the plan and determine the district's progress within the last 12 months; and

9. Verify that the district has established a visitor policy and identify the provisions governing access to a district building or other district property.

Education Code 37.108(c-2)

[See GRC for emergency management training requirements and response to requests from other governmental entities for mutual aid.]

Plan Review

A district shall submit its multihazard emergency operations plan to the TxSSC not later than the 30th day after the date the TxSSC requests the submission and in accordance with the review cycle developed under Education Code 37.2071(a).

Any document or information collected, developed, or produced during the review and verification of multihazard emergency operations plans is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

Upon completed review of a district's multihazard emergency operations plan, the TxSSC may upload a copy of that plan, including all required appendices, to the Sentinel portal. [See CKA] *19 TAC 103.1213(e)(3)(E)*

Failure to Submit Plan

If a district fails to submit its multihazard emergency operations plan to the TxSSC for review following a notification by the TxSSC that the district has failed to submit the district's plan, the TxSSC shall provide the district with written notice stating that the district must hold a public hearing as outlined at Public Hearing on Noncompliance, below. The notice must state that the commissioner is

authorized to appoint a conservator under Education Code 37.1082.

Notice of Plan Deficiencies

The TxSSC shall review each district's multihazard emergency operations plan and verify the plan meets the requirements or provide the district with written notice describing the plan's deficiencies, including specific recommendations to correct the deficiencies, and stating that the district must correct the deficiencies in its plan and resubmit the revised plan to the TxSSC.

The TxSSC may approve a district multihazard emergency operations plan that has deficiencies if the district submits a revised plan that the center determines will correct the deficiencies.

Failure to Correct Deficiencies

If one month after the date of initial notification of a plan's deficiencies outlined above a district has not corrected the plan deficiencies, the TxSSC shall provide written notice to the district and TEA that the district has not complied with the requirements and must comply immediately.

If a district still has not corrected the plan deficiencies three months after the date of initial notification, the TxSSC shall provide written notice to the district stating that the district must hold a public hearing as outlined at Public Hearing on Noncompliance, below.

Education Code 37.2071

Public Hearing on Noncompliance

If the board receives notice of noncompliance under Education Code 37.207(e) [see CKA], 37.2071(d) [see Failure to Submit Plan, above] or 37.2071(g) [see Failure to Correct Deficiencies, above], the board shall hold a public hearing to notify the public of:

1. The district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit to the TxSSC as required by law;
2. The dates during which the district has not been in compliance; and
3. The names of each member of the board and the superintendent serving in that capacity during the dates the district was not in compliance. The district shall provide this information in writing to each person at the hearing.

The board shall give members of the public a reasonable opportunity to appear before the board and to speak on the issue of the district's failure to submit or correct deficiencies in a multihazard emergency operations plan or report the results of a safety and security audit during a hearing held under this provision. A district re-

quired to hold a public hearing shall provide written confirmation to the TxSSC that the district held the hearing.

Education Code 37.1081

Safe Firearm Storage

The TxSSC, in collaboration with DPS, shall provide to each district information and other resources regarding the safe storage of firearms for distribution by the district including information on the offense of making a firearm accessible to a child under Penal Code 46.13 and ways in which parents and guardians can effectively prevent children from accessing firearms.

A district shall provide the information and other resources to the parent or guardian of each student enrolled in the district or school.

Education Code 37.222

Confidential Information under the Texas Disaster Act

Information is confidential if the information is collected, assembled, or maintained by or for a district for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

Emergency Response Provider Information

1. Relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a firefighting agency, or an emergency services agency;
2. Relates to a tactical plan of the provider; or
3. Consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

Gov't Code 418.176

Risk or Vulnerability Assessment

Information is confidential if the information:

1. Is collected, assembled, or maintained by or for a district for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and
2. Relates to an assessment by or for a district, or an assessment that is maintained by a district, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

Gov't Code 418.177

Information, other than financial information, in the possession of a district is confidential if the information:

1. Is part of a report to an agency of the United States;
2. Relates to an act of terrorism or related criminal activity; and

3. Is specifically required to be kept confidential:

   a. Under the Public Information Act, Government Code 552.101, because of a federal statute or regulation;

   b. To participate in a state-federal information sharing agreement; or

   c. To obtain federal funding.

Security Systems

Financial information in the possession of a district that relates to the expenditure of funds by a district for a security system is public information that is not excepted from required disclosure under the Public Information Act. [See GBA]

Information, including access codes and passwords, in the possession of a district that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

Gov't Code 418.182

Disaster Disclosure Exception

At any time during a state of disaster, the superintendent may voluntarily disclose or otherwise make available all or part of the information that is confidential under Government Code 418.175-.182 to another person or another entity if the superintendent believes that the other person or entity has a legitimate need for the information. The disclosure or making available of confidential information under this provision does not waive or affect the confidentiality of the information. *Gov't Code 418.183(b), (e)*

Note: For information regarding the district's ability to request identification, refuse entry, or eject persons from district property, see GKA and GKC.

Safety Rules

The board may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out Education Code Chapter 37, Subchapter D (Protection of Buildings and Grounds) and the governance of the district, including rules providing for the operation and parking of vehicles on school property. *Education Code 37.102(a)* [See also CLC]

Human Trafficking Warning Signs

Each public primary or secondary school shall post warning signs of the increased penalties for trafficking of persons under Penal Code 20A.02(b-1)(2) in a conspicuous place reasonably likely to be viewed by all school employees and visitors.

Each warning sign must:

1. Describe the offense of trafficking in persons as provided under Penal Code 20A.02(a). The sign must emphasize that an offense under Penal Code 20A.02, is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:
    a. On the premises of or within 1,000 feet of the premises of:
        (1) A school;
        (2) A juvenile detention facility;
        (3) A post-adjudication secure correctional facility;
        (4) A shelter or facility operating as a residential treatment center that serves runaway youth, foster children, people who are homeless, or persons subjected to human trafficking, domestic violence, or sexual assault;
        (5) A community center offering youth services and programs;
        (6) A child-care facility, as defined by Human Resources Code 42.002; or
        (7) An institution of higher education or private or independent institution of higher education, as defined by Education Code 61.003; or

b. On premises or within 1,000 feet of premises where:

(1) An official school function was taking place; or

(2) An event sponsored or sanctioned by the University Interscholastic League was taking place;

2. Be written in English and Spanish; and

3. Be at least 8.5 by 11 inches in size.

Education Code 37.086; 19 TAC 103.1403(c)

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)-(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

Additional State Aid

State-Approved Instructional Materials

For each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to $40, or a greater amount provided by appropriation, to procure instructional material that has been reviewed by the Texas Education Agency (TEA); placed on the State Board of Education (SBOE) list of approved instructional materials; designated by the SBOE as being included or capable of being included in an instructional materials parent portal; and acquired from a publisher, manufacturer, or other entity that has not been found to violate Education Code 31.151. *Education Code 48.307(a)*

Open Education Resource Instructional Materials

Subject to Education Code 31.0751 (Open Education Resource [OER] transition plan), a district is entitled to additional state aid for each school year in an amount not to exceed $20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing

and shipping of OER instructional material made available under Education Code Chapter 31, Subchapter B-1. *Education Code 48.308(a)*

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

Permitted Expenditures

The allotment funds may be used to purchase or pay for:

1. Instructional materials, regardless of whether the instructional materials are on the list of approved instructional materials maintained by the SBOE under Education Code 31.022;
2. Consumable instructional materials;
3. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
4. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
5. Supplemental instructional materials;
6. OER instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
7. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
8. Technological equipment necessary to support the use of any instructional materials purchased with an allotment under this provision;
9. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of instructional materials;

10. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;

11. Training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use;

12. Training personnel in the electronic administration of assessment instruments;

13. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning; and

14. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate internet access.

The allotment funds may not be used to purchase instructional material that contains obscene or harmful content or would otherwise cause the district to which the funds were allotted to be unable to submit the certification required under Education Code 31.1011(a)(1)(B) [see Certification of Instructional Materials, below].

Education Code 31.0211(c), (f)

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

Education Code 31.0211(d)

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium.

At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

A district shall provide to TEA the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment.

Education Code 31.0212(a)-(d)

Purchasing Method

A district is not required to use a method provided by Education Code 44.031(a) to purchase instructional materials that have been reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.102(d)*

Requisitions, Use, and Distribution

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Online Requisition Program

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)-(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

OER Instructional Materials

A district may adopt OER instructional material at any time. Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may not be charged for a cost associated with the selection of an OER instructional material, except for the cost of printing copies of the material. *Education Code 31.073(a), (c)-(d)*

OER Transition Plan

To qualify for additional state aid under Education Code 48.308, the board must adopt an OER instructional material transition plan to assist classroom teachers in the district who will be using an OER instructional material in a specific subject or grade level for which the teacher has not previously used an OER instructional material.

The plan must ensure that OER instructional materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student.

A district that participates in the program developed and maintained by TEA under Education Code 31.0752 is not required to adopt a transition plan under this provision. [See OER Instructional Material Support Program, below]

Education Code 31.0751

The OER instructional material transition plan shall be submitted in a format determined by the commissioner.

A district is required to have a locally maintained OER transition plan that complies with 19 Administrative Code 67.1315 to access funding allotted under Education Code 48.308.

A district is required to submit an OER instructional material transition plan only when:

1. First adopting an SBOE-approved OER product for a grade level or subject/course; or
2. Expanding implementation of an SBOE-approved OER product to additional campuses and/or grade levels.

The OER instructional material transition plan adopted by the board of trustees shall include the plan of the district to ensure the following:

1. Clear communication and stakeholder change management plans and timelines;
2. Timely access to print materials and related manipulatives through OER procurement and distribution;
3. Sufficient planning and instructional time evidenced by instructional calendars and master schedules aligned to the requirements of the materials;
4. Clear expectations for the implementation of:
    a. Instructional materials;
    b. Internalization and student work analysis protocols; and
    c. Curriculum-embedded assessments;
5. Processes for stakeholder communication and public posting, as outlined in Education Code 26.006, if materials have been modified by the district;

6. The maintenance of instructional flexibility through clear guidance for acceptable teacher modifications to instructional pacing, sequencing, and lesson content to address the needs of each student; and

7. Sufficient professional learning and development for school leaders, instructional coaches, and teachers, including:

    a. Pre-service product onboarding and orientation; and

    b. Ongoing, job-embedded, curriculum-based professional learning, including cycles of observation and feedback.

The commissioner may request and review OER instructional material transition plans before funding is released and reject a plan subsequent to review.

19 TAC 67.1315

OER Instructional Material Support Program

TEA shall develop and maintain a program to assist school districts in adopting and using OER instructional material, including by assisting districts to:

1. Maintain the instructional flexibility of classroom teachers to address the needs of each student; and

2. Schedule instructional periods in a manner that allows classroom teachers sufficient time to effectively prepare and present instructional material within the teacher's normal work day.

Education Code 31.0752

Requisition

A district that selects OER instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or

2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Parent Portal

An entity that hosts an instructional materials parent portal must comply with requests regarding parental access to the portal made by a district in compliance with Education Code 31.154 or Education Code 26.006 [see EFA]. *Education Code 31.154(e)*

[For more information regarding the requirements for certain entities that supply instructional materials to host a parent portal, see Education Code 31.154.]

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. *Education Code 31.029*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that the district:

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level:
    a. Provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level; and
    b. In the provision of instructional materials, the district protects students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act (Pub. L. No. 106-554) [see CQ], Education Code 28.0022 [see EMB], Penal Code 43.22, and any other law or regulation that protects students from obscene or harmful content [see EFA]; and
2. The district used money allocated to the district or school under the instructional materials and technology allotment only for purposes allowed under Education Code 31.0211.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Instructional materials developed, purchased, or otherwise acquired by the district; and
3. OER instructional materials and other electronic instructional materials included in the repository under Education Code 31.0722.

Education Code 31.1011

Annual Report

Each district shall annually report to TEA information regarding the instructional materials used by the district during the previous school year, including the cost of each material. *Education Code 31.1012*

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which OER instructional material that a district does not intend to use for another student is distributed, the printed copy of the OER instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of OER instructional material.

Education Code 31.104(c), (g)-(h)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of OER instructional material.

Education Code 31.104(d), (e), (h) [See also EFA]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and

2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;

2. The electronic materials perform as they did when they were new;

3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and

4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and

2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of OER instructional material. *Education Code 31.104(b)*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell elec-

tronic instructional materials and technological equipment owned by the district.

Use of Proceeds Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Note: For additional legal requirements applicable to purchases with federal funds, see CBB.

Authorization to Purchase or Lease Vehicles

A district may purchase school motor vehicles through the comptroller or through competitive bidding under Education Code Chapter 44, Subchapter B. *Education Code 34.001(a)* [See CH]

Each contract proposed to be made by a district for the purchase or lease of one or more school buses, including a lease with an option to purchase, must be submitted to competitive bidding when the contract is valued at $20,000 or more. *Education Code 44.031(l)*

When a contract for the purchase of school buses is valued at $20,000 or more, the contract must be made either through competitive bidding or by purchasing the buses through the comptroller. *Atty. Gen. Op. LO-98-063 (1998)*

Payment

A district financially unable to pay for a vehicle the district purchases may, as prescribed by Education Code 34.005, issue interest-bearing time warrants in amounts sufficient to make the purchase. *Education Code 34.005(a)*

A board may issue bonds to purchase new school buses. *Education Code 45.001(a)(1)(D)* [See CCA]

New Van Purchases or Leases

A school system may not purchase or lease a new 15-passenger van if it will be used significantly by, or on behalf of, the school system to transport preprimary, primary, or secondary school students to or from school or an event related to school, unless the 15-passenger van complies with the motor vehicle standards prescribed for school buses and multi-function school activity buses under United States Code Title 49. This provision does not apply in some limited circumstances, including the purchase or lease of a 15-passenger van under a contract executed before August 10, 2005, the date of enactment of this provision. *49 U.S.C. 30112*

Contracts for School Bus Use, Acquisition, or Lease

A board may contract with any person for use, acquisition, or lease with option to purchase a school bus if the board determines the contract to be economically advantageous to the district. Such a contract may have any lawful term of not less than two or more than 10 years. The competitive bidding requirements of Education Code Chapter 44, Subchapter B apply to a contract under this provision. A school bus that is leased or leased with an option to purchase must meet or exceed safety standards set out in Education Code 34.002. *Education Code 34.009* [See CH]

Registration

District-owned vehicles used exclusively in the service of a district are exempt from the state registration fee. The Department of Motor Vehicles (DMV) must approve an application for registration before exempt license plates are issued. *Transp. Code 502.451, .453*

Identification

The DMV may not issue exempt license plates unless the applicant for registration certifies in writing that the name of a district is printed on each side of the vehicle, in letters that are at least two inches high or in an emblem that is at least 100 square inches in size. The letters or emblem must be of a color sufficiently different from the body of the vehicle to be clearly legible from a distance of 100 feet. *Transp. Code 502.452(a)*

Maintenance

District vehicles are subject to inspection pursuant to Transportation Code Chapter 548.

School Bus Advertising

The exterior of a school bus may not bear advertising or another paid announcement directed at the public if the advertising or announcement distracts from the effectiveness of required safety-warning equipment. A school bus that violates this provision or rules adopted under this provision shall be placed out of service until it complies. *Transp. Code 547.701(d)*

Advertising Rules

A district may allow advertisements on school buses in accordance with rules. The rules adopted by the Texas Department of Public Safety (DPS) at 37 Administrative Code 14.61-14.65 apply to all school buses used to transport preprimary, primary, and secondary public school students. *37 TAC 14.61*

"Advertisement"

For purposes of this policy, "advertisement" means any communication brought to the attention of the public by paid announcement or in return for public recognition in connection with an event or offer or sale of a product or service, except for a single-line listing of a district name and/or school or manufacturer logo approved by DPS. *37 TAC 14.1(1)*

Material and Location

Advertisements must be of a material and in a location specified in the rules. *37 TAC 14.62-.64*

Annual Notice

By September 1 of each year, districts involved in an advertising program shall provide the School Bus Transportation Program at DPS written notification of the number of buses operated by or for the district that display exterior advertising or another paid announcement. *37 TAC 14.65(a)(1), (b)* [See CNC for required reporting of crashes involving buses with advertising]

Delivery of Notice

Notices to DPS shall be delivered by facsimile at (512) 424-2238, electronic mail at sbt@txdps.state.tx.us, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Nonschool Use A board may contract with nonschool organizations for use of school buses. The board may provide services relating to the maintenance and operation of the buses in accordance with the contract. *Education Code 34.010*

Sale of Buses At the request of a district, the comptroller shall dispose of a school bus. A district is not required to dispose of a bus through the comptroller. *Education Code 34.006*

Safety Standards

A district shall meet or exceed the safety standards for school buses established by the Department of Public Safety (DPS), with the advice of the Texas Education Agency (TEA). A district that fails or refuses to meet these safety standards for school buses is ineligible to share in the transportation allotment until the first anniversary of the date the district begins complying with the safety standards. *Education Code 34.002; Transp. Code 547.102; 37 TAC 14.51-.52*

Student Safety

Prohibitions

A district may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
    a. On the floor of the bus, or
    b. In any location on the bus that is not designed as a seat.

Transp. Code 545.426

Seat Belts

Required on Buses

A bus, including a school bus, a school activity bus, multifunction school activity bus, or school-chartered bus, operated by or contracted for use by a district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply to:

1. A bus purchased by a school district that is a model year 2017 or earlier; or
2. A bus purchased by a school district that is a model year 2018 or later if the board:
    a. Determines that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts; and
    b. Votes to approve that determination in a public meeting.

Transp. Code 547.701(e)

Student Requirement

A district shall require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. A school district may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

Donations

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for a district's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

Education Code 34.014

Use of Warning Signals

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children.

A person may not operate a light or other equipment described above except when a school bus is being stopped or is stopped on a highway to:

1. Permit a student to board or exit the bus; or
2. Distribute to a student or the parent or guardian of a student:
    a. Food; or
    b. Technological equipment for use by the student for educational purposes.

Transp. Code 547.701(c), (c-1)

Wireless Communication Devices

An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. *Transp. Code 545.4251(b)*

General Rule

School Property

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

Transp. Code 545.4252

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

Definitions

"Hands-free device" means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-operated technology and a push-to-talk function. *Transp. Code 545.425(a)(1)*

"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person. *Transp. Code 545.4251(a)(1)*

Disruption of Transportation

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by a district or to or from activities sponsored by a school on a vehicle owned and/or operated by a district shall be guilty of a misdemeanor. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Exhibition of Firearm

For information regarding offenses pertaining to firearms on buses, see GKA(LEGAL).

Collision Reports

Notice to DPS for Buses With Advertising

A district shall provide DPS written notification of any collision directly or indirectly involving a school bus operated by or for the district that bears advertising or another paid announcement. *37 TAC 14.65(a)(2)* [See CNB for rules related to school bus advertising.]

Notice must be received not more than five days from the date of the collision and shall include the following:

1. The name and address of the owner of the school bus;
2. The name and driver's license number of the school bus operator;
3. The date of the collision;
4. The city or county where the collision occurred; and

5. The investigating police agency.

37 TAC 14.65(c)

Notices to DPS may be delivered by facsimile, electronic mail, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Annual Report to TEA

A district shall report annually to TEA the number of collisions in which its buses were involved in the past year in a manner prescribed by the commissioner of education. A district shall file annual collision reports to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:

1. The total number of bus collisions;
2. The date each collision occurred;
3. The type of bus, as specified in 19 Administrative Code 103.1231(a), involved in each collision;
4. Whether the bus involved in each collision was equipped with seat belts and, if so, the type of seat belts;
5. The number of students and adults involved in each collision;
6. The number and types of injuries that were sustained by the bus passengers in each collision; and
7. Whether the injured passengers in each collision were wearing seat belts at the time of the collision and, if so, the type of seat belts.

A school district shall report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus is owned, leased, contracted, or chartered by a school district and was transporting school district personnel, students, or a combination of personnel and students; or
2. The bus was driven by a school district employee or by an employee of the school district's bus contractor with no passengers on board and the collision involved a pedestrian.

Exceptions

A school district shall not report a bus collision involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus was driven by a school district employee or by an employee of the school district's bus contractor, the collision

occurred when no passenger other than the school district's driver or bus contractor's driver was on board the bus, and the collision did not involve a pedestrian; or

2. The collision involved a bus chartered by a school district for a school activity trip and no school district personnel or students were on board the bus at the time of the collision.

A school district shall not report a collision that occurred in a vehicle that is owned, contracted, or chartered by a school district and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

Education Code 34.015(b); 19 TAC 103.1231(b)

Fair Labor Standards Act

Minimum Wage and Overtime

Unless an exemption applies, a district shall pay each of its employees not less than minimum wage for all hours worked. *29 U.S.C. 206(a)(1)*

Unless an exemption applies, a district shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek. *29 U.S.C. 207(a)(1); 29 C.F.R. pt. 778*

Breaks for Nonexempt Employees

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. *29 C.F.R. 785.18*

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. *29 C.F.R. 785.19*

Compensatory Time

Accrual

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

Payment for Accrued Time

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

Use

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the district.

The Fair Labor Standards Act (FLSA) does not prohibit a district from compelling the use of accrued compensatory time.

29 U.S.C. 207(o); Christensen v. Harris Cnty., 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

Exempt Employees

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. *29 U.S.C. 213(a)(1)*

Academic Administrators

The term ''employee employed in a bona fide administrative capacity'' includes an employee:

1. Compensated on a salary or fee basis at the established weekly threshold, exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the district by which employed; and

2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.

"Performing administrative functions directly related to academic instruction or training'' means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;

2. The principal and any vice principals responsible for the operation of an elementary or secondary school;

3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and

4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunchroom managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

29 C.F.R. 541.204

Salary Basis

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the district did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

Partial-Day Deductions

A district employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

29 C.F.R. 541.710

Safe Harbor Policy

If a district has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the district will not lose the exemption unless the district willfully violates the policy by con-

tinuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on a district's intranet.

29 C.F.R. 541.603(d)

Teachers

The term ''employee employed in a bona fide professional capacity'' includes any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an elementary or secondary school system by which the employee is employed. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include:

1. Regular academic teachers;
2. Teachers of kindergarten or nursery school pupils;
3. Teachers of gifted or disabled children;
4. Teachers of skilled and semi-skilled trades and occupations;
5. Teachers engaged in automobile driving instruction;
6. Home economics teachers; and
7. Vocal or instrumental music instructors.

Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher who is not certified may be considered for

exemption, provided that such individual is employed as a teacher by the employing school or school system.

29 C.F.R. 541.303

Wage and Hour Records

A district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. *29 C.F.R. 516.2(a)*

Payday Law Exemption

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*

Staff Development

Educator

The staff development provided by a district to an educator other than a principal must be conducted in accordance with standards developed by the district and designed to improve education in the district.

Principal

The staff development provided by a district to a principal shall be governed by Education Code 21.3541 and rules adopted under that section. [See DNB]

Education Code 21.451(a), (a-1)

Professional Development Policy

A board shall annually review the SBEC continuing education and training clearinghouse published under Education Code 21.4514 and adopt a professional development policy that must:

1. Be guided by the recommendations for training in the clearinghouse;
2. Note any differences in the policy adopted by the district or school from the recommendations in the clearinghouse; and
3. Include a schedule of all training required for educators or other school personnel at the district or school.

To the extent of any conflict, a frequency requirement for the completion of training provided by statute prevails over a frequency requirement for that training included in the professional development policy.

Education Code 21.4515(a), (b)

Requirements for Training

In designing staff development for educators other than principals, a district must use procedures that, to the greatest extent possible, ensure the training included in the staff development:

1. Incorporates proactive instructional planning techniques using a framework that:
    a. Provides flexibility in the ways:
        (1) Information is presented;
        (2) Students respond or demonstrate knowledge and skills; and
        (3) Students are engaged;
    b. Reduces barriers in instruction;
    c. Provides appropriate accommodations, supports, and challenges; and

d. Maintains high achievement expectations for all students, including students with disabilities and students of limited English proficiency; and

2. Integrates inclusive and evidence-based instructional practices for all students, including students with disabilities.

Staff development shall be predominantly campus-based, related to achieving campus performance objectives, and developed and approved by the campus-level committee.

A district may use district-wide staff development that has been developed and approved through the district-level decision process. [See BQA and BQB, as appropriate]

Education Code 21.451(a-2), (b), (c)

Optional Training

Staff development may include training in:

1. Technology and digital learning; and

2. Positive behavior intervention and support strategies, including classroom management, district discipline policies, and the Student Code of Conduct.

Technology and digital learning training must:

1. Discuss basic technology proficiency expectations and methods to increase an educator's digital literacy; and

2. Assist an educator in the use of digital technology in learning activities that improve teaching, assessment, and instructional practices.

Staff development may include instruction as to what is permissible under law, including opinions of the United States Supreme Court, regarding prayer in public school.

Education Code 21.451(d)(1), (d-3), (g)

Required Training

Staff development must include training on:

1. Suicide prevention;

2. Strategies for establishing and maintaining positive relationships among students, including conflict resolution; and

3. Preventing, identifying, responding to, and reporting incidents of bullying.

Required training above must be provided in accordance with the board’s professional development policy and use a best practice-based program recommended by the Health and Human Services

Commission under Education Code 38.351 [see FFEB]. Required training may include two or more topics listed together.

Education Code 21.451(d)(3), (d-1)

Instruction of Students with Disabilities

Definition

"Student with a disability" means a student who is:

1. Eligible to participate in a school district's special education program under Education Code 29.003;
2. Covered by Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794); or
3. Covered by the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.).

Education Code 21.001(3-a)

Requirements

Staff development must include training that is evidence-based, as defined by Section 8101, Every Student Succeeds Act (20 USC 7801), and that:

1. Relates to the instruction of students with disabilities, including students with disabilities who also have other intellectual or mental health conditions; and
2. Is designed for educators who work primarily outside the area of special education.

A district is required to provide the training to an educator who works primarily outside the area of special education only if the educator does not possess the knowledge and skills necessary to implement the individualized education program developed for a student receiving instruction from the educator. A district may determine the time and place at which the training is delivered.

In developing or maintaining the training, a district must consult with persons with expertise in research-based practices for students with disabilities, including colleges, universities, private and nonprofit organizations, regional education service centers, qualified district personnel, and any other persons identified as qualified by the district, regardless of whether the training is provided at the campus or district level.

Education Code 21.451(d)(2), (e)-(f)

Suicide Prevention

The required suicide prevention training may be satisfied through independent review of suicide prevention training material that complies with the guidelines developed by the Texas Education Agency (TEA) and is offered online. *Education Code 21.451(d-2); 19 TAC 153.1013(d)*

Suicide prevention programs on TEA's list of recommended best practice-based programs [see FFEB] must include components that provide for training school counselors, teachers, nurses, administrators, and other staff, as well as law enforcement officers and social workers who regularly interact with students, to:

1. Recognize students at risk of attempting suicide, including students who are or may be the victims of or who engage in bullying;

2. Recognize students displaying early warning signs and a possible need for early mental health or substance abuse intervention, which warning signs may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;

3. Intervene effectively with students described above by providing notice and referral to a parent or guardian so appropriate action, such as seeking mental health or substance abuse services, may be taken by a parent or guardian; and

4. Assist students in returning to school following treatment of a mental health concern or suicide attempt.

A district shall provide training described in the components above for teachers, school counselors, principals, and all other appropriate personnel. A district is required to provide the training at an elementary school campus only to the extent that sufficient funding and programs are available. A school district may implement a program on TEA's list of recommended best practice-based programs [see FFEB] to satisfy this training requirement.

If a district provides the training, a district shall require completion in accordance with the district's professional development policy and maintain records that include district employees who participated in the training.

A district may satisfy a requirement to implement a program in the area of substance abuse prevention and intervention by providing instruction related to youth substance use and abuse education under Education Code 38.040. [See EHAC]

Education Code 38.351(e), (g), (g-1), (h); 19 TAC 153.1013

Staff Development Account

A district that receives resources from the commissioner of education's staff development account must pay to the commissioner for deposit in the account an amount equal to one-half of the cost of the resources provided to the district. *Education Code 21.453(c)*

Child Abuse, Trafficking, and Maltreatment

A district's methods for increasing awareness of issues regarding sexual abuse, sex trafficking, and other maltreatment of children [see District Improvement Plan at BQ and Sexual Abuse, Trafficking, and Maltreatment Policies and Programs at FFG] must include training concerning prevention techniques for and recognition of sexual abuse, sex trafficking, and all other maltreatment of children, including the sexual abuse, sex trafficking, and other maltreatment of children with significant cognitive disabilities.

The training must be provided in accordance with the district's professional development policy and as part of new employee orientation to all new employees.

The training must include:

1. Factors indicating a child is at risk for sexual abuse, trafficking, or other maltreatment;
2. Warning signs indicating a child may be a victim of sexual abuse, trafficking, or other maltreatment;
3. Internal procedures for seeking assistance for a child who is at risk for sexual abuse, trafficking, or other maltreatment, including referral to a school counselor, a social worker, or another mental health professional;
4. Techniques for reducing a child's risk of sexual abuse, trafficking, or other maltreatment; and
5. Information on community organizations that have relevant research-based programs and that are able to provide training or other education for district staff, students, and parents.

A district must maintain records that include staff members who participated in the training.

To the extent that resources are not yet available from TEA or the commissioner of education, districts shall implement the policies and trainings with existing or publicly available resources. The district may also work in conjunction with a community organization to provide the training at no cost to the district.

Education Code 38.0041(c)-(f); 19 TAC 103.1401(d)

Trauma-Informed Care

A district's efforts to increase awareness and implementation of trauma-informed care must include training to new and existing employees in accordance with the district's professional development policy. [See BQ, FFBA] *Education Code 38.036(c)*

Mental Health

A district shall require each district employee who regularly interacts with students enrolled at the district to complete an evidence-

based mental health training program designed to provide instruction to participants regarding the recognition and support of children and youth who experience a mental health or substance use issue that may pose a threat to school safety.

A district may not require a district employee who has previously completed mental health training offered by a local mental health authority under Health and Safety Code 1001.203 to complete the required training.

Education Code 22.904

To complete the required evidence-based mental health training program, personnel who regularly interact with students shall participate and complete the general training program, participate and complete the training program related to local school district practices and procedures, and submit and maintain supporting documentation of completion. *19 TAC 153.1015(b)*

Records

School districts shall require each district employee to provide the certificate of completion of the general training program to the school district.

Documentation of the training program related to local school district practices and procedures may be satisfied when the employee submits to the district an acknowledgement form signed by the employee who received the current training and a copy of the local procedures and practices that are published in the district handbook and/or district improvement plan.

Documentation of training for the mental health training program must be kept by the school district and made available to TEA upon request, which may include a reporting process, for the duration of the employee's employment with the district.

19 TAC 153.1015(f)(1)-(3)

Student Discipline

Each principal or other appropriate administrator who oversees student discipline shall, at least once every three school years, attend professional development training regarding Education Code Chapter 37, Subchapter G. The professional development shall include training relating to the distinction between a discipline management technique used at the principal's discretion under Education Code 37.002(a) and the discretionary authority of a teacher to remove a disruptive student under Education Code 37.002(b) [see FOA].

The professional development training may be provided in coordination with an education service center through the use of distance

learning methods, such as telecommunications networks, and using available TEA resources.

Education Code 37.0181

Test Administration

The commissioner may require training for district employees involved in the administration of assessment instruments. The commissioner may only require the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1), (b-2)*

Cybersecurity

Employees identified by the district with access to a district computer system or database and who use a computer to perform at least 25 percent of the employee's required duties must complete a cybersecurity training program selected by the board. The district, in consultation with its cybersecurity coordinator, shall determine how frequently employees must complete the training. [See CQB] *Gov't Code 2054.5191(a-1); Education Code 11.175(h-1)*

Special Programs

A district shall ensure that:

Teacher Literacy Achievement Academies (Reading Academies)

1. Not later than the 2022-23 school year, each classroom teacher in kindergarten or first, second, or third grade and each principal at a campus with kindergarten or first, second, or third grade has attended a teacher literacy achievement academy developed under Education Code 21.4552; and

2. Each classroom teacher and each principal initially employed in a grade level or at a campus described above for the 2022-23 school year or a subsequent school year has attended a teacher literacy achievement academy developed under Education Code 21.4552 by the end of the teacher's or principal's first year of placement in that grade level or campus.

Education Code 28.0062(a)(2)

[See EHAB for kindergarten-grade 3 reading standards.]

Gifted and Talented Education

A district shall ensure that:

1. Prior to assignment in the program or within one semester of assignment, teachers who provide instruction and services that are a part of the program for gifted/talented students [see EHBB] have a minimum of 30 hours of professional learning that includes nature and needs of gifted/talented students, as-

sessing student needs, and curriculum and instruction for gifted/talented students;

2. Teachers who provide instruction and services that are a part of the program for gifted/talented students receive a minimum of six hours annually of professional learning in gifted/talented education; and

3. Administrators and counselors who have authority for program decisions have a minimum of six hours of professional learning that includes nature and needs of gifted/talented students and program options with an update after legislative sessions.

19 TAC 89.2

Elective Bible Course

A teacher of an elective Bible course offered under Education Code 28.011 [see EMI] must hold a certificate in language arts, social studies, or history that qualifies the teacher to teach at the grade level at which the course is offered with, where practical, a minor in religious or biblical studies. The teacher must successfully complete staff development training developed by the commissioner for elective Bible courses. An elective Bible course may be taught only by a teacher who has successfully completed the commissioner's training under Education Code 21.459. *Education Code 28.011(f)*

Texas English Language Proficiency Assessment System Training

The employee assigned to oversee the administration of the Texas English Language Proficiency Assessment System (TELPAS) at a district campus may, with discretion, require other district employees involved in administering the TELPAS to complete training or online calibration activities described by Education Code 21.4571(a). An employee may not be required to complete a training or online calibration activity in one sitting. *Education Code 21.4571(b), (c)*

Automated External Defibrillators

A district shall, in accordance with its professional development policy, make available to employees and volunteers instruction in the principles and techniques of cardiopulmonary resuscitation and the use of an automated external defibrillator (AED).

Each school nurse, assistant school nurse, athletic coach or sponsor, physical education instructor, marching band director, cheerleading coach, and any other employee specified by the commissioner, and each student who serves as an athletic trainer, must:

1. Participate in the instruction; and

2. Receive and maintain certification in the use of an AED from the American Heart Association, the American Red Cross, or a similar nationally recognized association.

Education Code 22.902

Extracurricular Activity Safety

The following persons must satisfactorily complete an extracurricular activity safety training program in accordance with the district's professional development policy:

1. A coach, trainer, or sponsor for an extracurricular athletic activity; and

2. A director responsible for a school marching band.

The safety training program must include:

1. Certification of participants by the American Red Cross, the American Heart Association, or a similar organization or by the University Interscholastic League;

2. Current training in:

   a. Emergency action planning;

   b. Communicating effectively with 9-1-1 emergency service operators and other emergency personnel; and

   c. Recognizing symptoms of potentially catastrophic injuries, including head and neck injuries, concussions, injuries related to second impact syndrome, asthma attacks, heatstroke, cardiac arrest, and injuries requiring use of a defibrillator; and

3. A safety drill that incorporates the training and simulates various injuries described above.

Education Code 33.202(b), (c); 19 TAC 76.1003

Records

A superintendent shall maintain complete and accurate records of the district's compliance and the district shall make available to the public proof of compliance for each person employed by or volunteering for the district who is required to receive safety training.

A campus that is determined by a superintendent to be out of compliance with the safety training requirements shall be subject to the range of penalties determined by the UIL.

Education Code 33.206; 19 TAC 76.1003(e)

Steroids

A district shall require that each employee who serves as an athletic coach at or above the seventh grade level for an extracurricular athletic activity sponsored or sanctioned by the UIL complete:

1. The educational program developed by the UIL regarding the health effects of steroids; or
2. A comparable program developed by the district or a private entity with relevant expertise.

Education Code 33.091(c-1)

Concussions

At least once every two years, the following employees shall take a training course from an authorized provider:

1. A coach of an interscholastic athletic activity shall take a course approved by the UIL that provides for not less than two hours of training in the subject matter of concussions, including evaluation, prevention, symptoms, risks, and long-term effects.
2. An athletic trainer who serves as a member of a district's concussion oversight team shall take a course concerning the subject matter of concussions that meets the requirements set by the Texas Department of Licensing and Regulation (TDLR).
3. A school nurse or licensed health-care professional, other than an athletic trainer, who serves as a member of a district's concussion oversight team shall take a course approved by the UIL for coaches or that meets the requirements set by TDLR for athletic trainers, or a course concerning the subject matter of concussions that has been approved for continuing education credit by the appropriate licensing authority for the profession.

The employee must submit proof of timely completion of an approved course to the superintendent or designee. A school nurse or licensed health-care professional who is not in compliance with these training requirements may not serve on a concussion oversight team in any capacity. [See FM]

Education Code 38.158

Seizure Recognition and Related First Aid

A school nurse employed by a district must complete a TEA-approved online course of instruction for school nurses regarding managing students with seizure disorders that includes information about seizure recognition and related first aid.

A district employee, other than a school nurse, whose duties at the school include regular contact with students must complete a TEA-approved online course of instruction for school personnel regard-

ing awareness of students with seizure disorders that includes information about seizure recognition and related first aid.

Education Code 38.033(a), (b)

[See FFAF for information about a seizure management and treatment plan.]

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

Private School Students

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv) [See EHBAC regarding students in nondistrict placement.]

Preschool Students

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

Requests and Referrals for Evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Multi-tiered System

Referral of students for a full individual and initial evaluation (FIIE) must be a part of the district's multi-tiered system of academic and behavioral supports. Students not making progress in the general education classroom should be considered for all interventions and support services available to all students; such as tutorial, compensatory, response to evidence-based intervention, and other academic or behavior support services.

The district cannot require a student to participate in interventions and support services for any specific length of time prior to a referral being made or an FIIE being conducted.

District Obligation to Refer

If the student continues to experience difficulty in the general education classroom with the provision of interventions and support services or at any time district personnel suspect a disability and a possible need for special education and related services, district personnel must refer the student for an FIIE.

A referral or request for an FIIE may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. While an FIIE is being conducted, a student must continue to receive any necessary interventions and support services to target their academic or behavioral needs.

19 TAC 89.1011(a)

Prior Written Notice

Parent

If a parent submits a written request to a district's director of special education services or to a district administrative employee, such as a campus principal, for a FIIE of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, a copy of the Overview of Special Education for Parents form created by the Texas Education Agency (TEA), and an opportunity to give written consent for the evaluation; or

2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the Overview of Special Education for Parents form created by TEA, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

District

When a district initiates the referral for an FIIE of a student, the district must provide the parent with the information and materials described at item 1 above.

19 TAC 89.1011(b)-(c); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation Required

A district shall conduct an FIIE before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

Consent for Initial Evaluation

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

Time Frame for Completion of Written Report

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a FIIE of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year but the student was absent three or more school days between the time that the school district received written consent and the last instructional day of the school year, the timeline in item 1 above applies to the date the written report of the FIIE must be completed.

If the district received the written consent for the evaluation from the student's parent less than 35 school days before the last day of the school year, the timeline in item 1, above, applies to the date the written report of the FIIE must be completed.

19 TAC 89.1011(d)-(e)

For purposes of the timelines under this provision, "school day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term. In the case of a school that operates under a school year calendar without spring and fall terms, a school day does not include a day that falls after the last instructional day of one school year and before the first instructional day of the subsequent school year. *19 TAC 89.1011(i)-(j)*

These time frames do not apply if the parent repeatedly fails or refuses to produce the child for the evaluation. *34 C.F.R. 300.301(d)(1)*

Transfer Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations. *34 C.F.R. 300.304(c)(5)*

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another district before the previous district completed the FIIE, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

2. The parent and the new school district agree to a specific time when the evaluation will be completed.

19 TAC 89.1011(f); Education Code 29.004; 20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e)

Student Communication

The evaluation shall be conducted using procedures that are appropriate for the student's most proficient method of communication. *Education Code 29.004(b)*

Psychological Examinations

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

Eligibility and Reevaluations

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;

2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and

3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code Subchapter A, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040(a)*

[For additional information on special education of students with dyslexia and related disorders, see EHB.]

Visual and Auditory Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Birth Through Age Two

Children from birth through the age of two with visual impairments (VI), who are deaf or hard of hearing (DHH), or who are deaf-blind (DB) must be enrolled at the parent's request by a district when the district becomes aware of a child needing services. The appropriate instructional arrangement [see EHBA] for students from birth through the age of two with VI, DHH, or DB shall be determined in accordance with the individualized family services plan, current attendance guidelines, and the agreement memorandum between TEA and Texas Health and Human Services Commission Early Childhood Intervention (ECI) Services. *19 TAC 89.1005(d)*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) [see EHBAB] committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written FIIE report. If the 30th day falls during the summer and school is not in session, the ARD committee must meet not later than the 15th school day of the following school year to finalize decisions concerning the student's initial eligibility determination, and, if appropriate, IEP and placement. If the 30th day falls during the summer and school is not in session but an FIIE report indicates that the student would need extended school year services during that summer, the ARD committee must meet as expeditiously as possible after completion of the report.

Parent Copy

A copy of the written FIIE report must be provided to the parent as soon as possible after completion of the report but no later than five school days prior to the initial ARD committee meeting, which will determine a student's initial eligibility, or not later than June 30 if the district received the written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year.

19 TAC 89.1011(g)-(h); Education Code 29.004(a-1)

[For additional information regarding the evaluation and identification process when dyslexia is a suspected disability, see EHB.]

Consent for Services

Initial Provision of Services

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

Revoking Consent

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and
4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and

2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

[See EIF(LEGAL) at Summary of Academic Achievement and Evaluation.]

Independent Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

At Public Expense

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or

2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

At Private Expense

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

Prescription Medication

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

Observations

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

Transition Services Defined

"Transition services" means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. 1401(34); 34 C.F.R. 300.43

Individual Transition Planning

14 Years of Age

Not later than the first individualized education program (IEP) to be in effect when a student turns 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the IEP:

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. Appropriate involvement in the student's transition by the student's parents and other persons invited to participate by the student's parents or the district in which the student is enrolled;
3. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
4. An appropriate functional vocational evaluation;
5. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. 1396n(c)]; and
6. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student's independence and self-deter-

mination, including a supported decision-making agreement under Estates Code Chapter 1357.

Beginning not later than the first IEP to be in effect when the student turns 14 years of age, or younger if determined appropriate by the ARD committee, the IEP must include:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals .

18 Years of Age

Beginning not later than the first IEP to be in effect when the student turns 18 years of age, the ARD committee must consider and, if appropriate, address the following issues in the student's IEP:

1. Involvement in the student's transition and future by the student's parents and other persons, if the parent or other person:
   a. Is invited to participate by the student or the district in which the student is enrolled; or
   b. Has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code Chapter 1357; and
2. The availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives.

Annual Review

A student's ARD committee shall review at least annually the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings.]

19 TAC 89.1055(k)-(o); 20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011(a-1), .0111

Transition and Employment Designee

The transition and employment designee required of each district must complete the required training as developed by the commissioner of education and provide information about transition requirements and coordination among parents, students, and appro-

priate state agencies to ensure that school staff can communicate and collaborate effectively. *19 TAC 89.1075(i)*

Transition and Employment Guide

The Texas Education Agency (TEA) is required to develop a transition and employment guide for students enrolled in special education programs and their parents to provide information on statewide services and programs that assist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;
2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
    a. The first meeting of the student's ARD committee at which transition is discussed; and
    b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and
3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation under 19 Administrative Code 89.1070(b)(1), or reaching maximum age eligibility described by 19 Administrative Code 89.1035 (Age Ranges for Student Eligibility) terminates a student's eligibility for special education services. For students who graduate and receive a diploma according to 19 Administrative Code 89.1070(b)(2) or (b)(3)(A), (B), or (C), the ARD committee must determine needed special education services upon the request of the student or parent to resume services, as long as the student meets the age requirements. *19 TAC 89.1070(a), (j)* [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall in-

clude recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2)

Driving with Disability Program

A district shall provide information regarding the Texas Driving with Disability Program to students who have a health condition or disability that may impede effective communication with a peace officer and who receive special education services or who are covered by Section 504 and their parents.

The information shall be provided to each student who is 16 years of age or older and annually until the earlier of the student's graduation from high school or 21st birthday.

Education Code 29.0113(a)-(b)

Table of Contents

Parental Consent Not Required 2
Video Surveillance of Special Education Settings 2
Classroom or Other Setting 2
Definitions 2
Administrative Coordinator 4
Authorized Requestors 4
Video Camera Coverage 5
Written Notice 5
Retention Period 6
Gifts, Grants, and Donations 6
No Waiver of Immunity 6
No Monitoring 6
Confidentiality 6
District Policy 8
Governmental Record 11
Operation of Camera 11
Exclusions 11
Dispute Resolution 11
Denial of Request 11
Extension of Time 14

Parental Consent Not Required

An employee of a district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used for a purpose related to the promotion of student safety under Education Code 29.022. *Education Code 26.009(b)*

Video Surveillance of Special Education Settings

In order to promote student safety, on receipt of an authorized written request, a district shall provide equipment, including a video camera, to the campus in the district specified in the request.

Classroom or Other Setting

A campus that receives equipment shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

1. A campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and

2. A campus that receives equipment as a result of the request by a board of trustees, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to Education Code 29.022.

Education Code 29.022(a)

Definitions

“Incident” means an event or circumstance that:

Incident

1. Involves alleged “abuse” or “neglect,” as described in Family Code 261.001, of a student by a staff member of the district or alleged “physical abuse” or “sexual abuse,” as described in Family Code 261.410, of a student by another student; and

2. Allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted.

Other Special Education Setting

“Other special education setting” means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) of a district—including a room attached to the classroom or setting used for time-out—in which a

majority of the students in regular attendance are provided special education and related services, are assigned to the setting for at least 50 percent of the instructional day, and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Residential care and treatment facility—separate campus; or
2. Off home campus—separate campus.

Parent "Parent" means a person described in Education Code 26.002, whose child receives special education and related services in one or more self-contained classrooms or other special education settings. "Parent" also means a student who receives special education and related services in one or more self-contained classrooms or other special education settings and who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code, Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

School Business Day "School business day" means a day that campus or district administrative offices are open.

Self-contained Classroom "Self-contained classroom" means a classroom on a regular campus (i.e., a campus that serves students in general education and students in special education), including a room attached to the classroom used for time-out, but not including a classroom that is a resource room instructional arrangement under Education Code 48.102, in which a majority of the students in regular attendance are provided special education and related services for at least 50 percent of the instructional day and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Self-contained (mild/moderate/severe) regular campus;
2. Full-time early childhood (preschool program for children with disabilities) special education setting;
3. Residential care and treatment facility—self-contained (mild/moderate/severe) regular campus;
4. Residential care and treatment facility—full-time early childhood special education setting;
5. Off home campus—self-contained (mild/moderate/severe) regular campus; or
6. Off home campus—full-time early childhood special education setting.

Staff Member "Staff member" means a teacher, a related service provider, a paraprofessional, a counselor, or an educational aide assigned to work in the self-contained classroom or other special education setting.

Time-out "Time-out" has the meaning assigned by Education Code 37.0021.

Video Camera "Video camera" means a video surveillance camera with audio recording capabilities.

Video Equipment "Video equipment" means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras as required by Education Code 29.022 and 19 Administrative Code 103.1301. "Video equipment" also means any technology and equipment needed to store and access video recordings as required.

19 TAC 103.1301(b); Education Code 29.022

Administrative Coordinator

Each district shall designate an administrator at the primary administrative office of the district with responsibility for coordinating the provision of equipment to schools and campuses. *Education Code 29.022(a-2)*

Authorized Requestors

The following people may request in writing that equipment be provided to a campus at which one or more children receive special education services in a qualifying classroom or setting:

1. A parent of a child who receives special education services for the campus at which the child receives those services;
2. The board of trustees for one or more specified campuses;
3. The principal or assistant principal for their campus; and
4. A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works.

Education Code 29.022(a-1)

Processing the Request

A written request must be submitted and acted on as follows:

1. A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the campus addressed in the request, and the principal or designee must provide a copy of the request to the district's designated administrator;
2. A principal must submit a request by the principal to the district's designated administrator; and

3. A board of trustees must submit a request to the district's designated administrator, and the administrator must provide a copy of the request to the principal or the principal's designee of the campus addressed in the request.

A campus shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy these requirements, for the remainder of the school year in which the campus received the request, unless the requestor withdraws the request in writing.

Education Code 29.022(a-3)-(b)

Video Camera Coverage

The video cameras must be capable of:

1. Covering all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out; and

2. Recording audio from all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

Education Code 29.022(c)-(c-1)

Written Notice

Before a campus activates a video camera in a classroom or special education setting, the campus shall provide written notice of the placement to all campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

If for any reason a campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request. Not later than the 10th school day before the end of each school year, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following

school year unless a person eligible to make a request for the next school year submits a new request.

Education Code 29.022(b), (d)

Retention Period

A district shall retain video recorded from a video camera for at least three months after the date the video was recorded.

If a person requests to view a video recording from a video camera, a district must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or campus shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

Education Code 29.022(e)-(e-1)

Gifts, Grants, and Donations

A district may solicit and accept gifts, grants, and donations from any person to implement the requirements of Education Code 29.022 and 19 Administrative Code 103.1301. A district is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement these requirements. *19 TAC 103.1301(d)*

No Waiver of Immunity

The requirements described by Education Code 29.022 do not:

1. Waive any immunity from liability of a district, or of district officers or employees; or
2. Create any liability for a cause of action against a district or against district officers or employees.

No Monitoring

A district may not:

1. Allow regular or continual monitoring of video recorded under Education Code 29.022; or
2. Use video for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services.

Education Code 29.022(g)-(h)

Confidentiality

A video recording of a student made under this provision is confidential and may not be released or viewed except as provided below.

Limited Release

A district shall release a recording for viewing by:

1. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district, on request of the employee;

2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or campus, on request of the parent;

3. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;

4. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioners rule, or a human resources staff member designated by the board in response to a report of an alleged incident or an investigation of district personnel or a report of alleged abuse committed by a student; or

5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording does not violate these confidentiality provisions.

Education Code 29.022(i)-(i-1); 19 TAC 103.1301(h)-(i)

Duty to Report

If a person described by item 4 or 5, above, views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Family Code Chapter 261, the person must submit a report to the Texas Department of Family and Protective Services or other authority in accordance with the local policy adopted under 19 Administrative Code 61.1051 (Reporting Child Abuse and Neglect) and Family Code Chapter 261.

Note: 19 Administrative Code 61.1051 was repealed and the requirements were recodified at 19 Administrative Code 103.1401. [See FFG]

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19 TAC 103.1301(j); Education Code 29.022(j)

Use in Disciplinary Actions Against District Personnel

If a person described by items 3, 4, or 5, above, views the recording and believes that it documents a possible violation of district or campus policy, the person may allow access to the recording to appropriate legal and human resources personnel of the district to the extent not limited by the Family Educational Rights and Privacy

Act (FERPA) or other law. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student may be used in a disciplinary action against district personnel and must be released in a legal proceeding at the request of a parent of the student involved in the incident documented by the recording. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student must be released for viewing by the district employee who is the subject of the disciplinary action at the request of the employee. *19 TAC 103.1301(k)*

Federal Law / FERPA

19 Administrative Code 103.1301(j) (child abuse reporting) and (k) (disciplinary actions against personnel) do not limit the access of a student's parent to a record regarding the student under FERPA or other law. To the extent any provisions in Education Code 29.022 and 19 Administrative Code 103.1301 conflict with FERPA or other federal law, federal law prevails. *19 TAC 103.1301(l)*

District Policy

A district must adopt written policies relating to the placement, operation, and maintenance of video cameras under Education Code 29.022 and 19 Administrative Code 103.1301. At a minimum, the policies must include:

1. A statement that video surveillance is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings;

2. Information on how a person may appeal an action by the district that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeal and expedited review processes under 19 Administrative Code 103.1303 (Commissioner's Review of Actions Concerning Video Cameras in Special Education Settings) and the appeals process under Education Code 7.057;

3. A requirement that the district provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Education Code 29.022(a-3) (at Limited Release, above) that authorizes the request or states the reason for denying the request;

4. Except as provided by item 6 of this provision, a requirement that a campus begin operation of a video camera in compliance with this provision not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the Texas Education Agency (TEA) grants an extension of time;

5. A provision permitting the parent of a student whose admission, review, and dismissal (ARD) committee has determined that the student's placement for the following school year will be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

    a. The date on which the current school year ends; or

    b. The 10th school business day after the date of the placement determination by the ARD committee;

6. A requirement that, if a request is made by a parent in compliance with item 5 of this provision, unless TEA grants an extension of time, a campus begins operation of a video camera in compliance with this provision not later than the later of:

    a. The 10th school day of the fall semester; or

    b. The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made;

7. The procedures for requesting video surveillance and the procedures for responding to a request for video surveillance;

8. The procedures for providing advanced written notice to the campus staff and the parents of the students assigned to a self-contained classroom or other special education setting that video and audio surveillance will be conducted or cease in the classroom or setting, including procedures for notice, in compliance with Education Code 29.022(b), of the opportunity to request continued video and audio surveillance if video and audio surveillance will otherwise cease;

9. A requirement that video cameras be operated at all times during the instructional day when one or more students are present in a self-contained classroom or other special education setting in which video cameras are placed;

10. A statement regarding the personnel who will have access to video equipment or video recordings for purposes of operating and maintaining the equipment or recordings;

11. A requirement that a campus continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in Education Code 29.022(a), for the remainder of the school year in which

the campus received the request, unless the requester withdraws the request in writing;

12. A requirement that video cameras placed in a self-contained classroom or other special education setting be capable of recording video and audio of all areas of the classroom or setting, except that no visual monitoring of bathrooms and areas in which a student's clothes are changed may occur. Incidental visual coverage of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is permitted only to the extent that such coverage is the result of the layout of the classroom or setting. Audio recording of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is required;

13. A statement that video recordings must be retained for at least three months after the date the video was recorded and that video recordings will be maintained in accordance with the requirements of Education Code 29.022(e-1), when applicable;

14. A statement that the regular or continual monitoring of video is prohibited and that video recordings must not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety;

15. At the district's discretion, a requirement that campuses post a notice at the entrance of any self-contained classroom or other special education setting in which video cameras are placed stating that video and audio surveillance are conducted in the classroom or setting;

16. The procedures for reporting an allegation to the district that an incident occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted;

17. The local grievance procedures for filing a complaint alleging violations of Education Code 29.022, and/or 19 Administrative Code 103.1301; and

18. A statement that video recordings made under Education Code 29.022 and 19 Administrative Code 103.1301 are confidential and a description of the limited circumstances under which the recordings may be viewed.

19 TAC 103.1301(g)

Governmental Record	A video recording under this section is a governmental record only for purposes of Penal Code 37.10.
Operation of Camera	These provisions apply to the placement, operation, and maintenance of a video camera in a self-contained classroom or other special education setting during the regular school year and extended school year services. A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting. *Education Code 29.022(s)-(t)*
Exclusions	A district is not required to provide video equipment to a campus of another district or charter school or to a nonpublic school. *19 TAC 103.1301(c)*
Dispute Resolution	The special education dispute resolution procedures in 34 Code of Federal Regulations 300.151-.153 and 300.504-.515 do not apply to complaints alleging that a district has failed to comply with Education Code 29.022 and 19 Administrative Code 103.1301. Complaints alleging violations of those sections must be addressed through the district's local grievance procedures or other dispute resolution channels. *19 TAC 103.1301(e)*
Denial of Request	The following standards and procedures apply to a denial of a request for placement of a video camera under Education Code 29.022(a), or to the denial of a request to release a video or to view a video made under Education Code 29.022(i) or (l)(2).
Exhaustion of Administrative Remedies	Once a request for placement of a video camera or a request to release a video is administratively denied, the requester must exhaust administrative remedies through the district's grievance process even if the requester opts for the expedited review process. However, a district, parent, staff member, or administrator may request an expedited review even before the local remedies are exhausted. After local remedies are exhausted by filing a grievance with the board and obtaining a board determination, the requester may appeal the denial to the commissioner of education under Education Code 7.057 by filing a petition for review.
Proper Request	In a case where there is a denial of a request for the placement of a video camera, the commissioner will determine whether the person requesting placement is a person allowed to request placement under Education Code 29.022(a-1) (see Limited Release, above) and whether the requester made a proper request under Education Code 29.022(a-3) (see Processing the Request, above).

Cost The commissioner will not consider the cost to the district of installing cameras or releasing video.

Release Determination In a case where there is a denial of a request to release a video, the commissioner will determine whether the requester is a person allowed to receive a video under Education Code 29.022(i) (described at Limited Release, above).

Timelines for Petition for Review The following timelines are established for filing a petition for review:

1. A petition for review shall be filed with the commissioner within 10 calendar days of the decision of the board denying the request being first communicated to the requester or requester's counsel, whichever occurs first. The petition for review shall be made in accordance with 19 Administrative Code 157.1073(c) (hearings brought under Education Code 7.057) and may include a request for expedited review.
2. The district's answer and local record shall comply with 19 Administrative Code 157.1052(b) and (c) and 19 Administrative Code 157.1073(d) and shall be filed with the commissioner within 10 calendar days of the district receiving notification from the commissioner of the appeal.
3. The procedures specified in 19 Administrative Code 157.1059; .1061; and .1073(e)-(h), (j), and (k) apply to a case brought to the commissioner under this section.

Expedited Review A request for expedited review is governed by the following.

1. The expedited review process is designed to allow a requester to promptly receive a preliminary judgment from the commissioner as to a decision to deny a request for the installation of cameras or a decision to deny a request to release a video while at the same time respecting the school grievance process. The expedited review process does not apply to a request to only view a video. Invoking the expedited review process results in a prompt initial determination. However, the final commissioner's determination is to be based on a substantial evidence review of the district's grievance record. This allows for a full record to be developed at the district level and does not require the requester and the district to make an evidentiary record before TEA in Austin, Texas. Because the requirements of Education Code 7.057 are met when the board's decision is heard by the commissioner, an appeal to district court is allowed under Education Code 7.057(d). Education Code 29.022 does not by itself allow an appeal to district court.

2. A district, parent, staff member, or administrator may request an expedited review. Any request for an expedited review shall include the names, telephone numbers, and addresses of all interested parties to the request. “Interested parties” are all persons who brought the grievance, all persons who have testified or provided written statements as part of the grievance process, and the district. The request for expedited review shall specify whether the district denied a request for the placement of a video camera or the district denied a request to release a video and briefly describe why that decision is either correct or incorrect.

3. A request for expedited review shall be filed with the commissioner no earlier than 14 business days after a request for placement of a video camera or a request to release a video is administratively denied under Education Code 29.022(i) or (l)(2) (see Limited Release and Process, above), and no later than the fifth business day after a board resolves a grievance as to a request for placement of a video camera or a request to release a video. A request for expedited review shall be filed with the commissioner electronically as provided on TEA’s Division of Hearings and Appeals website or by U.S. Mail, facsimile, hand-delivery, or by a commercial delivery service.

4. Whenever an interested party files a document with the commissioner, with the exception of the request for expedited review, the interested party shall send the same document to all other interested parties by the same method that the document was sent to the commissioner. Hand-delivery of the document by the next day may be substituted for service by facsimile delivery.

5. If a request for expedited review is timely filed, the commissioner will establish a briefing schedule and will send to all interested parties a notice that an expedited review has been filed, which will include relevant statutes and rules. Any interested party who knows of any additional interested parties who have not been notified will promptly inform the commissioner in writing.

6. All briefing shall clearly state the facts relied upon. Documents relevant to the issues presented may be attached to a brief. All briefing shall provide the reasons why the commissioner should or should not grant the request for expedited review. Citations to statutes, rules, commissioner decisions, and case law are important to identify the legal basis for the claims made.

7. All interested parties who are in favor of granting the request for expedited review shall file briefing at the time specified for the requester of the expedited review.

8. All interested parties who are opposed to granting the request for expedited review shall file briefing at the same time.

9. Briefing is not limited to the issues specifically raised in the pleadings in the case. However, no new arguments may be raised in the reply briefs. Reply briefs may contain new citations to the record and legal authority as to issues previously raised.

10. A preliminary judgment shall be issued based on the briefing of the interested parties. The preliminary judgment will be sent to the requestor, the district, and all interested parties. If it is determined that a district is not likely to prevail on the issue of a request for the placement of video cameras or the issue of a request to view a video under full review, the district will fully comply with Education Code 29.022.

11. After a preliminary judgment is made, a final judgment will be made in accordance with the procedures set forth in 19 Administrative Code 103.1303(b)(1)-(5) (the Denial of Request Review process).

19 TAC 103.1303(b)

Extension of Time

A request by a district for an extension of time to begin the operation of a video camera under Education Code 29.022 shall be made and decided using the following procedures.

Request

Any request by a district for an extension of time to begin the operation of a video camera shall be filed with the commissioner prior to the 45th school business day after a request to begin operating a video camera is received. However, a district should request an extension of time as soon as it determines that an extension of time should be filed.

A request for an extension of time to begin the operation of a video camera shall specify why an extension of time should be granted. The request shall include affidavits supporting any factual claims made in the request and reference any legal authority as to why the request should be granted. The request may include a request for expedited review. The request shall name the individual who requested the installation of cameras and provide the individual's address and telephone number. Immediately following the individual's address and telephone number there shall appear in bold type: "You have been identified as the individual who requested the operation of a video camera that is the subject of this request to the

commissioner of education to extend the statutory timeline. You may, but are not required to, participate in the proceedings before the commissioner concerning the school district's request for an extension of time. It is entirely up to you whether and to what extent you wish to participate in these proceedings. The procedures governing these proceedings are found at 19 Texas Administrative Code 103.1303(c) and Texas Education Code 29.022."

A request for an extension of time to begin the operation of a video camera shall list the names, telephone numbers, and addresses of all interested parties to the request. All interested parties include all parents of students in the classroom or other special education setting for which a video camera has been requested and all staff who provided services in a classroom for which a video camera has been requested.

Filing Documents

All documents in a case shall be filed with the Division of Hearings and Appeals, Texas Education Agency, 1701 N. Congress Ave., Austin, Texas 78701, facsimile number (512) 475-3662. Documents shall be filed electronically as provided on the division's website or by mail, delivery, or facsimile. All documents must be actually received by the Division of Hearings and Appeals by the date specified in this section. The mailbox rule does not apply to filings in a case filed under this subsection. Electronic filing is strongly encouraged.

All filings in a case shall be sent to the district, the individual who initially requested the installation of the cameras, and all interested parties who have filed a request to receive documents filed in the case by the same method as the request is filed with the commissioner. Due to the requirements of FERPA, the names, telephone numbers, and addresses of parents and other publicly identifiable student information may not be given to the interested parties. The copies of the filings sent to interested parties shall be redacted to remove all personally identifiable student information.

Filing Responses

Any response to a request for an extension of time to begin the operation of a video camera shall be filed with the commissioner by an interested party within 10 calendar days of the filing of the request. If no response to the request is timely filed, the commissioner shall issue a final decision within 20 calendar days of the filing of the request.

A response to a request for an extension of time to begin the operation of a video camera shall specify why an extension of time should or should not be granted. The response shall include affidavits concerning any factual claims made in the request and reference any legal authority as to why the request should or should not

be granted. The response may include a request for expedited review.

Expedited Review

A request for expedited review must be filed with the commissioner within 10 calendar days of the filing of the request for an extension of time to begin the operation of a video camera. If a request for expedited review is made, all interested parties shall be notified that they have been identified as interested parties in the request for an extension of time to begin the operation of a video camera. In particular, the interested parties will be informed that it is their choice whether to participate in the proceedings before the commissioner, that it is entirely up to them to determine to what extent they wish to participate in the proceedings, that the procedures governing these proceedings are found in 19 Administrative Code 103.1303 and Education Code 29.022, and that upon their written request filed with the commissioner they will be sent all filings in this case.

If a request for an expedited review is not made, the commissioner shall issue a final decision within 45 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

If a request for expedited review is made, the following procedures shall be followed:

1. Any reply by the district to any response to the request shall be filed with the commissioner within 25 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
2. A preliminary judgment shall be made by the commissioner within 35 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
3. Any interested party or the district may file objections to the preliminary judgment within 40 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.
4. Any reply to an objection to a preliminary judgment must be filed within 45 calendar days of the filing of a request for an extension of time to begin the operation of a video camera.

5. The commissioner shall issue a final decision within 55 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

Commissioner Consideration — In making either a preliminary judgment or a final judgment under this subsection, the commissioner will consider whether granting the requested extension is reasonable considering all factors, including contracting statutes, architectural and structural issues, and the difference in costs to the district if a moderate extension of time is granted.

No Appeal — A commissioner's final decision under this provision is not subject to appeal.

19 TAC 103.1303(c)

Table of Contents

Title III Requirements 2
Definitions 2
Alternative Methods 2
Certified Bilingual Program Teacher 2
Certified English as a Second Language Teacher 2
Dual Language Immersion Program 2
Emergent Bilingual 2
English as a Second Language Program 2
English Proficient Student 3
Exit 3
Language Proficiency Assessment Committee 3
Parent 3
Reclassification 3
District Responsibility 3
Identification of Emergent Bilingual Students 4
Language Proficiency Assessment Committees 4
Home Language Survey 5
English Language Proficiency Testing 5
Emergent Bilingual Classification 6
Parental Notice and Consent 6
Participation of Other Students 8
Students with Disabilities 8
Bilingual and ESL Programs 8
Exceptions and Waivers 9
Program Design 9
Dual Language Immersion Program 10
Facilities 12
Cooperation Among Districts 13
Documentation 13
Summer Program 13
Other Programs 13
Personnel 14
Emergent Bilingual Students and State Assessments 15
Program Exit 15
Post-Exit Monitoring and Reenrollment 15
Program Evaluation 16

Title III Requirements

A district that receives funds under Title III of the Elementary and Secondary Education Act shall comply with the statutory requirements regarding English learners and immigrant students. *20 U.S.C. 6801-7014*

A district that receives funds under Title I or Title III to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform the parents of an English learner identified for participation in such a program of the information required by 20 U.S.C. 6312(e)(3). *20 U.S.C. 6312(e)(3)*

Definitions

Alternative Methods

"Alternative methods" means a temporary instructional plan that meets the affective, linguistic, and cognitive needs of emergent bilingual (EB) students and equips the teacher under a bilingual exception or an English as a second language (ESL) waiver to align closely to the required bilingual or ESL program through the comprehensive professional development plan.

Certified Bilingual Program Teacher

"Certified bilingual program teacher" means a teacher holding bilingual certification and appropriately certified for the grade level and content area. The term "certified bilingual program teacher" is synonymous with the term "professional bilingual educator" used in Education Code 29.063.

Certified English as a Second Language Teacher

"Certified English as a second language teacher" means a teacher appropriately certified in ESL as well as for the grade level and content area. The term "certified English as a second language teacher" is synonymous with the term "professional transitional language educator" used in Education Code 29.063.

Dual Language Immersion Program

"Dual language immersion (DLI) program" means a state-approved bilingual program in accordance with Education Code 29.066 that uses English and a partner language. The two state-approved DLI program models are one-way DLI and two-way DLI.

Emergent Bilingual

"Emergent bilingual (EB)" means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English. "Emergent bilingual" also means a student identified by the Language Proficiency Assessment Committee (LPAC) who is in the process of acquiring English and has another language as the student's home language. This term is interchangeable with English learner as used in federal regulations and replaces the term "limited English proficient student."

English as a Second Language Program

"English as a second language (ESL) program" means a special language program in accordance with Education Code, Chapter 29, Subchapter B, to include both content-based and pull-out pro-

gram models. Another related term for an ESL program is "English as an additional language program."

English Proficient Student — "English proficient student" means a former EB student who has met reclassification as English proficient by the LPAC.

Exit — "Exit" refers to the point when an EB student is reclassified as English proficient and ends bilingual or ESL program participation with LPAC recommendation and parental approval. The term "exit" is synonymous with the description in Education Code, Chapter 29, Subchapter B, of a student having been "transferred out" of bilingual or special language programming. For the purpose of meeting the goals of a DLI program, the LPAC recommends that the EB student is reclassified as English proficient but continues participation in the program to further develop biliteracy for the duration of the program for prekindergarten through grade 12.

Language Proficiency Assessment Committee — "Language Proficiency Assessment Committee" means a designated group of committee members as described in 19 Administrative Code 89.1220 (relating to Language Proficiency Assessment Committee) and Education Code 26.063 that ensures the appropriate identification, placement, assessment, services, reclassification, and monitoring of EB students. The LPAC also meets in conjunction with all other committees related to programs and services for which an EB student qualifies.

Parent — "Parent" includes the parent or legal guardian of the student in accordance with Education Code 29.052(2).

Reclassification — "Reclassification" means the process by which the LPAC determines that an EB student has met the appropriate criteria to be classified as English proficient, and the student enters year 1 of monitoring as indicated in the Texas Student Data System Public Education Information Management System.

Education Code 29.052; 19 TAC 89.1203(1), (3)-(4), (6), (8)-(9), (11), (13), (16), (19), (22)

District Responsibility

Each district shall:

1. Identify EB students based on criteria established by the state;
2. Provide bilingual education, including bilingual and ESL programs as integral parts of the general program;
3. Seek appropriately certified teaching personnel to ensure that EB students are afforded full opportunity to master the essential knowledge and skills; and

4. Assess academic achievement and linguistic progress in accordance with Education Code Chapter 29, Subchapter B, to ensure accountability for EB students and the schools that serve them.

19 TAC 89.1201(a)

Identification of Emergent Bilingual Students

Within the first four weeks of the first day of school, the LPAC shall determine and report to the board the number of EB students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to the Texas Education Agency (TEA) before November 1 each year. *Education Code 29.053(b)*

Language Proficiency Assessment Committees

A district shall by local board policy establish and operate one or more LPACs. The district shall have on file a policy and procedures for the selection, appointment, and orientation of members of the LPAC(s).

A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four calendar weeks of the enrollment of an EB student.

19 TAC 89.1220(a), (e)

Membership of LPAC

The LPAC shall include:

1. An appropriately certified bilingual educator (for students served through a bilingual program);
2. An appropriately certified ESL educator (for students served through an ESL program);
3. A parent of an (EB) student participating in a bilingual or ESL program; and
4. A campus administrator.

A district may add other members to the committee.

All required members of an LPAC must be present either in person or virtually to make individualized student decisions.

No parent serving on the LPAC shall be an employee of the district.

All members of the LPAC, including parents, shall be acting for the district and shall observe all laws and rules governing confidentiality of information concerning individual students. A district shall be responsible for the orientation of all members, including the parents, of the LPAC.

Meetings The LPAC may use alternative meeting methods, such as phone or video conferencing and the use of electronic signatures that adhere to district policy.

19 TAC 89.1220(b)-(d), (f); Education Code 29.063(a)-(b);

Duties The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)-(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.

Home Language Survey

For each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through grade 12, the TEA-developed home language survey shall be administered. This home language survey will serve as the original and only home language survey throughout the student's educational experience in Texas public schools.

The district shall:

1. Ensure that the student's parent understands the language used in the survey and its implications;
2. Require that the survey be signed by the student's parent for each student in prekindergarten through grade 8 or by the student in grades 9-12;
3. Ensure the student's parent is aware of the benefits of bilingual and ESL programs; and
4. Maintain the original copy of the survey in the student's permanent record and transfer it to any subsequent Texas public school districts in which the student enrolls.

If the response on the home language survey indicates that a language other than English is or was used for communication, the student shall be tested in accordance with 19 Administrative Code 89.1226 (Testing and Classification of Students).

If a parent determines an error was made when completing the original home language survey, the parent may request a correction only if the student has not yet been assessed for English proficiency; and corrections are made within two calendar weeks of the student's initial enrollment date in Texas public schools.

19 TAC 89.1215(a), (c), (e)

English Language Proficiency Testing

Within four calendar weeks of initial enrollment in a Texas public school, a student with a language other than English indicated on the home language survey shall be administered the state-approved English language proficiency test in accordance with 19 Ad-

ministrative Code 89.1226(c) and shall be identified as an EB student and recommended for placement into the required bilingual or ESL program in accordance with the testing and classification requirements in 19 Administrative Code 89.1226(f). *19 TAC 89.1226(b)*

Emergent Bilingual Classification

The LPAC may classify a student as EB if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and Consent

Not later than the 10th day after the date of the student's classification as an EB student, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent in English and in the parent's home language that their child has been identified as an EB student and recommended for placement in the required bilingual or ESL program using the TEA-developed identification and placement letter.

The parent shall be provided information describing the bilingual or ESL program recommended, its benefits and goals, and its being an integral part of the school program to ensure that the parent understands the purposes and content of the program and their parental rights.

The placement of a student in the bilingual or ESL program must be approved in writing by the student's parent or through allowable alternatives described in 19 Administrative Code 89.1220, in order to have the student included in the bilingual education allotment (BEA). The parent's approval shall be considered valid for the student's continued participation in the required bilingual or ESL pro-

gram until the student meets the reclassification criteria described in 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement. A change between bilingual and ESL program placement requires new parental approval using the TEA-developed continuation of language program services letter.

If a parent denies program placement at any point, the TEA-developed parental denial of program services letter shall be used to ensure parents are informed of the implications of program denial, including understanding that the child will continue to be identified as an EB student and will continue to be assessed annually using the Texas English Language Proficiency Assessment System (TELPAS) until reclassification criteria have been met.

19 TAC 89.1240(a)

Pending completion of the identification process, receipt of LPAC documentation for transferring students, or parental approval of an identified EB student's placement into the bilingual education or ESL program recommended by the LPAC, a district shall place the student in the recommended program. Only EB students with parental approval for program participation will be included in the bilingual education allotment.

A district may place a student in or exit a student from a program without written approval of the student's parent if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval through a phone conversation or email that is documented in writing and retained; or
3. An adult who the district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

19 TAC 89.1220(j), (m)

Reclassification and Exit Approval

The district shall use the TEA-developed parent notification of reclassification and approval of program exit letter to give written notification to the student's parent of the student's reclassification as English proficient and acquire written approval for their exit from the bilingual or ESL program.

The district shall use the TEA-developed parent notification of reclassification and option to continue in a dual language immersion

program letter to give written notification to the student's parent of the student's reclassification as English proficient and acquire written approval for continued program participation as an English proficient student.

Students meeting reclassification criteria who have been recommended for exit by the LPAC may only exit the bilingual or ESL program with parental approval.

19 TAC 89.1240(b); Education Code 29.056(a)

Participation of Other Students

With the approval of a district and a student's parents, a student who is not LEP may also participate in a bilingual education program. *Education Code 29.058*

The number of participating non-EB students shall not exceed 40 percent of the number of students enrolled in those bilingual or ESL program models district-wide. *19 TAC 89.1233(c)*

Students with Disabilities

For students with disabilities, a district shall utilize the state's criteria for identification of EB students as described in 19 Administrative Code 89.1226(f) (relating to Testing and Classification of Students) and shall establish placement procedures that ensure that the placement recommendation by the LPAC, in conjunction with the admission, review, and dismissal (ARD) committee, in a bilingual or English as a second language program is not refused based on the student's disabling condition.

LPAC members shall meet in conjunction with ARD committee members to review progress and provide recommendations regarding the educational needs of each EB student who also qualifies for services in the district's special education program. [See EHBAB] *19 TAC 89.1230*

Bilingual and ESL Programs

Each district that has an enrollment of 20 or more students identified as EB students in any language classification in the same grade level district-wide shall offer a bilingual program for the EB students in prekindergarten through the elementary grades with that language classification. "Elementary grades" shall include prekindergarten through grade 5; grade 6 shall be included when clustered with elementary grades.

A district required to provide a bilingual program shall offer dual-language instruction (English and home or partner language) in prekindergarten through the elementary grades, using one of the four bilingual program models described in 19 Administrative Code 89.1210 (relating to Program Content and Design).

19 TAC 89.1205(a)-(b); Education Code 29.053(c)-(d)

A district shall provide an ESL program to all EB students for whom a district is not required to offer a bilingual program, regardless of the students' grade levels and home language, and regardless of the number of such students, except in cases where a district exercises the option to provide a bilingual education program that is not required by law [see below]. A district required to provide an ESL program shall provide an ESL program using one of the two models described in 19 Administrative Code 89.1210.*19 TAC 89.1205(c)-(d)*

A district is authorized to establish a bilingual program even if the district has fewer than 20 students identified as EB bilingual students in any language classification in the same grade level district-wide and at grade levels in which the bilingual program is not required under 19 Administrative Code 89.1205(a). If a district does operate such a program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. *19 TAC 89.1205(f)-(g)*

Exceptions and Waivers

A district shall comply with the requirements for bilingual exceptions and ESL waivers under 19 Administrative Code 89.1207. *Education Code 29.054; 19 TAC 89.1207*

A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for the bilingual and ESL programs shall apply on or before November 1 for an exception to the bilingual program or a waiver for the ESL program as provided in 19 Administrative Code 89.1207. *19 TAC 89.1245(b)*

Program Design

A district that is required to offer bilingual education through bilingual or ESL program models shall provide each EB student the opportunity to be enrolled in the required program at their grade level.

A district's bilingual and ESL program models shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall ensure ongoing collaboration between bilingual and ESL programs and the general education programs to provide equitable educational access for all learners.

19 TAC 89.1210(a)-(b)

EB students shall participate with their non-EB peers in general education classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the program a meaningful opportunity to participate fully with other non-EB peers in all extracurricular activities. Elective courses included in the curriculum may be taught in a language other than English. *Education Code 29.055, .057(b); 19 TAC 89.1210(f)*

Bilingual Education Program Models

Bilingual education shall be implemented through at least one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/one-way; or
4. Dual language immersion/two-way.

19 TAC 89.1210(c)

ESL Program Models

The ESL program shall be implemented through one of the following program models:

1. An ESL/content-based program model is an English acquisition program that serves students identified EB students through English instruction by a teacher appropriately certified in ESL under Education Code 29.061(c), using content-based language instruction in reading and language arts, mathematics, science, and social studies. The goal of content-based ESL is for program participants to attain full proficiency in English in order to participate equitably in school.
2. An ESL/pull-out program model is an English acquisition program that serves identified EB students through English instruction using content-based language instruction methods provided by an appropriately certified ESL teacher under Education Code 29.061(c), in reading and language arts in a pull-out or inclusionary delivery setting. The goal of ESL pull-out is for program participants to attain full proficiency in English in order to participate equitably in school.

19 TAC 89.1210(d)

Dual Language Immersion Program

A district may adopt a DLI program for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

Implementation

Program implementation shall:

1. Begin at prekindergarten, kindergarten, or grade 1 as applicable, according to the district's earliest grade level provided;
2. Continue without interruption incrementally through the elementary grades;
3. Consider expansion to middle school and high school whenever possible; and

4. Include participation of former EB students who have reclassified as English proficient for the duration of the program.

19 TAC 89.1227(e)

Requirements

A DLI program model shall be a full-time program of academic instruction in the program's partner language and English for all program participants, emphasizing the participation of identified EB students. Access to the DLI program shall not be restricted based on race, creed, color, religious affiliation, age, or disability.

A DLI program shall meet the minimum requirements described in 19 Administrative Code 89.1227.

19 TAC 89.1227(b)

Two-Way DLI Program Enrollment

Student enrollment in a two-way DLI program model is optional for non-EB students. The program shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability. Additionally, identified and reclassified EB students and non-EB students shall not be restricted access to the two-way DLI program model based on any linguistic or academic achievement measures in the program's partner language or English.

A district implementing a two-way DLI program model shall develop a policy for enrollment and continuation for students in the program model. The policy must address:

1. Equitable access, including the program's intention to maintain a ratio of 50 percent EB students to 50 percent non-EB students and have no more than two-thirds speakers of the partner language to one-third speakers of English in each classroom;

2. Support of program benefits and goals as stated in 19 Administrative Code 89.1210 (Program Content and Design);

3. The district's commitment to providing equitable access to services for EB students and to ensuring continuity of program for all program participants;

4. The program's language allocation plan for the grade levels in which the program will be implemented; and

5. Expectations for students, families, and district and campus stakeholders.

19 TAC 89.1228(a)-(c)

A district implementing a two-way DLI program model shall obtain written parental approval as follows:

1. For EB students in accordance with 19 Administrative Code 89.1240; and

2. For non-EB students, through a district-developed process.

19 TAC 89.1228(d)

Two-Way DLI Program State Assessment

A district implementing a two-way DLI program model shall determine the appropriate assessment option for program participants as follows:

1. For EB students, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each EB student in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).

2. For reclassified EB students and non-EB students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined by the LPAC or through a district-developed process.

19 TAC 89.1228(e)

School District Recognition

A district may recognize one or more of its campuses that implement an exceptional DLI program if the campus meets all of the following criteria. The school shall:

1. Meet the minimum requirements stated in 19 Administrative Code 89.1227;

2. Receive an acceptable performance rating in the state accountability system; and

3. Not have a bilingual and/or ESL program identified in any stage of intervention under the state's accountability system.

Student Recognition

An individual student participating in a DLI is eligible for local school district recognitions, including a performance acknowledgement in accordance with 19 Administrative Code 74.14. [See EIF]

19 TAC 89.1229

Facilities

Bilingual and ESL programs shall be located in public schools of the district with equitable access to all educational resources rather than in separate facilities. A district may cluster the programs at designated facilities within the district. Recent immigrant EB students shall not remain enrolled in a newcomer center for longer than two years. *Education Code 29.057; 19 TAC 89.1235*

Cooperation Among Districts

A district may join with one or more other districts to provide the required bilingual education or special language programs. The avail-

ability of the programs shall be publicized throughout the districts involved.

A district may allow a nonresident EB student to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

Education Code 29.059; 19 TAC 89.1205(e)

Documentation

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(l). Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(l)*

For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the original home language survey and LPAC documentation as described in 19 Administrative Code 89.1220(l), as applicable. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's original home language survey shall be made. *19 TAC 89.1215(d)*

Summer Program

If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for EB children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule approved by the board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

Other Programs

A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual education or special language programs for EB students and may join with other districts in establishing such programs.

The programs required or authorized by Education Code 29.060 may not be a substitute for programs required to be provided during the regular school year.

Education Code 29.060; 19 TAC 89.1250

Personnel

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

Education Code 29.061(b)

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified for:

1. Bilingual education for the component of the program provided in a language other than English; and
2. Bilingual education or English as a second language for the component of the program provided in English.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

Education Code 29.061(b-1)-(b-2)

A district shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual and ESL programs. A district that is unable to secure a sufficient number of appropriately certified bilingual education and/or ESL teachers to provide the required programs may request activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. *19 TAC 89.1245(a); Education Code 29.061(c)*

A district that is unable to provide the required bilingual and/or ESL program because of an insufficient number of appropriately certified teachers shall request from the commissioner of education an exception to the bilingual program and/or a waiver for the ESL program and the approval of temporary alternative methods. EB students with parental approval for program participation under a bilingual exception or an ESL waiver will be included in the bilingual education allotment (BEA) designated for temporary alternative methods. The approval of a bilingual exception and/or an ESL

waiver application shall be valid only during the school year for which it was granted, which includes summer school. The bilingual exception and/or ESL waiver application shall be submitted by November 1 and shall adhere to the requirements in 19 Administrative Code 89.1207. [See Exceptions and Waivers, above] *19 TAC 89.1207(a)-(d); Education Code 29.054*

Emergent Bilingual Students and State Assessments

In kindergarten-grade 12, an EB student shall participate in the state assessment in accordance with commissioner's rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

Program Exit

A district may transfer an EB student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

Post-Exit Monitoring and Reenrollment

The LPAC may reenroll the student in the program if later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

Program Evaluation

A district that is required to implement a bilingual education or ESL program shall conduct an annual evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall be presented to the board before November 1 of each year. The report shall be retained at the district level and must meet the requirements of 19 Administrative Code 89.1265(b)-(c).

A district shall report to parents their child's English proficiency development as a result of participation in the program offered to EB students.

In alignment with the district improvement plan, each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for EB students. [See BQB]

19 TAC 89.1265

Distance Learning and Correspondence Courses

Credit toward state graduation requirements may be granted for distance learning and correspondence courses only as follows:

1. The institution offering the correspondence course is The University of Texas at Austin, Texas Tech University, or another public institution of higher education approved by the commissioner of education.
2. Students may earn course credit through distance learning technologies such as satellite, internet, two-way videoconferencing, online courses, the Texas Virtual School Network (TXVSN), and instructional television.
3. The distance learning and correspondence courses must include the state-required essential knowledge and skills for such a course.

19 TAC 74.23

Texas Virtual School Network

The TXVSN is a state-led initiative for online learning authorized by Education Code Chapter 30A. The TXVSN is a partnership network administered by the Texas Education Agency (TEA) in coordination with regional education service centers (ESCs), Texas public school districts and charter schools, institutions of higher education, and other eligible entities.

The TXVSN is comprised of two components—the online school (OLS) program and the statewide course catalog.

19 TAC 70.1001(4)

Online School (OLS) Program

"Online School (OLS) program" is a full-time, virtual instructional program that is made available through an approved course provider and is designed to serve students in grades 3-12 who are not physically present at school. *19 TAC 70.1001(7)*

A TXVSN OLS may serve students in grades 3-12 but may not serve students in kindergarten-grade 2.

A school district that operates a TXVSN OLS that serves students in full-time virtual instruction shall, prior to the start of each academic year, notify TEA of grade levels to be served and the total number of students to be served during that academic year. A school district may not add grade levels after the start of the school year.

A TXVSN OLS or a school district wishing to add additional grade levels to its online program shall certify that the OLS has courses sufficient to comprise a full instructional program for each additional grade level to be served by the OLS prior to serving that grade level.

School districts approved to serve as TXVSN OLSs shall follow the TEA procedures related to obtaining a campus number for the virtual campus through which they serve their TXVSN OLS students.

School districts serving as TXVSN OLSs must follow all requirements in 19 Administrative Code 70.1011.

19 TAC 70.1011

Statewide Course Catalog

"Statewide course catalog" is a supplemental online instructional program available through approved providers. *19 TAC 70.1001(10)*

Course Providers

A TXVSN course provider is an entity that provides an electronic course through the TXVSN. Course providers include TXVSN OLSs and providers in the statewide course catalog. *19 TAC 70.1001(8)*

Electronic Course

"Electronic course" means an educational course in which:

1. Instruction and content are delivered primarily over the internet;
2. A student and teacher are in different locations for a majority of the student's instructional period;
3. Most instructional activities take place in an online environment;
4. The online instructional activities are integral to the academic program;
5. Extensive communication between a student and a teacher and among students is emphasized; and
6. A student is not required to be located on the physical premises of a school district or open-enrollment charter school.

An electronic course is the equivalent of what would typically be taught in one semester. For example: English IA is treated as a single electronic course and English IB is treated as a single electronic course.

Education Code 30A.001(4); 19 TAC 70.1001(1)

OLS Eligibility

To be eligible to serve as a TXVSN OLS, a school district shall:

1. Have a current accreditation status of Accredited under 19 Administrative Code 97.1055 (Accreditation Status);
2. Be rated acceptable under Education Code 39.054;

3. Be rated at the Standard Achievement level or higher under the state financial accountability rating system under 19 Administrative Code 109.1001 (Financial Accountability Ratings);

4. Have met statutory requirements for timely submission of annual audit and compliance reports, Public Education Information Management System (PEIMS) reports, and timely deposits with the Teacher Retirement System, with all records and reports reflecting satisfactory performance;

5. Be in good standing with other programs, grants, and projects administered through TEA; and

6. Have been approved to operate a TXVSN OLS as of January 1, 2013.

19 TAC 70.1009(a)

Statewide Course Catalog Provider Eligibility

To be eligible to serve as a course provider in the TXVSN statewide course catalog, a district must be rated acceptable under Education Code 39.054. A Texas school district may provide an electronic course through the TXVSN to a student enrolled in that district or school, a student enrolled in another school district or school in the state, or a student who resides in Texas who is enrolled in a school other than a public school district or charter school. *19 TAC 70.1007(a)*

General Requirements

TXVSN course providers shall:

1. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance in the course at least once every 12 weeks;

2. Provide the TXVSN receiver district in which each TXVSN student is enrolled with written notice of a student's performance at least once every three weeks if the student's performance in the course is consistently unsatisfactory, as determined by the TXVSN course provider;

3. Notify students in writing upon enrollment to participate in the TXVSN course with specific dates and details regarding enrollment;

4. Meet all federal and state requirements for educating students with disabilities;

5. Provide a contingency plan for the continuation of instructional services to all TXVSN students allowing them to complete their TXVSN courses in the event that the contract or agreement through which the electronic courses are provided

are terminated or the TXVSN courses become unavailable to students;

6. Ensure a maximum class size limit of 40 students in a single section of a course and ensure that the class size does not exceed the maximum allowed by law, as applicable, whichever is less; and

7. Meet all reporting requirements established by TXVSN central operations, including timely submission of student performance reports, course completion results, catalog data, data required to verify instructor qualifications, and all data necessary for the TXVSN Informed Choice Report required under 19 Administrative Code 70.1031 (Informed Choice Reports).

19 TAC 70.1007(c)

Receiver District Requirements

A district is eligible to serve as a receiver district in the TXVSN statewide course catalog. Each TXVSN receiver district shall:

1. Register as a receiver district with TXVSN central operations;

2. Assign a qualified staff member to serve as the TXVSN coordinator;

3. Enroll a student who resides in Texas and who is enrolled in a school other than a public school district or charter school upon request by the student and/or parent or guardian; and

4. In accordance with 19 Administrative Code 74.26 (Award of Credit), award credit to a student enrolled in the district who has successfully completed all state and local requirements and received a grade that is the equivalent of 70 on a scale of 100, based upon the essential knowledge and skills for a high school course offered through the TXVSN statewide course catalog.

19 TAC 70.1008

Courses

All electronic courses to be made available through the TXVSN shall be reviewed and approved prior to being offered in accordance with the course requirements at 19 Administrative Code 70.1005. *19 TAC 70.1005(a)*

An electronic course or program that was offered or could have been offered during the 2008-09 school year under former Education Code 29.909, as that section existed on January 1, 2009, may be offered during a subsequent school year through the TXVSN. *Education Code 30A.006*

Student Eligibility

Generally

A student is eligible to enroll in a TXVSN course only if the student:

1. On September 1 of the school year is younger than 21 years of age or is younger than 26 years of age and entitled to the benefits of the Foundation School Program under Education Code 48.003;
2. Has not graduated from high school; and
3. Is otherwise eligible to enroll in a public school in this state.

A student is eligible to enroll full-time in courses provided through the TXVSN only if the student:

1. Was enrolled in a public school in this state in the preceding school year;
2. Is a dependent of a member of the United States military who has been deployed or transferred to this state and was enrolled in a publicly funded school outside of this state in the preceding school year; or
3. Has been placed in substitute care in this state, regardless of whether the student was enrolled in a public school in this state in the preceding school year.

Exception for Military Dependents

A student is eligible to enroll in one or more TXVSN courses or enroll full-time in courses provided through the network if the student:

1. Is a dependent of a member of the United States military;
2. Was previously enrolled in high school in this state; and
3. No longer resides in this state as a result of a military deployment or transfer.

Provisional Enrollment

If a student has not provided required evidence of eligibility to enroll, a TXVSN OLS may enroll a student provisionally for 10 school days and withdraw the student from the OLS if the student does not provide the required evidence of eligibility within 10 school days of the provisional enrollment.

Upon enrolling a student provisionally, the TXVSN OLS shall notify the student and the student's parents or guardians that the student will be withdrawn if documentation is not provided within the required timeframe.

Education Code 30A.002; 19 TAC 70.1013

Enrolled Students

A student who is enrolled in the district as a full-time student may take one or more electronic courses through the TXVSN. *Education Code 30A.107(b)*

Unenrolled Students

A student who resides in this state but who is not enrolled in a school district or open-enrollment charter school in this state as a full-time student may, subject to Education Code 30A.155, enroll in electronic courses through the TXVSN. The student:

1. May not in any semester enroll in more than two electronic courses offered through the TXVSN;
2. Is not considered to be a public school student;
3. Must obtain access to a course provided through the network through the school district or open-enrollment charter school attendance zone in which the student resides;
4. Is not entitled to enroll in a course offered by a school district or open-enrollment charter school other than an electronic course provided through the network; and
5. Is not entitled to any right, privilege, activities, or services available to a student enrolled in a public school, other than the right to receive the appropriate unit of credit for completing an electronic course.

Education Code 30A.107(c)

Enrollment, Advancement, and Withdrawal

A student taking a course through the TXVSN statewide course catalog or a TXVSN OLS program is considered to:

1. Be enrolled in a TXVSN course when he or she begins receiving instruction and actively engages in instructional activities in a TXVSN subject area or course;
2. Have successfully completed a course if the student demonstrates academic proficiency and, for a high school course, earns credit for the course, as determined by the TXVSN teacher; and
3. Be, and must be reported as, withdrawn from the TXVSN when the student is no longer actively participating in the TXVSN course or program.

A student taking a course through the TXVSN statewide course catalog:

1. Shall enroll in each TXVSN course through the TXVSN online registration system;
2. Shall be assigned a grade by the TXVSN teacher after the drop period established by TXVSN central operations;
3. May withdraw from a course taken through the TXVSN after the instructional start date without academic or financial

penalty within the drop period established by TXVSN central operations; and

4. Shall have the grade assigned by the TXVSN teacher added to the student's record by the student's home district, and for a high school course, added to the student's transcript.

A student enrolled full time in a TXVSN online program in grades 3-8 must demonstrate academic proficiency sufficient to earn promotion to the next grade, as determined by the TXVSN teacher for the educational program.

19 TAC 70.1015

Compulsory Attendance

Texas public school students are not required to be in physical attendance while participating in courses through a TXVSN OLS or the TXVSN course catalog.

Based upon successful completion of a TXVSN course for students in grades 9-12 or a TXVSN OLS instructional program for students in grades 3-8, students are considered to have met attendance requirements for that course or program. A student who has successfully completed the grade level or course is eligible to receive any weighted funding for which the student is eligible.

For audit purposes, TXVSN course providers and TXVSN receiver districts shall maintain documentation to support the students' successful completion and to support verification of compulsory attendance.

"TXVSN receiver district" means a Texas public school district that has students enrolled in the school district who take one or more online courses through the TXVSN statewide course catalog.

19 TAC 70.1001(9), .1017

Local Policy

A district shall adopt a written policy that provides students enrolled in the district with the opportunity to enroll in electronic courses provided through the TXVSN statewide course catalog. The policy must be consistent with the requirements regarding notice, enrollment requests, and students with disabilities as described below.

A district shall, at least once per school year, send to a parent of each district student enrolled at the middle or high school level a copy of the policy. A district may send the policy with any other information that the district sends to a parent.

Education Code 30A.007; 19 TAC 70.1033

Notice

At the time and in the manner that a district informs students and parents about courses that are offered in the district's traditional

classroom setting, the district shall notify parents and students of the option to enroll in an electronic course offered through the TXVSN.

Requests to Enroll

Except as provided below, a district may not deny the request of a parent of a full-time student to enroll the student in an electronic course offered through the TXVSN.

A district may deny a request to enroll a student in an electronic course if:

1. A student attempts to enroll in a course load that is inconsistent with the student's high school graduation plan or requirements for college admission or earning an industry certification;
2. The student requests permission to enroll in an electronic course at a time that is not consistent with the enrollment period established by the district providing the course; or
3. The district offers a substantially similar course.

The course provider shall make all reasonable efforts to accommodate the enrollment of a student in the course under special circumstances.

If a parent of a student requests permission to enroll the student in a TXVSN course, a district has discretion to select a course provider approved by TEA for the course in which the student will enroll based on factors including the informed choice report required by Education Code 30A.108(b).

Appeals

A parent may appeal to the commissioner a district's decision to deny a request to enroll a student in an electronic course offered through the TXVSN. The commissioner's decision under this subsection is final and may not be appealed.

Education Code 26.0031; 19 TAC 70.1008, .1035

Students with Disabilities

For purposes of the policy, the determination of whether or not an electronic course will meet the needs of a student with a disability shall be made by the student's admission, review, and dismissal (ARD) committee in a manner consistent with state and federal law, including the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794. *Education Code 30A.007(b)*

Required Enrollment Prohibited

A school district or open-enrollment charter school may not require a student to enroll in an electronic course. *Education Code 30A.107(d)*

Inducements for Enrollment Prohibited	A course provider may not promise or provide equipment or any other thing of value to a student or a student's parent as an inducement for the student to enroll in an electronic course offered through the TXVSN. The commissioner shall revoke approval of electronic courses offered by a course provider that violates this prohibition. The commissioner's action under this section is final and may not be appealed. *Education Code 30A.1052*
Course Portability	A student who transfers from one educational setting to another after beginning enrollment in an electronic course is entitled to continue enrollment in the course. *Education Code 30A.1051; 19 TAC 70.1015(d)*
Student Assessment	All Texas public school students enrolled in the TXVSN are required to take the statewide assessments as required in Education Code 39.023 [see EKB]. The administration of the assessment instrument to the student enrolled in the electronic course must be supervised by a proctor. A district shall report to the commissioner through the Public Education Information Management System (PEIMS) the results of assessment instruments administered to students enrolled in an electronic course offered through the TXVSN separately from the results of assessment instruments administered to other students. All districts participating in the TXVSN OLS program are included in the state's academic accountability system. *Education Code 30A.110; 19 TAC 70.1023*
Funding	A district in which a student is enrolled is entitled to funding under Education Code Chapter 48 for the student's enrollment in a TXVSN course in the same manner that the district is entitled to funding for the student's enrollment in courses provided in a traditional classroom setting, provided that the student successfully completes the electronic course. Funding is limited to a student's enrollment in not more than three electronic courses during any school year, unless the student is enrolled in a full-time online program that was operating on January 1, 2013. *Education Code 30A.153* A district may decline to pay the cost for a student of more than three yearlong electronic courses, or the equivalent, during any school year unless the student is enrolled in a full-time online program that was operating on January 1, 2013. If the district declines to pay the cost, a student is able to enroll in additional electronic courses at the student's cost. *Education Code 26.0031(c-1)*

Course Cost

A district may charge the course cost for enrollment in a TXVSN course to a student who resides in this state and:

1. Is enrolled in the district as a full-time student with a course load greater than that normally taken by students in the equivalent grade level in other school districts; or
2. Elects to enroll in a TXVSN course for which the district in which the student is enrolled as a full-time student declines to pay the cost as authorized by Education Code 26.0031(c-1).

A district may charge the course cost for enrollment in a TXVSN course during the summer.

A district shall charge the course cost for enrollment in a TXVSN course to a student who resides in this state and is not enrolled in a school district or open-enrollment charter school as a full-time student.

A TXVSN course cost may not exceed the lesser of the cost of providing the course or $400.

A district may decline to pay the course costs for a student who chooses to enroll in more than three year-long electronic courses, or the equivalent, during any school year. This does not limit the ability of the student to enroll in additional electronic courses offered through the TXVSN at the student's expense.

A district that is not the course provider may charge a student enrolled in the district a nominal fee, not to exceed $50, if the student enrolls in a TXVSN course that exceeds the course load normally taken by students in the equivalent grade level.

A course provider in the TXVSN statewide course catalog shall receive:

1. No more than 70 percent of the catalog course cost prior to a student successfully completing the course; and
2. The remaining 30 percent of the catalog course cost when the student successfully completes the course.

Education Code 30A.155(a)-(c-1); 19 TAC 70.1025

Educators of Electronic Courses

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must be certified under Education Code Chapter 21, Subchapter B, to teach that course and grade level or meet the credentialing requirements of the institution of higher education with which they are affiliated and that is serving as a course provider.

In addition, each instructor must successfully complete one continuing professional development course specific to online learning every three years, and:

1. Successfully complete a professional development course or program approved by TXVSN central operations before teaching an electronic course offered through the TXVSN; or
2. Have a graduate degree in online or distance learning and have demonstrated mastery of the National Standards for Quality Online Teaching; or
3. Have two or more years of documented experience teaching online courses for students in grades 3-12 and have demonstrated mastery of the National Standards for Quality Online Teaching.

Each instructor of an electronic course, including a dual credit course, offered through the TXVSN by a course provider must meet highly qualified teacher requirements under the Elementary and Secondary Education Act, as applicable.

TXVSN course providers shall affirm the preparedness of teachers of TXVSN electronic courses to teach public school-age students in a highly interactive online classroom and shall:

1. Maintain records documenting:
    a. Valid Texas educator certification credentials appropriate for the instructor's TXVSN assignment;
    b. Successful initial completion of TXVSN-approved professional development, evidence of prior online teaching, or a graduate degree in online or distance learning; and
    c. Instructors' demonstrated mastery of the National Standards for Quality Online Teaching prior to teaching through the TXVSN;
2. Conduct and maintain records for background checks;
3. Maintain records of successful completion of continuing professional development;
4. Maintain records documenting successful completion of TXVSN-approved professional development before the end of the school year for any instructor who is hired after the school year has begun; and

5. Make the records specified in this subsection available to TEA and TXVSN central operations upon request.

19 TAC 70.1027

Revocation

The commissioner may revoke the right to participation in the TXVSN based on any of the following factors:

1. Noncompliance with relevant state or federal laws;
2. Noncompliance with requirements and assurances outlined in the contractual agreements with TXVSN central operations and/or these provisions and Education Code Chapter 30A; or
3. Consistently poor student performance rates as evidenced by results on statewide student assessments, student withdrawal rates, student completion rates, successful completion rates, or campus accountability ratings.

19 TAC 70.1029

Applicability

Unless a district chooses to participate in providing an electronic course or an electronic diagnostic assessment under Education Code Chapter 30A to a student who is located on the physical premises of a school district or open-enrollment charter school, Chapter 30A does not affect the provision of a course to such a student.

Requirements imposed by or under Education Code Chapter 30A do not apply to a virtual course provided by a district only to district students if the course is not provided as part of the TXVSN.

Education Code 30A.004

Certificate of Coursework Completion The District shall not issue a certificate of coursework completion to a student who fails to meet all state and local requirements for graduation. [See EIF, FMH]

Partial Credit When a student earns a passing grade in only half of a course and the average of both halves is lower than 70, the District shall award the student credit for the half with the passing grade.

Table of Contents

High School Diploma 2
FAFSA Required 2
Individual Graduation Committee 4
Special Education 6
Posthumous Diploma 6
Diplomas for Veterans 7
Texas First Early High School Completion Program 7
Notice Upon Enrollment 7
Personal Graduation Plan 8
Junior High or Middle School PGP 8
High School PGP 8
Early Graduation 9
State Graduation Requirements 10
Students Entering Grade 9 10
Students Who Entered Grade 9 Before the 2014-15 School Year 17
Transfers from Out-of-State or Nonpublic Schools 20
Graduation of Students Receiving Special Education Services 21
Modified Curriculum and Content 21
Employability and Self-Help Skills 21
Summary of Academic Achievement and Evaluation 21
Graduation of Military Dependents 23
Course Waiver 23
Transfers During Senior Year 23
Substitute Passing Standard 24
Graduation of Student Who Is Homeless or in Conservatorship of DFPS 24

High School Diploma

A student may graduate and receive a diploma only if the student:

1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or

2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]

Education Code 28.025(c)

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021-22 school year.

FAFSA Required

Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA), except as provided below.

A student is not required to comply with the above provision if:

1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;

2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or

3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the student has complied with this section and may not indicate the manner in which the student complied, except as necessary for the district to comply with the commissioner's rules.

A school counselor may not indicate that a student has not complied with this section if the district fails to provide the required form

to the student or the student's parent or other person standing in parental relation to the student.

Education Code 28.0256; 19 TAC 74.11(b)

Opt-Out Form

The board shall adopt the standard opt-out form provided by the Texas Education Agency (TEA).

The opt-out form shall be available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program in the district. A district is responsible for translations not provided by TEA.

The opt-out form must include the student's signature of intent to decline to complete a financial aid application prior to the student's anticipated graduation date.

19 TAC 74.1023(c)

Notification

A district shall provide students with the notifications regarding the financial aid application requirement, in accordance with 19 Administrative Code 74.1023(d).

Proof of Submission

A district shall require one of the following methods of proof that a student has completed and submitted the FAFSA or TASFA.

For completion and submission of the FAFSA:

1. ApplyTexas Counselor Suite FAFSA data;
2. Notification from the U.S. Department of Education that demonstrates a student has completed and submitted a FAFSA; or
3. A local policy developed by a district for the method by which a student must provide proof that the student has completed a FAFSA.

A district shall develop a local policy for the method by which a student must provide proof that the student has completed a TASFA.

19 TAC 74.1023(e)

Information Submission and Confidentiality

A district shall report through the Texas Student Data System Public Education Information Management System (TSDS PEIMS) not later than December 1 of each school year for students awarded diplomas in the previous school year the number of students who completed and submitted a financial aid application and the number of students who submitted an exception.

A district shall maintain student financial aid application information securely and ensure compliance with federal law regarding the

confidentiality of student educational information, including the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information [see FL].

19 TAC 74.1023(f)-(g)

Individual Graduation Committee

A student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
    a. The student's parent or person standing in parental relation to the student;
    b. A designated advocate if the parent is unable to serve; or
    c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)-(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

Alternate Members

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)-(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

Curriculum Requirements

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

Additional Requirements to Graduate

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

Emergent Bilingual Students

For provisions related to an IGC and emergent bilingual students, see EKBA.

Special Education

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma

Beginning with students who would have graduated at the end of the 2019-20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Penal Code Title 5 or 6 or adjudicated as having engaged in conduct constituting a felony offense under Penal Code Title 5 or 6.

Education Code 28.0254

Diplomas for Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

Texas First Early High School Completion Program

A district shall allow a student to graduate and receive a high school diploma under the Texas First Early High School Completion Program if, using the standards established by TEA and the Texas Higher Education Coordinating Board and eligible institutions of higher education, the student demonstrates mastery of and early readiness for college in each of the subject areas described by the standards and in a language other than English, notwithstanding any other local or state requirements.

A student who earns a high school diploma through the program is considered to have earned a distinguished level of achievement.

Notice Upon Enrollment

On a student's initial enrollment in high school in a grade level below grade 12 in a district, the district shall provide to the student and the student's parent or guardian information regarding the requirements to earn a high school diploma under the Texas First Early High School Completion Program and the Texas First Scholarship Program.

Education Code 28.0253(e)-(g); 19 TAC 21.52(a)

The notice must include information about the requirement that a student must provide an official copy of their assessment results

and transcripts, as applicable, to receive credit for the assessments and credits required to receive early graduation from the program. *19 TAC 21.54*

Personal Graduation Plan

Junior High or Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];
4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

Students Receiving Special Education Services

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The

PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)*
[See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007-08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014-15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, in grade 8 or higher, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (d)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts — 4 credits;
2. Mathematics — 3 credits;
3. Science — 3 credits;
4. Social Studies — 3 credits;
5. Languages other than English — 2 credits;
6. Physical Education — 1 credit;
7. Fine Arts — 1 credit; and
8. Elective courses — 5 credits.

19 TAC 74.12(a)-(b)

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and
3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110-117, 127, and 130 are followed.

19 TAC 74.13(a)-(d); Education Code 28.025

For more information on endorsements, including the requirements for specific endorsements, see 19 Administrative Code 74.13(e)-(g).

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(e)

Distinguished Level of Achievement

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(f)*

Algebra II Notification

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or

3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(j)-(k)

Dual Credit Courses

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(i)*

Core Curriculum College Courses

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and

3. Is entitled to receive a high school diploma.

19 TAC 74.11(o)

Languages Other Than English

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

Physical Education

The required credit may be selected from one full credit or a combination of two half credits from two different courses from the following courses:

1. Lifetime Fitness and Wellness Pursuits;
2. Lifetime Recreation and Outdoor Pursuits; and
3. Skill-Based Lifetime Activities.

Other Physical Education Activities

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that meets the requirement for 100 minutes of moderate to vigorous physical activity per five-day school week and that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. Junior Reserve Officer Training Corps (JROTC); and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the required physical education courses may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Credit may not be earned more than once for the Lifetime Fitness and Wellness Pursuits course or the Skill-Based Lifetime Activities course. Credit may not be earned more than twice for the Lifetime Recreation and Outdoor Pursuits course.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies, or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

19 TAC 74.12(b)(6); Education Code 28.025(b-10)-(b-11)

Community-Based Fine Arts Programs

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

Performance Acknowledgments

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
    a. In a dual credit course;
    b. In bilingualism and biliteracy;
    c. On a College Board advanced placement test or international baccalaureate examination;

d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014-15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014-15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the 10th grade one or more times as determined by the school district.

Students with Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009-10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

Requirements

A student must earn at least 22 credits to complete the Minimum High School Program.

A student who entered grade 9 in the 2012-13 or 2013-14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.

A student who enters grade 9 before the 2012-13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D-F.

Education Code 28.025; 19 TAC 74.62, .72

Recommended High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*

Advanced / Distinguished Achievement High School Program

A student who entered grade 9 in the 2012-13 or 2013-14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*

Substitutions

No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*

AP or IB Courses

College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*

Reading

A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:

1. Adopts policies to identify students in need of additional reading instruction;
2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and
3. Monitors instructional activities to ensure that student needs are addressed.

Reading credits may be selected from Reading I, II, or III.

19 TAC 74.61(h), .71(f)

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007-08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)-(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enrollment may be satisfied through credit by examination, correspon-

dence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(g)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified Curriculum and Content

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110-117, 126-128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(i)*

Summary of Academic Achievement and Evaluation

A summary of academic achievement and functional performance must be provided prior to exit from public school for students who meet one of the following conditions:

1. A student who has met requirements for graduation specified in 19 Administrative Code 89.1070(b)(1) or who has exceeded the maximum age eligibility as described by 19 Administrative Code 89.1035; or

2. A student who has met requirements for graduation specified in 19 Administrative Code 89.1070(b)(2) or (b)(3)(A), (B), or (C). A student meeting this condition is entitled to an evaluation as described by 34 C.F.R. 300.305(e)(1).

The summary of performance must include recommendations on how to assist the student in meeting the student's postsecondary goals, as required by 34 C.F.R. 300.305(e)(3). This summary must also consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. Students who meet graduation requirements under 19 Administrative Code 89.1070(b)(2) or (b)(3)(A), (B),or (C) and who will continue enrollment in public school to receive special education services aligned to their transition plan will be provided the summary of performance upon exit from the public school system. These students are entitled to participate in commencement ceremonies and receive a certificate of attendance after completing four years of high school.

19 TAC 89.1070 (f)-(h)

Graduation Criteria

A student who receives special education services may graduate and be awarded a diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130; satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education; and demonstrated satisfactory performance as established in Education Code Chapters 28 and 39, on the required EOC assessment instruments, which could include meeting the requirements of 19 Administrative Code 89.1070(d).

2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130; the student has satisfactorily completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education; and the student's ARD committee has determined that satisfactory performance, beyond what would otherwise by required in 19 Administrative Code 89.1070(b)(1) and (d), on the required EOC assessment instruments is not required for graduation.

3. The student has satisfactorily completed credit requirements for graduation under the foundation high school program, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education; demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110-117, 126-128, and 130 in accordance with modified content and curriculum expectations established in the student's IEP; and demonstrated satisfactory performance on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not required for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

    a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district;

    b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help

skills that do not require direct ongoing educational support of the local school district; or

c. The student has access to services or other supports that are not within the legal responsibility of public education, including employment or postsecondary education established through transition planning.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:

   a. The curriculum requirements identified by the SBOE for the foundation high school program; and

   b. The additional endorsement curriculum requirements prescribed by the SBOE; and

2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:

   a. Without modification of the curriculum; or

   b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)-(c-8), 19 TAC 89.1070(c)

Graduation of Military Dependents

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During Senior Year	Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.
Substitute Passing Standard	The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the 10th-grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard. *Education Code 162.002 art. VII, A, C* [See FDD]
Graduation of Student Who Is Homeless or in Conservatorship of DFPS	If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

Agreement Between Districts

The boards of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties may, by agreement and in accordance with Education Code 25.032-.034, arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. In the case of the transfer and assignment of a student under this provision, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance. *Education Code 25.035*

Initiated by Student or Parent

Any student, other than a high school graduate, who is under 21 years of age and eligible for enrollment on September 1, may transfer to another Texas district, provided that both the receiving district and the applicant's parent, guardian, or person having lawful control agree in writing to the transfer.

Discipline and Threat Assessment Records

In the case of a transfer under this provision, a child's district of residence shall provide the receiving district with the child's disciplinary record and any threat assessment involving the child's behavior conducted under Education Code 37.115 [see FFB].

Effective August 1, 2025, a district shall utilize Sentinel to securely transfer any threat assessment conducted on a student to a receiving district when a student transfers to a new district [see CKA]. All threat assessments for a student are subject to the transfer requirement. Any threat assessments conducted prior to August 1, 2025, that are associated with a student transfer shall be uploaded into Sentinel in a manner determined by the Texas Education Agency (TEA).

Education Code 25.036; 19 TAC 103.1213(e)(1)(B) [See FD for placement of transfer students.]

Transfer to a District Offering In-Person Instruction

If a district provides notice to the parent or person standing in parental relation to a student enrolled in the district of the district's intent to offer only virtual instruction for more than one grading period during a school year, the student may transfer for that school year to another district that offers in-person instruction during that school year and accepts the student's transfer.

"Virtual instruction" means instructional activities delivered to students primarily over the internet.

A student who transfers to another school district under this section may not be charged tuition. The student is included in the average daily attendance of the district in which the student attends school.

Education Code 25.045

Basis for Transfer A board or its designee must make transfer decisions on an individual basis and may not consider as a factor in arriving at any decision regarding assignments any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032* [See FDAA]

Transportation A board may establish and operate an economical public school transportation system outside the district if students enrolled in the district reside outside the district and the district meets the requirements of Education Code 34.007(a)(3) [see CNA]. *Education Code 34.007(a)*

Funding for Transfers Upon the filing and certification of any transfer, the state per capita apportionment shall transfer with the student. For purposes of computing state allotments to districts eligible under the Foundation School Program, the student's attendance prior to the date of transfer shall be counted by the sending district and the student's attendance after transfer shall be counted by the receiving district. *Education Code 25.037*

Credits and Records Credits earned in local credit courses may be transferred at the enrolling district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

Nonpublic Schools Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

Tuition Fee for Transfer Students A receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance exceeds the sum of state available school fund apportionment benefits transferred under Education Code 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year. *Education Code 25.038*

Transfer by Servicemember Request On request of a servicemember who is a parent of or person standing in parental relation to a student, the board or the board's designee shall transfer the student to another district campus or to another school district under an agreement under Education Code 25.035 [see Agreement Between Districts, above].

"Servicemember" means an active duty member of the armed forces of the United States, a reserve component of the armed forces of the United States, or the Texas National Guard.

A transfer under this provision must be to the campus or district, as applicable, selected by the servicemember making the request.

A district is not required to provide transportation to a student who transfers to another campus or district under this provision.

Education Code 25.0344

Transfer by Peace Officer Request

On request of a peace officer who is a parent of or person standing in parental relation to a student, the board or the board's designee shall transfer the student to another district campus or to another district under an agreement under Education Code 25.035.

"Peace officer" has the meaning assigned by Occupations Code 1701.001.

A transfer under this provision must be to the campus or school district, as applicable, selected by the peace officer making the request.

A district is not required to provide transportation to a student who transfers to another campus or district under this provision.

Education Code 25.0344

Transfers to Adjoining States

Note: The following provision applies to a district located on the border of an adjoining state.

Any student who would be entitled to attend the public school of any district situated on the border of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states, may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district. *Education Code 25.040*

Contracts for Education Outside Districts

Note: The following section applies only to districts that do not offer all grades, kindergarten-grade 12.

A district that does not offer each grade, kindergarten-grade 12, may provide by contract for students residing in the district who are at grade levels not offered by the district to be educated at those

grade levels in one or more other districts. In each contract, the districts also shall agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

Tuition

The district in which the students reside shall pay tuition to any district with which it has a contract under this section for each of its students attending school in that district at a grade level for which the district has contracted. The amount of the tuition paid may not exceed the greater of the amount provided for by Education Code 25.038 [see above], or an amount specified by commissioner rule [see below].

A district is not required to pay tuition to any district with which it has not contracted for the attendance by any of its students at a grade level for which it has contracted under this provision with another district.

A contract under this provision may not be for a period exceeding five years.

Education Code 25.039

Definitions

"Home district" means a district of residence of a transferring student.

"Receiving district" means a district to which a student is transferring for the purpose of obtaining an education.

"Tuition" means an amount charged to the home district by the receiving district to educate the transfer student.

Tuition Allotment of the Home District

For the purposes of calculating the tuition allotment of the home district as authorized by Education Code 48.154, the amount of tuition that may be attributed to a home district for a transfer student in payment for that student's education may not exceed an amount per enrollee calculated for each receiving district. The calculated limit applies only to tuition paid to a receiving district for the education of a student at a grade level not offered in the home district. Tuition may be set at a rate higher than the calculated limit if both districts enter a written agreement, but the calculated tuition limit will be used in the calculation of the tuition allotment for the home district. The calculation will use the most currently available data in an ongoing school year to determine the limit that applies to the subsequent school year. For purposes of this provision, the number of students enrolled in a district will be appropriately adjusted to account for students ineligible for the Foundation School Program funding and those eligible for half-day attendance.

Calculated Tuition Limit

The calculated tuition limit is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt

revenue per enrollee, as calculated in 19 Administrative Code 61.1012(b)(2)-(3).

Notification and Appeal Process

In the spring of each school year, the commissioner will provide each district with its calculated tuition limit and a worksheet with a description of the derivation process. A district may appeal to the commissioner if it can provide evidence that the use of projected student counts from the LPE in making the calculation is so inaccurate as to result in an inappropriately low authorized tuition charge and undue financial hardship. A district that used significant nontax sources to make any of its debt service payments during the base year for the computation may appeal to the commissioner to use projections of its tax collections for the year for which the tuition limit will apply. The commissioner's decision regarding an appeal is final.

19 TAC 61.1012

Safe Schools Data

The Superintendent shall ensure that the District complies with Texas Education Agency (TEA) guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD]; and
2. Any student who becomes a victim of one of the following violent criminal offenses while on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property:
    a. Attempted murder;
    b. Indecency with a child;
    c. Aggravated kidnapping;
    d. Aggravated assault on someone other than a District employee or volunteer;
    e. Sexual assault or aggravated sexual assault against someone other than a District employee or volunteer;
    f. Aggravated robbery;
    g. Continuous sexual abuse of a young child or disabled individual; or
    h. Bullying.

School Safety Transfers

The parent of a student who becomes a victim of a violent criminal offense as described in the state guidance for unsafe school choice options or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

From a Persistently Dangerous School

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent an application for transfer. The Superintendent shall complete the transfer prior to the beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

For a Victim of a Violent Criminal Offense

Within 14 calendar days after a violent criminal offense described above occurs in or on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent an application for transfer. The Superintendent shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

Additional Transfer Options

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus.

[For other transfer provisions, see also FDA and FDB.]

Table of Contents

Consent to Medical Treatment 3
Form of Consent 3
Minor's Consent to Treatment 3
Telehealth in Medicaid Covered Services 4
Administering Medication 4
By Volunteer Professionals 4
Immunity from Civil Liability 4
Self-Administration of Asthma or Anaphylaxis Medicine 5
No Waiver of Immunity 5
Sunscreen Products 6
Dietary Supplements 6
Prescription Medication and Special Education Students 6
Low-THC Cannabis 6
Dextromethorphan (Certain Cold Medication) 7
Maintenance and Administration of Opioid Antagonists 7
Definitions 7
Maintenance 8
Prescription 8
Standing Order 8
Storage of Medication 8
Disposal 8
Reporting Requirement 8
Records Retention 9
Training 9
Gifts, Grants, and Donations 10
Immunity 10
Maintenance and Administration of Epinephrine Auto-Injectors 10
Definitions 11
Prompt Notification 11
Records 12
Reports 12
Assignment of Trained Individuals 13
Signed Statement 13

Training 13
Standing Orders 14
Epinephrine Coordinator 14
Notice to Parents 15
Storage 15
Replacement 15
Disposal 15
Gifts, Grants, and Donations 15
Maintenance and Administration of Medication for Respiratory Distress 16
Definitions 16
Each Campus During Regular School Hours 17
Medication Inventory 17
Designated Campus Administrator 18
Notification Procedures 18
Referral Required 18
Storage 19
Disposal 19
Records Retention 19
Training 19
Reporting Requirement 20
No Negative Fiscal Impact 21
Standing Order 21
Notice to Parents 21
Refusal to Administer 21
Immunity from Liability 21

Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Telehealth in Medicaid Covered Services

Telemedicine medical services and telehealth services authorized as Texas Medicaid covered services must meet the conditions specified in 1 Administrative Code 354.1432(5). *1 TAC 354.1432(5)*

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a)-(b)

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
    a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
    b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
        (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
        (2) The name and purpose of the medicine;
        (3) The prescribed dosage for the medicine;
        (4) The times at which or circumstances under which the medicine may be administered; and
        (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Maintenance and Administration of Opioid Antagonists

Each district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

The policy adopted must:

1. Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;
2. Require that each school campus subject to a policy adopted under this provision have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;
3. Establish the number of opioid antagonists that must be available at each campus at any given time; and
4. Require that the supply of opioid antagonists at each school campus subject to a policy adopted under this provision must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

Education Code 38.222(a), (c); 25 TAC 40.84(b)-(c); 19 TAC 103.1103

Definitions

“Authorized health-care provider” means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

“Campus” means a unit of a district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

“Opioid antagonist” as defined in Health and Safety Code 483.101, means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

	"Opioid-related drug overdose" as defined in Health and Safety Code 483.101, means a condition, evidenced by symptoms of extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid. *25 TAC 40.82(2)-(3), (5)-(6)*
Maintenance	Once a district adopts an opioid antagonist medication policy, a campus implementing an opioid policy must stock opioid antagonist medication.
Prescription	A campus must obtain a prescription from a physician or a person who has been delegated prescriptive authority to stock, possess, and maintain the established number of doses of opioid antagonists as determined by a district, on each campus as described in Education Code 38.225 (Prescription of Opioid Antagonists). The campus must renew this prescription or obtain a new prescription annually. The number of additional doses may be determined by an individual campus review led by a physician or a person who has been delegated prescriptive authority. *25 TAC 40.85(a)-(b)*
Standing Order	A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe opioid antagonists in the name of a school district. *Education Code 38.225(a); 25 TAC 40.85(c)*
Storage of Medication	The unassigned opioid antagonist medication must be stored in a secure location and be easily accessible, in accordance with the manufacturer's guidelines and local policy of the district.
Disposal	Used, unassigned opioid antagonists are considered infectious waste and must be disposed of according to the school's bloodborne pathogen control policy. Expired, unassigned opioid antagonists must be disposed of in accordance with the Federal Drug Administration's disposal of unused medications guidelines and local policy of the district. *25 TAC 40.85(d)-(f)*
Reporting Requirement	The campus must submit the report no later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with the unassigned opioid antagonist medication policy.

The report shall be submitted to the following individuals and entities:

1. The district;
2. The physician or other person who prescribed the opioid antagonist; and
3. The commissioner of DSHS.

Notifications to the commissioner of DSHS must be submitted on the designated electronic form available on DSHS School Health Program website found at dshs.texas.gov.

25 TAC 40.87(b)-(c)

The school shall report the following information:

1. The age of the person who received the administration of the opioid antagonist;
2. Whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the opioid antagonist was administered;
4. The number of doses of opioid antagonist administered;
5. The title of the person who administered the opioid antagonist; and
6. Any other information required by the commissioner of education.

Education Code 38.223(b)

Records Retention

Records relating to implementing and administering the district unassigned opioid antagonist medication policy must be retained per the campus record retention schedule. *25 TAC 40.87(a)*

Training

A district that adopts an opioid antagonist policy is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. *Education Code 38.224(a)*

Training must include information on:

1. Recognizing the signs and symptoms of an opioid-related drug overdose;
2. Responding to an opioid-related drug overdose and administering an opioid antagonist;

3. Implementing emergency procedures, after administering an opioid antagonist;

4. Understanding the medical purpose and misuse of opioids; and

5. Properly disposing of used or expired opioid antagonists.

Training must:

1. Be provided annually in a formal training session or through online education, including practicing the administration of an opioid antagonist with an opioid antagonist trainer device; and

2. Be provided in accordance with the policy adopted under Education Code 21.4515.

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers who are trained and authorized to administer the unassigned opioid antagonist medication on the campus.

25 TAC 40.86(b)-(c)

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement these provisions. *Education Code 38.226*

Immunity

A person who in good faith takes, or fails to take, any action under Education Code Chapter 38, Subchapter E-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.227. *Education Code 38.227*

Maintenance and Administration of Epinephrine Auto-Injectors

Note: The following provisions apply only to a district that adopts an unassigned epinephrine auto-injector policy.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be ex-

periencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open. The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

A district that chooses to adopt and implement a written unassigned epinephrine auto-injector policy under Education Code Chapter 38, Subchapter E is not required to create an additional policy for care of certain students at risk for anaphylaxis under Education Code 38.0151 [see FFAF]. *25 TAC 40.62(c)*

A district may develop, as part of the policy, provisions for additional doses to be stocked and utilized at off-campus school events, or in transit to or from school events. *25 TAC 40.65(a)(2)*

Definitions

All Hours the Campus Is Open

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Auto-Injector

An “unassigned epinephrine auto-injector” is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 40.63(1), (4), (11)

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individ-

ual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 40.65(e)-(f)

Records

School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request.

Records relating to implementation and administration of the school's unassigned epinephrine auto-injector policy shall be retained per the record retention schedule for records of public school districts found in 13 Administrative Code 7.125 [see CPC].

25 TAC 40.65(f)-(g)

Reports

Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 40.68(b)*

Assignment of Trained Individuals

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 40.66(a)-(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 40.66(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the administration of an unassigned epinephrine auto-injector.

Training must include information on:

1. Recognizing the signs and symptoms of anaphylaxis;
2. Administering an epinephrine auto-injector;
3. Implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
4. Properly disposing of used or expired epinephrine auto-injectors.

Training must be provided in accordance with the district professional development policy [see DMA].

Education Code 38.210(a), (b)

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training.

Training:

1. Shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention;
2. May be provided in a formal face-to-face training session or through an online education course;
3. Must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration; and
4. Must include information about promptly notifying local emergency medical services.

25 TAC 40.67(1)-(2), (5)

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 40.67(3)-(4), (6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211(a)*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 40.65(a)-(a)(1)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school per-

	sonnel must coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *25 TAC 40.65(b)*
Notice to Parents	If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212* A district shall provide electronic or written notice to the parent or guardian of each student. If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days. *25 TAC 40.69*
Storage	Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 40.65(h)*
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 40.65(i)*
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy. *25 TAC 40.65(j)-(k)* [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

Maintenance and Administration of Medication for Respiratory Distress

Note: The following provisions apply only to a district that adopts a policy on medication for respiratory distress.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of unassigned medication for respiratory distress at each campus in the district. *Education Code 38.208(a-1); 25 TAC 40.44(a)*

If a policy is adopted, the policy must provide that school personnel and school volunteers who are authorized and trained may administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus, or at a school-sponsored or school-related activity on or off school property. *Education Code 38.208(b-1); 25 TAC 40.44(a)(1)(C)*

In developing the policy, a district may consider performing a review to include:

1. Consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being;
2. Campus geography; and
3. Student population size.

19 TAC 40.44(b)

An adopted unassigned medication for respiratory distress policy must be publicly available. *25 TAC 40.44(d)*

Definitions

“School personnel” means an employee of a district. The term includes a member of the board.

“School volunteer” means a person providing services for or on behalf of a district, on the premises of the district or at a school-sponsored or school-related activity on or off school property, who does not receive compensation in excess of reimbursement for expenses.

“Unassigned medication for respiratory distress” means albuterol, levalbuterol, or another medication based on the best available medical evidence for the treatment of respiratory distress that is:

1. Delivered by metered-dose inhaler (MDI) with a spacer (valved holding chamber) or by a nebulizer as a rescue medication;
2. Prescribed by an authorized health-care provider in the name of the district;

3. Issued with a non-patient-specific standing delegation order for the administration of a medication for respiratory distress; and

4. Issued by an authorized health-care provider.

Education Code 38.201(3-a), (6), 22.053(b); 25 TAC 40.42(8), (10), (12)

Each Campus During Regular School Hours

Each district that adopts a policy must require that each campus have one or more school personnel or school volunteers authorized and trained to administer unassigned medication for respiratory distress present during regular school hours, which means at least 30 minutes before the first bell to 30 minutes after the last bell of the school day. *Education Code 38.208(d-1); 25 TAC 40.42(5), 40.44(a)(1)(C)*

A “campus” is defined as a geographic unit of a district that:

1. Has an assigned administrator;

2. Has enrolled students who are counted for average daily attendance;

3. Has assigned instructional staff;

4. Provides instructional services to students;

5. Has one or more grades in the range from early childhood education through grade 12 or is ungraded; and

6. Is subject to Texas laws.

25 TAC 40.42(2)

Medication Inventory

Subject to the availability of funding, a district that adopts a policy must allow for treatment of multiple students and secure or obtain at least:

1. One MDI with appropriate spacers (valved holding chambers) to accommodate the developmental needs of the student population; or

2. At least five vials of nebulizer solution with appropriate nebulizer-required equipment to accommodate the developmental needs of the student population.

25 TAC 40.44(a)(2)

In addition to the minimum number of doses described above, the number of additional doses may be determined by an individual campus review led by an authorized health-care provider. *25 TAC 40.45(b)(2)*

Designated Campus Administrator

A district that adopts a policy must include in the policy the designated campus administrator to coordinate and manage policy implementation for each campus, which includes:

1. Conducting a review at the campus to determine the need for additional doses;
2. Training school personnel and school volunteers;
3. Acquiring or purchasing, maintaining, storing, and using unassigned medication for respiratory distress, subject to available campus funding; and
4. Disposing of expired unassigned medication for respiratory distress.

25 TAC 40.44(c)(1)

Notification Procedures

Each district that adopts a policy must include in the policy the procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned medication for respiratory distress is administered. *25 TAC 40.44(c)(4)*

Referral Required

If unassigned medication for respiratory distress is administered to a student whose parent or guardian has not provided notification to the school that the student has been diagnosed with asthma, the school must refer the student to the student's primary care provider on the day the medication for respiratory distress is administered and inform the student's parent or guardian regarding the referral. The referral must include:

1. The symptoms of respiratory distress observed;
2. The name and dosage of the unassigned medication for respiratory distress administered to the student;
3. Any patient care instructions given to the student; and
4. Information about the purpose and use of an asthma action plan and medical authorization for schools, including a blank copy of the plan and authorization the provider completes and returns to the school.

If a student who has received medication for respiratory distress does not have a primary care provider or the parent or guardian of the student has not engaged a primary care provider for the student, the student's parent or guardian must receive information to assist the parent or guardian in selecting a primary care provider for the student.

Education Code 38.208(b-2)-(b-3); 25 TAC 40.44(c)(6)-(7)

Storage

The supply of medication for respiratory distress at each campus must be stored in accordance with the manufacturer's guidelines and local policy of the district in a secure location and be easily accessible to authorized school personnel and school volunteers. *Education Code 38.208(e-1); 25 TAC 40.45(d)*

The location of the unassigned medication for respiratory distress must be specified in the policy. *25 TAC 40.44(c)(3)*

Disposal

The policy must include a plan to check inventory of unassigned medication for respiratory distress for expiration at least twice during the school year, to replace, as soon as reasonably possible, and to document the findings. *25 TAC 40.44(c)(5)*

Expired unassigned medication for respiratory distress and other used or expired supplies must be disposed of in accordance with the manufacturer's guidelines and local policy of the district. *25 TAC 40.45(e)*

Records Retention

Records relating to implementing and administering the district's unassigned medication for respiratory distress policy must be retained per the campus record retention schedule. *25 TAC 40.47(a)*

Training

Each district that adopts a policy for the administration of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. Each authorized school personnel or school volunteer must receive initial training and an annual refresher training. The training must:

1. Include information on recognizing the signs and symptoms of respiratory distress;
2. Include information on administering medication for respiratory distress;
3. Include information on implementing emergency procedures, if necessary, after administering medication for respiratory distress;
4. Include information on proper sanitization, reuse, and disposal of medication for respiratory distress;
5. Cover the authorized health-care provider's standing order;
6. Include processes to follow-up with the prescribing authorized health-care provider and the student's primary health-care provider;
7. Provide information on the report required after administering unassigned medication [see below];

8. Include information on the district's adopted unassigned medication for respiratory distress policy;

9. Incorporate hands-on training with unassigned medication for respiratory distress; and

10. Inform school personnel or school volunteers of the purpose and use of asthma action plans.

Education Code 38.210(a-1); 25 TAC 40.46(a)

Training must be provided in a formal training session or through online education and must be provided in accordance with the district professional development policy [see DMA]. *Education Code 38.210(b)*

The policy must include a list of trained and authorized school personnel and school volunteers available to administer unassigned medication for respiratory distress. *25 TAC 40.44(c)(2)*

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers trained and authorized to administer unassigned medication for respiratory distress at the campus or at a school-sponsored event. *25 TAC 40.46(b)*

Reporting Requirement

Not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress, the school shall report the following information to the district, the physician or other person who prescribed the medication for respiratory distress, and the commissioner of state health services:

1. The age of the person who received the administration of the medication for respiratory distress;

2. Whether the person who received the administration of the medication for respiratory distress was a student, a school personnel member or school volunteer, or a visitor;

3. The dosage of the medication for respiratory distress administered;

4. The title of the person who administered the medication for respiratory distress; and

5. Any other information required by the commissioner.

Notifications to the commissioner of state health services must be submitted on the designated electronic form available on the DSHS School Health Program website found at dshs.texas.gov.

Education Code 38.2091; 25 TAC 40.47

No Negative Fiscal Impact

The policy may not require a district to purchase prescription medication for respiratory distress or require any other expenditure related to the maintenance or administration of medication for respiratory distress that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe medication for respiratory distress in the name of a school district. *Education Code 38.211(a)*

Each district campus in a district that adopts a policy for the administration of medication for respiratory distress must obtain a prescription from an authorized health-care provider to stock, possess, and maintain unassigned medication for respiratory distress at each campus and any equipment necessary to administer the medication. The campus must renew this prescription or obtain a new prescription annually. *25 TAC 40.45(b)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of medication for respiratory distress, the district shall provide written or electronic notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212; 25 TAC 40.48(a)*

If a district changes or discontinues the unassigned medication for respiratory distress policy, the campus must provide written or electronic notice detailing the change or discontinuation of the policy to a parent or guardian of each student within 15 calendar days after the change or discontinuation. *25 TAC 40.48(b)*

Refusal to Administer

A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine auto-injectors or medication for respiratory distress, as applicable, in accordance with a policy for the maintenance and administration of epinephrine autoinjectors or a policy for medication for respiratory distress. *Education Code 38.208(d-2)*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and medi-

cation for respiratory distress, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.215 and 25 Administrative Code 40.49. *Education Code 38.215; 25 TAC 40.71*

Threat Assessment

Definitions

"Harmful, threatening, or violent behavior" includes behaviors, such as verbal threats, threats of self harm, bullying, cyberbullying, fighting, the use or possession of a weapon, sexual assault, sexual harassment, dating violence, stalking, or assault, by a student that could result in:

1. Specific interventions, including mental health or behavioral supports;
2. In-school suspension;
3. Out-of-school suspension; or
4. The student's expulsion or removal to a disciplinary alternative education program (DAEP) or a juvenile justice alternative education program (JJAEP).

"Team" means a threat assessment and safe and supportive school team established by the board under Education Code 37.115.

Education Code 37.115(a)

Threat Assessment and Safe and Supportive Schools Team

The board shall establish a threat assessment and safe and supportive school team to serve at each campus of the district and shall adopt policies and procedures for the teams.

The team is responsible for developing and implementing the safe and supportive school program in compliance with Texas Education Agency (TEA) rules at the district campus served by the team.

The policies and procedures adopted under Education Code 37.115 must:

1. Be consistent with the model policies and procedures developed by the Texas School Safety Center (TxSSC) [see Education Code 37.220];
2. Require each team to complete training provided by the TxSSC or a regional education service center (ESC) regarding evidence-based threat assessment programs;
3. Require each team established under this section to report the required information regarding the team's activities to TEA [see Reporting to TEA, below];
4. Require each district campus to establish a clear procedure for a student to report concerning behavior exhibited by another student for assessment by the team or other appropriate school employee; and

5. Provide for:

    a. A district employee who reports a potential threat to a team to elect for the employee's identity to be confidential and not subject to disclosure Government Code Chapter 552 (Public Information Act), except as necessary for the team, the district, or law enforcement to investigate the potential threat; and

    b. The district to maintain a record of the identity of a district employee who elects for the employee's identity to be confidential.

Membership

The superintendent shall ensure, to the greatest extent practicable, that the members appointed to each team have expertise in counseling, behavior management, mental health and substance use, classroom instruction, special education, school administration, school safety and security, emergency management, and law enforcement. A team may serve more than one campus of a district, provided that each district campus is assigned a team.

Oversight Committee

The superintendent may establish a committee, or assign to an existing committee established by the district, the duty to oversee the operations of teams established for the district. A committee with oversight responsibility must include members with expertise in human resources, education, special education, counseling, behavior management, school administration, mental health and substance use, school safety and security, emergency management, and law enforcement.

Team Duties

Each team shall:

1. Conduct a threat assessment that includes assessing and reporting individuals who make threats of violence or exhibit harmful, threatening, or violent behavior in accordance with district policies and procedures; and gathering and analyzing data to determine the level of risk and appropriate intervention, including:

    a. Referring a student for mental health assessment; and

    b. Implementing an escalation procedure, if appropriate, based on the team's assessment, in accordance with district policy;

2. Provide guidance to students and school employees on recognizing harmful, threatening, or violent behavior that may pose a threat to the community, school, or individual; and

3. Support the district in implementing the district's multihazard emergency operations plan [see CKC].

Use of Sentinel Assessment Instrument, Manual, and Field Guide

Effective August 1, 2025, when conducting a threat assessment, members of a threat assessment team shall utilize the threat assessment instrument, manual, and field guide in Sentinel [see CKA], which are consistent with the model policies published by the TxSSC. *19 TAC 103.1213(e)(1)(A)*

Parental Participation

Before a team may conduct a threat assessment of a student, the team must notify the parent of or person standing in parental relation to the student regarding the assessment. In conducting the assessment, the team shall provide an opportunity for the parent or person to participate in the assessment, either in person or remotely, and to submit to the team information regarding the student.

After completing a threat assessment of a student, the team shall provide to the parent of or person standing in parental relation to the student the team's findings and conclusions regarding the student.

Consent for Mental Health-Care Service

A team may not provide a mental health-care service to a student who is under 18 years of age unless the team obtains written consent from the parent of or the person standing in parental relation to the student before providing the mental health-care service. The consent must be submitted on a form developed by the district that complies with all applicable state and federal law. The student's parent or person standing in parental relation to the student may give consent for a student to receive ongoing services or may limit consent to one or more services provided on a single occasion.

Education Code 37.115(c)-(g)

Determination of Risk

On determination that a student or other individual poses a serious risk of violence to self or others, a team shall immediately report the team's determination to the superintendent. If the individual is a student, the superintendent shall immediately attempt to inform the parent or person standing in parental relation to the student. These requirements do not prevent an employee of the school from acting immediately to prevent an imminent threat or respond to an emergency.

A team identifying a student at risk of suicide shall act in accordance with the district's suicide prevention program. If the student at risk of suicide also makes a threat of violence to others, the team shall conduct a threat assessment in addition to actions taken in accordance with the district's suicide prevention program.

A team identifying a student using or possessing tobacco, drugs, or alcohol shall act in accordance with district policies and procedures related to substance use prevention and intervention.

Education Code 37.115(h)-(j)

Recordkeeping

Materials and information provided to or produced by a team during a threat assessment of a student under this provision must be maintained in the student's school record until the student's 24th birthday. *Education Code 37.115(j-1)*

[For information regarding the transfer of threat assessment records between school districts, see FD and FDA.]

Reporting to TEA

A team must report to TEA in accordance with TEA-developed guidelines the following information regarding the team's activities and other information for each campus the team serves:

1. The occupation of each person appointed to the team;
2. The number of threats and description of the type of threats reported to the team;
3. The outcome of each assessment made by the team, including:
    a. Any disciplinary action taken, including a change in school placement;
    b. Any action taken by law enforcement; or
    c. A referral to or change in counseling, mental health, special education, or other services;
4. The total number, disaggregated by student gender, race, and status as receiving special education services, being at risk of dropping out of school, being in foster care, experiencing homelessness, being a dependent of military personnel, being pregnant or a parent, having limited English proficiency, or being a migratory child, of, in connection with an assessment or reported threat by the team:
    a. Citations issued for Class C misdemeanor offenses;
    b. Arrests;
    c. Incidents of uses of restraint;
    d. Changes in school placement, including placement in a JJAEP or DAEP;
    e. Referrals to or changes in counseling, mental health, special education, or other services;

f. Placements in in-school suspension or out-of-school suspension and incidents of expulsion;

g. Unexcused absences of 15 or more days during the school year; and

h. Referrals to juvenile court for truancy; and

5. The number and percentage of school personnel trained in:

a. A best-practices program or research-based practice under Education Code 38.351 [see FFEB], including the number and percentage of school personnel trained in suicide prevention or grief and trauma-informed practices;

b. Mental health or psychological first aid for schools;

c. Training relating to the safe and supportive school program; or

d. Any other program relating to safety identified by the commissioner.

Education Code 37.115(k)

Table of Contents

Removal Under Student Code of Conduct....3
Mandatory Placement in DAEP....3
School-Related Misconduct....3
Retaliation....4
Conduct Unrelated to School....4
Sexual Assault of Another Student....7
Permissive Removal....7
Non-Title 5 Felony....7
Bullying....8
One Year After Conduct....8
Certain Organization and Gang Membership and Solicitation....8
Older Students....8
Placement of Younger Students....9
Students Younger Than Six....9
Process for Removal....9
Conference....9
Mitigating Factors....9
Order....9
Appeal....9
Right to Request a Special Education Evaluation....9
Term of Removal....10
Beyond Grading Period or 60 Days....10
Beyond End of School Year....10
Order of Removal....10
DAEP at Capacity....11
Placement of Student Who Engaged in Violent Conduct....11
Determination of Violent Conduct....11
Completion of Proceedings Upon Withdrawal....13
Enrollment in Another District....14
Out-of-State Placement....14
Court-Ordered Placement....15
School Activities....15
Placement After Court Disposition....15
Not Guilty/ Insufficient Evidence/Charges Dropped....15

Appeal After Placement Upheld....16
120-Day Review of Status....16
Additional Proceedings....17
Reporting....17

Removal Under Student Code of Conduct

The Student Code of Conduct must specify conditions that authorize or require a principal or other appropriate administrator to transfer a student to a disciplinary alternative education program (DAEP). *Education Code 37.001(a)(2)*

Mandatory Placement in DAEP

A student shall be removed from class and placed in a DAEP if the student engages in conduct described in Education Code 37.006 that requires placement, subject to the requirements of Education Code 37.009(a) [see Process for Removal and Mitigating Factors, below]. *Education Code 37.006*

[For additional factors that must be considered in each decision concerning suspension, removal to a DAEP, expulsion, or placement in a juvenile justice alternative education program (JJAEP), see FO and the Student Code of Conduct.]

School-Related Misconduct

A student shall be removed from class and placed in a DAEP if the student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

A student shall also be removed from class and placed in a DAEP if the student commits the following on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

1. Engages in conduct punishable as a felony.
2. Engages in conduct that contains the elements of assault, under Penal Code 22.01(a)(1).
3. Sells, gives, or delivers to another person or possesses, uses, or is under the influence of:
    a. A controlled substance, as defined by the Texas Controlled Substances Act, Health and Safety Code Chapter 481, or by 21 U.S.C. 801, et seq., excluding marijuana, as defined by Health and Safety Code 481.002, or tetrahydrocannabinol, as defined by Department of Public Safety rule;
    b. A dangerous drug, as defined by the Texas Dangerous Drug Act, Health and Safety Code Chapter 483.
4. Possesses, uses, or is under the influence of, or sells, gives, or delivers to another person marijuana or tetrahydrocannabinol, as defined above;

5. Possesses, uses, sells, gives, or delivers to another person an e-cigarette, as defined by Health and Safety Code 161.081 [see FNCD];

6. Sells, gives, or delivers to another person an alcoholic beverage, as defined by Alcoholic Beverage Code 1.04, or commits a serious act or offense while under the influence of alcohol, or possesses, uses, or is under the influence of an alcoholic beverage.

7. Engages in conduct that contains the elements of an offense relating to an abusable volatile chemical under Health and Safety Code 485.031 through 485.034.

8. Engages in conduct that contains the elements of the offense of public lewdness under Penal Code 21.07.

9. Engages in conduct that contains the elements of the offense of indecent exposure under Penal Code 21.08.

10. Engages in conduct that contains the elements of the offense of harassment under Penal Code 42.07(a)(1), (2), (3), or (7) against an employee of the district.

Education Code 37.006(a)

Exception Removal to a DAEP for school-related misconduct is not required if the student is expelled for the same conduct. *Education Code 37.006(m)*

Retaliation Except where a student engages in retaliatory acts against a district employee for which expulsion is mandatory [see FOD], a student shall be removed from class and placed in a DAEP if the student engages in conduct on or off school property containing the elements of retaliation under Penal Code 36.06, against any school employee. *Education Code 37.006(b)*

Conduct Unrelated to School In addition to the circumstances listed above, a student shall be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The student receives deferred prosecution under Family Code 53.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03;

2. A court or jury finds that the student has engaged in delinquent conduct under Family Code 54.03 for conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03; or

3. The superintendent or designee has a reasonable belief that the student has engaged in conduct defined as a felony offense in Penal Code Title 5 or the felony offense of aggravated robbery under Penal Code 29.03.

Education Code 37.006(c)

Reasonable Belief

In determining whether there is a reasonable belief that a student has engaged in conduct defined as a felony offense, a superintendent or a superintendent's designee may consider all available information and must consider the information furnished under Code of Criminal Procedure Article 15.27 other than information requested under Code of Criminal Procedure Article 15.27(k-1). *Education Code 37.006(e); Code of Criminal Procedure 15.27(a)* [See GRAA]

Title 5 Felonies

The following are felony offenses listed in Penal Code, Title 5, Offenses Against the Person.

1. Murder. *Penal Code 19.02*
2. Capital Murder. *Penal Code 19.03*
3. Manslaughter. *Penal Code 19.04*
4. Criminally Negligent Homicide. *Penal Code 19.05*
5. Unlawful Restraint, if:
    a. The person restrained was younger than 17 years of age; or
    b. The actor recklessly exposes the victim to a substantial risk of serious bodily injury; restrains an individual the actor knows is a public servant while the public servant is lawfully discharging an official duty or in retaliation or on account of an exercise of official power or performance of an official duty; or while in custody restrains any other person. *Penal Code 20.02*
6. Kidnapping. *Penal Code 20.03*
7. Aggravated Kidnapping. *Penal Code 20.04*
8. Smuggling of Persons. *Penal Code 20.05*
9. Continuous Smuggling of Persons. *Penal Code 20.06*
10. Trafficking of Persons. *Penal Code 20A.02*
11. Continuous Trafficking of Persons. *Penal Code 20A.03*

12. Continuous Sexual Abuse of Young Child or Disabled Individual. *Penal Code 21.02*
13. Bestiality. *Penal Code 21.09*
14. Indecency with a Child. *Penal Code 21.11*
15. Improper Relationship between Educator and Student. *Penal Code 21.12*
16. Invasive Visual Recording. *Penal Code 21.15*
17. Unlawful Disclosure or Promotion of Intimate Visual Material. *Penal Code 21.16*
18. Voyeurism, if the victim was younger than 14 years of age at the time of the offense. *Penal Code 21.17*
19. Sexual Coercion. *Penal Code 21.18*
20. Assault, if the offense is punishable as a felony. *Penal Code 22.01*
21. Sexual Assault. *Penal Code 22.011*
22. Aggravated Assault. *Penal Code 22.02*
23. Aggravated Sexual Assault. *Penal Code 22.021*
24. Injury to a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.04*
25. Abandoning or Endangering a Child, Elderly Individual, or Disabled Individual. *Penal Code 22.041*
26. Deadly Conduct, if the person knowingly discharges a firearm at or in the direction of one or more individuals, or at or in the direction of a habitation, building, or vehicle and is reckless as to whether the habitation, building, or vehicle is occupied. *Penal Code 22.05*
27. Terroristic Threat, if the actor threatens to commit any offense involving violence to any person or property with intent to:
    a. Place any person in fear of imminent serious bodily injury if the actor knows the person is a peace officer or judge;
    b. Prevent or interrupt the occupation or use of a building, room, place of assembly, place to which the public has access, place of employment or occupation, aircraft, automobile, or other form of conveyance, or other public

place if the prevention or interruption causes pecuniary loss of $1,500 or more to the owner;

c. Cause impairment or interruption of public communications, public transportation, public water, gas, or power supply or other public service;

d. Place the public or a substantial group of the public in fear of serious bodily injury; or

e. Influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision. *Penal Code 22.07*

28. Aiding Suicide, if the conduct causes suicide or attempted suicide that results in serious bodily injury. *Penal Code 22.08*

29. Tampering with Consumer Product. *Penal Code 22.09*

30. Harassment by Persons in Certain Facilities or of Public Servant. *Penal Code 22.11*

Sexual Assault of Another Student

A student shall be removed from class and placed in a DAEP or juvenile justice alternative education program (JJAEP) if:

1. The student was convicted of, received adjudication for, or was placed on probation for sexual assault of another student who was a young child or disabled individual while the students were assigned to the same campus, regardless of whether the assault occurred on or off school property;

2. The parent of the victim of the assault has requested that the student be transferred to a campus other than that to which the victim is assigned; and

3. There is only one campus in a district serving the grade level in which the student is enrolled.

Education Code 25.0341, 37.0051(a) [See FDE at Sexual Assault Transfer—Transfer of Assailant]

A limitation imposed by Education Code Chapter 37 on the length of placement in a DAEP or a JJAEP does not apply to a placement under this provision. *Education Code 37.0051(b)*

Permissive Removal

Non-Title 5 Felony

A student may be removed from class and placed in a DAEP based on conduct occurring off campus and while the student is not in attendance at a school-sponsored or school-related activity if:

1. The superintendent or designee has a reasonable belief [see Reasonable Belief, above] that the student has engaged in

conduct defined as a felony offense other than aggravated robbery under Penal Code 29.03, or those offenses listed in Penal Code Title 5 [see above at Title 5 Felonies]; and

2. The continued presence of the student in the regular classroom threatens the safety of other students or teachers or will be detrimental to the educational process.

Education Code 37.006(d)-(e)

Bullying

A student may be removed from class and placed in a DAEP if the student:

1. Engages in bullying that encourages a student to commit or attempt to commit suicide;

2. Incites violence against a student through group bullying; or

3. Releases or threatens to release intimate visual material of a minor or student who is 18 years of age or older without the student's consent.

Nothing in this provision exempts a school from reporting a finding of intimate visual material of a minor.

Definitions

Bullying

"Bullying" has the meaning assigned by Education Code 37.0832. [See FFI]

Intimate Visual Material

"Intimate visual material" has the meaning assigned by Civil Practice and Remedies Code 98B.001.

Education Code 37.0052

One Year After Conduct

A principal or other appropriate administrator may, but is not required to, remove a student to a DAEP for off-campus conduct, for which removal would otherwise be required, if the principal or other appropriate administrator did not have knowledge of the conduct before the first anniversary of the date the conduct occurred. *Education Code 37.006(n)*

Certain Organization and Gang Membership and Solicitation

A board or an educator shall recommend placing in DAEP any student who commits the misdemeanor offenses described in Education Code 37.121(a) and (c), regarding membership in or solicitation to join a public school fraternity, sorority, secret society, or gang [see FNCC]. *Education Code 37.121(b)*

Older Students

A person who is 21 years of age or older and is admitted by a district for the purpose of completing the requirements for a diploma is not eligible for placement in a DAEP if the person engages in conduct that would require or authorize such placement for a student under the age of 21. If the student engages in such conduct, the

district shall revoke the student's admission. *Education Code 25.001(b-1)*

Placement of Younger Students

A student who is younger than 10 shall be removed from class and placed in a DAEP if the student engages in conduct for which expulsion would be required by Section 37.007. *Education Code 37.006(f), .007(e)* [See FOD]

Students Younger Than Six

Notwithstanding any other provision of the Education Code, a student who is younger than six years of age may not be removed from class and placed in a DAEP, except that a student younger than six years of age who has been expelled pursuant to the Gun Free Schools Act [see FOD] shall be provided educational services in a DAEP. *Education Code 37.006(l), .007(e)(2)*

Process for Removal

Conference

Not later than the third class day after a student is removed by a teacher or by the school principal or other appropriate administrator, the campus behavior coordinator (CBC) or other appropriate administrator shall schedule a conference among the CBC or other appropriate administrator, the student's parent or guardian, the teacher removing the student from class, if any, and the student. At the conference, the student is entitled to written or oral notice of the reasons for the removal, an explanation of the basis for the removal, and an opportunity to respond to the reasons for the removal. The student may not be returned to the regular class pending the conference.

Mitigating Factors

Before ordering removal, the CBC must consider whether the student acted in self-defense, the intent or lack of intent at the time the student engaged in the conduct, the student's disciplinary history, and whether the student has a disability that substantially impairs the student's capacity to appreciate the wrongfulness of the student's conduct, regardless of whether the decision of the behavior coordinator concerns a mandatory or discretionary action.

Order

Following the conference, and whether or not each requested person is in attendance after valid attempts to require the person's attendance, the CBC, after considering any mitigating factors under Education Code 37.001(a)(4) [see FO], shall order the placement of the student for a period consistent with the Student Code of Conduct.

Appeal

If district policy allows a student to appeal to the board or the board's designee a decision of the CBC or other appropriate administrator, the decision of the board or the board's designee is final and may not be appealed.

Education Code 37.009(a) [See Student Code of Conduct]

Right to Request a Special Education Evaluation

On the placement of a student in a DAEP, the district shall provide information to the student's parent or person standing in parental relation to the student regarding the process for requesting a full individual and initial evaluation of the student under Education Code 29.004 [see EHBAA]. *Education Code 37.006(p)*

Term of Removal

The period of the placement after removal may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees. *Education Code 37.009(a)*

A board or designee shall set a term for a student's placement in a DAEP. If the period of placement is inconsistent with the guidelines in the Student Code of Conduct, the order must give notice of the inconsistency. The period of placement in a DAEP may not exceed one year unless, after a review, a district determines that the student is a threat to the safety of other students or to district employees or extended placement is in the best interest of the student. *Education Code 37.009(d)*

Beyond Grading Period or 60 Days

If placement in a DAEP is to extend beyond 60 days or the end of the next grading period, whichever is earlier, the student's parent or guardian is entitled to notice of and an opportunity to participate in a proceeding before a board or designee.

No Appeal

Any decision of a board or designee concerning placement beyond 60 days or the end of the next grading period is final and cannot be appealed.

Education Code 37.009(b)

Beyond End of School Year

Before a student may be placed in a DAEP for a period that extends beyond the end of the school year, a board or designee must determine that:

1. The student's presence in the regular classroom program or at the student's regular campus presents a danger of physical harm to the student or another individual; or
2. The student has engaged in serious or persistent misbehavior that violates the Student Code of Conduct.

Education Code 37.009(c)

Order of Removal

A board or designee shall deliver to the student and the student's parent or guardian a copy of the order placing the student in a DAEP. *Education Code 37.009(g)*

Not later than the second business day after the date of the removal conference, a board or designee shall deliver a copy of the order placing the student in a DAEP and any information required

under Family Code 52.04 to the authorized officer of the juvenile court in the county in which the juvenile resides. *Education Code 37.010(a)*

Activities

The terms of a placement under Education Code 37.006 must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.006(g)*

In addition to any notice required under Code of Criminal Procedure 15.27 [see GRAA], a principal or designee shall inform each educator who has responsibility for, or is under the direction and supervision of an educator who has responsibility for, the instruction of a student who has engaged in conduct for which DAEP placement must or may be ordered.

Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law. An educator's certificate may be suspended or revoked for intentional failure to keep such information confidential.

Education Code 37.006(o)

DAEP at Capacity

If a DAEP is at capacity at the time a CBC is deciding placement for a student who engaged in conduct described under Education Code 37.006(a)(2)(C-1) (possession or use of marijuana), (C-2) (possession, use, delivery of an e-cigarette), (D) (delivery of alcohol), or (E) (abuse of volatile chemical), the student shall be placed in in-school suspension; and if a position becomes available in the program before the expiration of the period of the placement, transferred to the program for the remainder of the period.

Placement of Student Who Engaged in Violent Conduct

If a DAEP is at capacity at the time a CBC is deciding placement for a student who engaged in conduct described under Education Code 37.007 that constitutes violent conduct [see below at Determination of Violent Conduct], a student who has been placed in the program for conduct described under Education Code 37.006(a)(2)(C-1), (C-2), (D), or (E) (above) may be removed from the program and placed in in-school suspension to make a position in the program available for the student who engaged in violent conduct. If removed from the program and a position in the program becomes available before the expiration of the period of the placement, the student shall be returned to the program for the remainder of the period.

Determination of Violent Conduct

Violent conduct means an act by a student against another person that is intended to result in physical harm, bodily injury, or assault or a threat that reasonably places the other person in fear of immi-

nent physical harm, bodily injury, or assault. A CBC may determine whether a specific instance of conduct listed below rises to the level of violent conduct for purposes of determining placement in a DAEP.

1. The student engages in conduct involving a public school that contains the elements of the offense of false alarm or report under Penal Code 42.06, or terroristic threat under Penal Code 22.07.

2. While on or within 300 feet of school property, or while attending a school-sponsored or school-related activity on or off school property, the student engages in conduct that contains the elements of the offense of assault under Penal Code 22.01(a)(1), including when committed as an act of retaliation against an employee or volunteer, as described in Education Code 37.007(d).

3. While on or within 300 feet of school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in conduct that contains the elements of the offense of deadly conduct under Penal Code 22.05.

4. While within 300 feet of school property, or when committed as an act of retaliation against an employee or volunteer, whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, the student engages in:

    a. Conduct that contains the elements of the offense of unlawful carrying of weapons under Penal Code 46.02;

    b. An offense relating to prohibited weapons under Penal Code 46.05;

    c. Aggravated assault under Penal Code 22.02;

    d. Sexual assault under Penal Code 22.011;

    e. Aggravated sexual assault under Penal Code 22.021;

    f. Arson under Penal Code 28.02;

    g. Murder under Penal Code 19.02;

    h. Capital murder under Penal Code 19.03;

    i. Criminal attempt to commit murder or capital murder under Penal Code 15.01;

    j. Indecency with a child under Penal Code 21.11;

k. Aggravated kidnapping under Penal Code 20.04;

l. Aggravated robbery under Penal Code 29.03;

m. Manslaughter under Penal Code 19.04;

n. Criminally negligent homicide under Penal Code 19.05;

o. Continuous sexual abuse of a young child or an individual with disabilities under Penal Code 21.02;

p. Selling, giving, delivering to another person, possessing, using, or being under the influence of a controlled substance or dangerous drug, excluding marijuana or tetrahydrocannabinol; or

q. Possessing a firearm, as defined by 18 U.S.C. 921.

5. The student engages in conduct against another student, without regard to whether the conduct occurs on or off school property or while attending a school-sponsored or school-related activity on or off school property, that contains the elements of:

a. The offense of aggravated assault under Penal Code 22.02;

b. Sexual assault under Penal Code 22.011;

c. Aggravated sexual assault under Penal Code 22.021;

d. Murder under Penal Code 19.02;

e. Capital murder under Penal Code 19.03; or

f. Criminal attempt to commit murder or capital murder under Penal Code 15.01.

6. While placed in a DAEP and on the program campus, the student engages in documented serious misbehavior despite documented behavioral interventions.

Education Code 37.009(a-1)-(a-2); 19 TAC 103.1205

Completion of Proceedings Upon Withdrawal

If a student withdraws from a district before an order for placement in a DAEP is entered, the principal or board, as appropriate, may complete the proceedings and enter an order. If the student re-enrolls in the district the same or subsequent school year, the district may enforce the order at that time except for any period of the placement that has been served by the student in another district that honored the order. If the principal or board fails to enter an order after the student withdraws, the next district in which the stu-

dent enrolls may complete the proceedings and enter an order. *Education Code 37.009(i)*

Enrollment in Another District

If a student placed in a DAEP enrolls in another district before the expiration of the placement, a board shall provide to the district in which the student enrolls a copy of the placement order at the same time it provides other records. The district in which the student enrolls shall inform each educator who will have responsibility for, or will be under the direction and supervision of an educator who will have responsibility for, the instruction of the student of the contents of the placement order. Each educator shall keep the information confidential from any person not entitled to the information, except that the educator may share the information with the student's parent or guardian as provided by state or federal law.

The district in which the student enrolls may continue the placement or allow the student to attend regular classes without completing the period of placement. [See FO] The district in which the student enrolls may take any of these actions if:

1. The student was placed in a DAEP by an open-enrollment charter school and the charter school provides the district a copy of the placement order; or
2. The student was placed in a DAEP by a district in another state and:
    a. The out-of-state district provides a copy of the placement order; and
    b. The grounds for placement are the same as grounds for placement in the enrolling district.

Education Code 37.008(j)

Out-of-State Placement

If a student was placed in a DAEP in another state for more than one year and the enrolling district continues the placement under Education Code 37.008(j), the enrolling district shall reduce the period of placement so that the aggregate period does not exceed one year unless the enrolling district determines that:

1. The student is a threat to the safety of other students or to district employees; or
2. Extended placement is in the best interest of the student.

Education Code 37.008(j-1)

Court-Ordered Placement

Unless a board and the juvenile board for the county in which a district's central administrative office is located have entered into a memorandum of understanding concerning the juvenile probation

department's role in supervising and providing other support services for students in DAEP programs:

1. A court may not order a student expelled under Section 37.007 to attend a school district DAEP as a condition of probation;

2. A court may not order a student to attend a DAEP without a district's consent, until the student has successfully completed any sentencing requirements, if the court has ordered the student to attend a DAEP as a condition of probation once during a school year and the student is referred to juvenile court again during that school year.

Education Code 37.010(c)-(d)

School Activities

Any court placement in a DAEP must prohibit the student from attending or participating in school-sponsored or school-related activities. *Education Code 37.010(e)*

Placement After Court Disposition

After the student has successfully completed any court disposition requirements, including conditions of deferred prosecution or conditions required by the prosecutor or probation department, a district may not refuse to admit the student if the student meets the requirements for admission into the public schools. A district may place the student in the DAEP.

Notwithstanding Education Code 37.002(d) [see FOA], the student may not be returned to the classroom of the teacher under whose supervision the offense occurred without that teacher's consent. The teacher may not be coerced to consent.

Education Code 37.010(f)

Not Guilty/ Insufficient Evidence/Charges Dropped

The office of the prosecuting attorney or the office or official designated by the juvenile board shall, within two working days, notify the school district that removed a student to a DAEP under Education Code 37.006 if:

1. Prosecution of a student was refused for lack of prosecutorial merit or insufficient evidence, and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or

2. A court or jury found the student not guilty or made a finding the child did not engage in delinquent conduct or conduct indicating a need for supervision and the case was dismissed with prejudice.

On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP. The student may not be returned to the regular classroom pending the review. The superin-

tendent or designee shall schedule a review of the student's placement with the student's parent or guardian not later than the third class day after the superintendent or designee receives notice from the office or official designated by the court.

After reviewing the notice and receiving information from the student's parent or guardian, the superintendent or designee may continue the student's placement in the DAEP if there is reason to believe that the presence of the student in the regular classroom threatens the safety of other students or teachers.

Education Code 37.006(h); Code of Criminal Procedure 15.27(g)

Appeal After Placement Upheld

The student or the student's parent or guardian may appeal a superintendent's decision to the board. The student may not be returned to the regular classroom pending the appeal. A board shall, at the next scheduled meeting, review the notice provided by the office of the prosecuting attorney or the office or official designated by the juvenile board; receive information from the student, the student's parent or guardian, and the superintendent or designee; and confirm or reverse the superintendent's decision. The board shall make a record of the proceedings.

If a board confirms the decision, the board shall inform the student and the student's parent or guardian of the right to appeal to the commissioner of education. The student may not be returned to the regular classroom pending the appeal to the commissioner.

Education Code 37.006(i)-(j)

120-Day Review of Status

A student placed in a DAEP shall be provided a review of the student's status, including a review of the student's academic status, by a board's designee at intervals not to exceed 120 days. In the case of a high school student, the board's designee, with the student's parent or guardian, shall review the student's progress toward meeting high school graduation requirements and shall establish a specific graduation plan for the student. The district is not required to provide a course in the DAEP, except as required by Education Code 37.008(l). [See FOCA] At the review, the student or the student's parent or guardian must be given the opportunity to present arguments for the student's return to the regular classroom or campus. The student may not be returned to the classroom of the teacher who removed the student without that teacher's consent. The teacher may not be coerced to consent. *Education Code 37.009(e)*

Additional Proceedings

If, during the term of placement, a student engages in additional conduct for which placement in a DAEP or expulsion is required or permitted, additional proceedings may be conducted and the prin-

cipal or board, as appropriate, may enter an additional order. *Education Code 37.009(j)*

Reporting

A district may include the number of students removed to a DAEP in its annual performance report. *Education Code 39.306(e)(5)* [See AIB]

Note: See FOF for provisions concerning students with disabilities.

Students with Disabilities Under Section 504

A district shall conduct an evaluation in accordance with 34 C.F.R. 104.35(b) before taking any action with respect to any significant change in placement of a student with a disability who needs or is believed to need special education and related services. *34 C.F.R. 104.35(a)*

A district may take disciplinary action pertaining to the use or possession of illegal drugs or alcohol against any student with a disability who is currently engaging in the illegal use of drugs or in the use of alcohol to the same extent that the district would take disciplinary action against nondisabled students. The due process procedures afforded under Section 504 do not apply to such disciplinary action. *29 U.S.C. 705(20)(C)(iv)*

Note: The provisions below apply only to students eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA).

Students Receiving Special Education Services

ARD Committee Required

Except as set forth below, the placement of a student with a disability who receives special education services may be made only by a duly constituted admission, review, and dismissal (ARD) committee. Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations. *Education Code 37.004(a)-(b)*

The methods adopted in the Student Code of Conduct [see FO] for discipline management and for preventing and intervening in student discipline problems must provide that a student who is enrolled in the special education program may not be disciplined for bullying, harassment, or making hit lists until an ARD committee meeting has been held to review the conduct. *Education Code 37.001(b-1)*

DAEP Placement Not Solely for Educational Purposes

A student with a disability who receives special education services may not be placed in a disciplinary alternative education program (DAEP) solely for educational purposes. A teacher in a DAEP who has a special education assignment must hold an appropriate certificate or permit for that assignment. *Education Code 37.004(c)-(d)*

Removal for 10 Days or Less

School personnel may remove a student with a disability who violates a student code of conduct from his or her current placement to an appropriate interim alternative educational setting, another setting, or suspension, for not more than 10 consecutive school days, to the extent those alternatives are applied to children without disabilities. *20 U.S.C. 1415(k)(1)(B); 34 C.F.R. 300.530(b)(1)*

Services During Removal

A district is required to provide services during the period of removal if the district provides services to a child without disabilities who is similarly removed. *34 C.F.R. 300.530(d)*

Subsequent Removals of 10 Days or Less

School personnel may remove the student for additional removals of not more than 10 consecutive school days in that same school year for separate incidents of misconduct, as long as those removals do not constitute a change in placement (see below). *34 C.F.R. 300.530(b)(1)*

Services During Removal

After a student has been removed from his or her current placement for 10 school days in the same school year, during any subsequent removal of 10 consecutive school days or less, school personnel, in consultation with at least one of the student's teachers, shall determine the extent to which services are needed so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals set out in the student's individualized education program (IEP). *20 U.S.C. 1415(k)(1)(D); 34 C.F.R. 300.530(d)(4)*

Notice of Procedural Safeguards

Not later than the date on which the decision to take the disciplinary action is made, a district shall notify the student's parents of the decision and of all procedural safeguards [see EHBAE]. *20 U.S.C. 1415(k)(1)(H)*

Removals That Are a Change in Placement

Any disciplinary action that would constitute a change in placement may be taken only after the student's ARD committee conducts a manifestation determination review.

Any disciplinary action regarding the student shall be determined in accordance with federal law and regulations, including laws or regulations requiring the provision of functional behavioral assessments; positive behavioral interventions, strategies, and supports; behavioral intervention plans; and the manifestation determination review [see Manifestation Determination, below].

Education Code 37.004(b)

Behavior Assessment and Intervention

If a district takes a disciplinary action regarding a student with a disability who receives special education services that constitutes a change in placement under federal law, the district shall:

1. Not later than the 10th school day after the change in placement:

    a. Seek consent from the student's parent or person standing in parental relation to the student to conduct a functional behavioral assessment of the student, if a functional behavioral assessment has never been conducted

on the student or the student's most recent functional behavioral assessment is more than one year old; and

b. Review any previously conducted functional behavioral assessment of the student and any behavior improvement plan or behavioral intervention plan developed for the student based on that assessment; and

2. As necessary, develop a behavior improvement plan or behavioral intervention plan for the student if the student does not have a plan or, if the student has a behavior improvement plan or behavioral intervention plan, revise the student's plan.

Education Code 37.004(b-1)

Change in Placement

For purposes of disciplinary removal of a student with a disability, a change in placement occurs if a student is:

1. Removed from the student's current educational placement for more than 10 consecutive school days; or

2. Subjected to a series of removals that constitute a pattern because:

a. The series of removals total more than 10 school days in a school year;

b. The student's behavior is substantially similar to the student's behavior in the previous incidents that resulted in the series of removals; and

c. Additional factors exist, such as the length of each removal, the total amount of time the student is removed, and the proximity of the removals to one another.

The district determines, on a case-by-case basis, whether a pattern of removals constitutes a change in placement. The district's determination is subject to review through due process and judicial proceedings.

34 C.F.R. 300.536

School personnel may consider any unique circumstances on a case-by-case basis when determining whether to order a change in placement for a student who violates a code of student conduct. *20 U.S.C. 1415(k)(1)(A)*

Manifestation Determination

Within 10 school days of any decision to change the placement of a student because of a violation of a code of student conduct, a district, parents, and relevant members of the ARD committee (as determined by the parent and the district) shall review all relevant information in the student's file, including the student's IEP, any

teacher observations, and any relevant information provided by the parents to determine whether the conduct in question was:

1. Caused by, or had a direct and substantial relationship to, the student's disability; or

2. The direct result of the district's failure to implement the IEP.

If the district, the parent, and relevant members of the ARD committee determine that either of the above is applicable, the conduct shall be determined to be a manifestation of the student's disability.

If the district, the parent, and relevant members of the ARD committee determine the conduct was the direct result of the district's failure to implement the IEP, the district must take immediate steps to remedy those deficiencies.

20 U.S.C. 1415(k)(1)(E); 34 C.F.R. 300.530(e)

Not a Manifestation

If the determination is that the student's behavior was not a manifestation of the student's disability, school personnel may apply the relevant disciplinary procedures to the student in the same manner and for the same duration as for students without disabilities. The ARD committee shall determine the interim alternative educational setting. *20 U.S.C. 1415(k)(1)(C), (k)(2); 34 C.F.R. 300.530(c)*

Expulsion

In a county with a juvenile justice alternative education program (JJAEP) [see FODA], a district must invite the administrator of the JJAEP or the administrator's designee to an ARD committee meeting convened to discuss the discretionary expulsion under Education Code 37.007 of a student with a disability. The district must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. A copy of the student's current IEP must be provided to the JJAEP representative with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP representative may participate in the meeting to the extent that the meeting relates to the student's placement in the JJAEP and implementation of the student's current IEP in the JJAEP. *19 TAC 89.1052*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.

2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)-(2)

For a student with a disability who was expelled under a discretionary expulsion under Education Code 37.007, an ARD committee meeting must be convened to reconsider placement of the student in the JJAEP if the JJAEP provides written notice to the district of specific concerns that the student's education or behavioral needs cannot be met in JJAEP.

The district must invite the JJAEP administrator or the administrator's designee to the meeting and must provide written notice of the meeting at least five school days before the meeting or a shorter timeframe agreed to by the student's parents. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means, including conference telephone calls. The JJAEP may participate in the meeting to the extent that the meeting relates to the student's continued placement in JJAEP.

19 TAC 89.1052

Manifestation

If the district, the parents, and relevant members of the ARD committee determine that the conduct was a manifestation of the student's disability, the ARD committee shall:

1. Conduct a functional behavioral assessment (FBA), unless the district had conducted an FBA before the behavior that resulted in the change in placement occurred, and implement a behavioral intervention plan (BIP) for the student; or

2. If a BIP has already been developed, review the BIP and modify it, as necessary, to address the behavior.

Except as provided at Special Circumstances, below, the ARD committee shall return the student to the placement from which the student was removed, unless the parent and the district agree to a change in placement as part of the modification of the BIP.

20 U.S.C. 1415(k)(1)(F); 34 C.F.R. 300.530(f)

Special Circumstances

School personnel may remove a student to an interim alternative educational setting for not more than 45 school days without regard to whether the behavior is determined to be a manifestation of the student's disability, if the student:

1. Carries or possesses a weapon to or at school, on school premises, or to or at a school function under the jurisdiction of the Texas Education Agency (TEA) or a school district;
2. Knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school, on school premises, or at a school function under the jurisdiction of TEA or a school district; or
3. Has inflicted serious bodily injury upon another person while at school, on school premises, or at a school function under the jurisdiction of TEA or the district.

20 U.S.C. 1415(k)(1)(G); 34 C.F.R. 300.530(g)

The ARD committee shall determine the interim alternative education setting. *20 U.S.C. 1415(k)(2)*

Services During Removal

The student must:

1. Continue to receive educational services so as to enable the student to continue to participate in the general education curriculum, although in another setting, and to progress toward meeting the goals in the student's IEP.
2. Receive, as appropriate, a functional behavioral assessment, and behavioral intervention services and modifications, that are designed to address the behavior violation so that it does not recur.

These services may be provided in an interim alternative educational setting.

34 C.F.R. 300.530(d)(1)

Appeals

A parent who disagrees with a placement decision or the manifestation determination may request a hearing. A district that believes that maintaining a current placement of a student is substantially likely to result in injury to the student or others may request a hearing. *20 U.S.C. 1415(k)(3)(A); 34 C.F.R. 300.532(a); 19 TAC 89.1151* [See EHBAE]

Placement During Appeals

When an appeal has been requested by a parent or a district, the student shall remain in the interim alternative educational setting pending the decision of the hearing officer or until the expiration of the student's assignment to the alternative setting, whichever oc-

curs first, unless the parent and district agree otherwise. *20 U.S.C. 1415(k)(4); 34 C.F.R. 300.533*

Reporting Crimes

Federal law does not prohibit a district from reporting a crime committed by a student with a disability to appropriate authorities. If a district reports a crime, the district shall ensure that copies of the special education and disciplinary records of the student are transmitted for consideration by the appropriate authorities to whom the district reported the crime. A district may transmit records only to the extent permitted by the Family Educational Rights and Privacy Act (FERPA). *20 U.S.C. 1415(k)(6); 34 C.F.R. 300.535* [See FL]

Students Not Yet Identified

A student who has not been determined to be eligible for special education and related services and who has engaged in behavior that violated a code of student conduct may assert any of the protections provided for in the IDEA if a district had knowledge that the student had a disability before the behavior that precipitated that disciplinary action occurred. *20 U.S.C. 1415(k)(5)(A); 34 C.F.R. 300.534(a)*

District Knowledge

A district shall be deemed to have knowledge that a student has a disability if, before the behavior that precipitated the disciplinary action occurred:

1. The parent of the student expressed concern in writing to supervisory or administrative personnel of the district, or to the teacher of the student, that the student was in need of special education and related services;
2. The parent requested an evaluation of the student for special education and related services; or
3. The student's teacher, or other district personnel, expressed specific concerns about a pattern of behavior demonstrated by the student directly to the special education director or to other supervisory personnel of the district.

20 U.S.C. 1415(k)(5)(B); 34 C.F.R. 300.534(b)

Exception

A district shall not be deemed to have knowledge that the student had a disability if:

1. The parent has not allowed an evaluation of the student;
2. The parent has refused services; or
3. The student has been evaluated and it was determined that the student did not have a disability.

20 U.S.C. 1415(k)(5)(C); 34 C.F.R. 300.534(c)

If a district does not have knowledge (as described above), before taking disciplinary measures, that a student has a disability, the student may be subjected to the same disciplinary measures applied to students without disabilities who engaged in comparable behaviors.

However, if a request is made for an evaluation during the time period in which the student is subjected to disciplinary measures, the evaluation shall be conducted in an expedited manner. Until the evaluation is completed, the student shall remain in the educational placement determined by school authorities, which can include suspension or expulsion without educational services.

20 U.S.C. 1415(k)(5)(D); 34 C.F.R. 300.534(d)

Behavior Management Techniques

It is the policy of the state to treat all students with dignity and respect, including students with disabilities who receive special education services. Any behavior management technique and/or discipline management practice must be implemented in such a way as to protect the health and safety of the student and others. No discipline management practice may be calculated to inflict injury, cause harm, demean, or deprive the student of basic human necessities. *Education Code 37.0021(a); 19 TAC 89.1053(j)*

[For restrictions on aversive techniques, see FO.]

Rules on Restraint and Seclusion

The commissioner by rule shall adopt procedures for the use of restraint and time-out by a district employee or volunteer or an independent contractor of a district in the case of a student with a disability receiving special education services. The procedures must be consistent with Education Code 37.0021(d). *Education Code 37.0021(d)*

School Peace Officers

This provision and any rules or procedures adopted under this provision apply to a peace officer only if the peace officer:

1. Is employed or commissioned by a district; or
2. Provides, as a school resource officer, a regular police presence on a district campus under a memorandum of understanding between the district and a local law enforcement agency.

Education Code 37.0021(h); 19 TAC 89.1053(m)

Exceptions

Education Code 37.0021 (use of confinement, seclusion, restraint, and time-out) does not apply to:

1. A peace officer, while performing law enforcement duties, except as provided above [see School Peace Officers] and by

Education Code 37.0021(i) [see Restraint, Documentation, below];

2. Juvenile probation, detention, or corrections personnel; or

3. An educational services provider with whom a student is placed by a judicial authority, unless the services are provided in an educational program of a school district.

Law Enforcement Duties

"Law enforcement duties" means activities of a peace officer relating to the investigation and enforcement of state criminal laws and other duties authorized by the Code of Criminal Procedure.

Education Code 37.0021(b)(4), (g); 19 TAC 89.1053(m), (n)

Further, Education Code 37.0021 does not prevent a student's locked, unattended confinement in an emergency situation while awaiting the arrival of law enforcement personnel if:

1. The student possesses a weapon; and

2. The confinement is necessary to prevent the student from causing bodily harm to the student or another person.

For these purposes, "weapon" includes any weapon described under Education Code 37.007(a)(1). [See FNCG]

Education Code 37.0021(f)

Peace Officer or Security Personnel Use of Restraint or Taser

A peace officer performing law enforcement duties or school security personnel performing security-related duties on school property or at a school-sponsored or school-related activity must not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below, unless the student poses a serious risk of harm to the student or another person [see FO defining Taser]. *19 TAC 89.1053(l)*

Confinement

A student with a disability who receives special education services may not be confined in a locked box, locked closet, or other specially designed locked space as either a discipline management practice or a behavior management technique. *Education Code 37.0021(a)*

Seclusion

A district employee or volunteer or an independent contractor of a district may not place a student in seclusion. *Education Code 37.0021(c)*

"Seclusion" means a behavior management technique in which a student is confined in a locked box, locked closet, or locked room that:

1. Is designed solely to seclude a person; and

2. Contains less than 50 square feet of space.

Education Code 37.0021(b)(2)

Restraint

"Restraint" means the use of physical force or a mechanical device to significantly restrict the free movement of all or a portion of a student's body. *19 TAC 89.1053(b)(2)*

The following provisions do not apply to the use of physical force or a mechanical device that does not significantly restrict the free movement of all or a portion of the student's body. Restraint that involves significant restriction as referenced above does not include:

1. Physical contact or appropriately prescribed adaptive equipment to promote normative body positioning and/or physical functioning;
2. Limited physical contact with a student to promote safety (e.g., holding a student's hand), prevent a potentially harmful action (e.g., running into the street), teach a skill, redirect attention, provide guidance to a location, or provide comfort;
3. Limited physical contact or appropriately prescribed adaptive equipment to prevent a student from engaging in ongoing, repetitive self-injurious behaviors, with the expectation that instruction will be reflected in the IEP as required by 34 C.F.R. 300.324(a)(2)(i) to promote student learning and reduce and/or prevent the need for ongoing intervention; or
4. Seat belts and other safety equipment used to secure students during transportation.

19 TAC 89.1053(f)

Limitations on Use of Restraint

A school employee, volunteer, or independent contractor may use restraint only in an emergency and with the following limitations:

1. Restraint shall be limited to the use of such reasonable force as is necessary to address the emergency.
2. Restraint shall be discontinued at the point at which the emergency no longer exists.
3. Restraint shall be implemented in such a way as to protect the health and safety of the student and others.
4. Restraint shall not deprive the student of basic human necessities.

19 TAC 89.1053(c)

Emergency

"Emergency" means a situation in which a student's behavior poses a threat of:

1. Imminent, serious physical harm to the student or others; or
2. Imminent, serious property destruction.

19 TAC 89.1053(b)(1)

Training

Training for school employees, volunteers, or independent contractors regarding the use of restraint shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(d).

Documentation

In a case in which restraint is used, school employees, volunteers, or independent contractors shall implement the documentation and notification requirements set forth at 19 Administrative Code 89.1053(e).

A district shall report electronically to TEA, in accordance with standards provided by commissioner rule, information relating to the use of restraint by a peace officer performing law enforcement duties on school property or during a school-sponsored or school-related activity. The report must be consistent with the requirements adopted by commissioner rule for reporting the use of restraint involving students with disabilities.

Education Code 37.0021(i)

Time-Out

"Time-out" means a behavior management technique in which, to provide a student with an opportunity to regain self-control, the student is separated from other students for a limited period in a setting:

1. That is not locked; and
2. From which the exit is not physically blocked by furniture, a closed door held shut from the outside, or another inanimate object.

19 TAC 89.1053(b)(3)

Limitations on Use of Time-Out

A school employee, volunteer, or independent contractor may use time-out with the following limitations:

1. Physical force or threat of physical force shall not be used to place a student in time-out.
2. Time-out may only be used in conjunction with an array of positive behavior intervention strategies and techniques and must be included in the student's IEP and/or behavior improvement plan or behavioral intervention plan if it is utilized

on a recurrent basis to increase or decrease targeted behavior.

3. Use of time-out shall not be implemented in a fashion that precludes the ability of the student to be involved in and progress in the general curriculum and advance appropriately toward attaining the annual goals specified in the student's IEP.

19 TAC 89.1053(g)

Training Training for school employees, volunteers, or independent contractors regarding the use of time-out shall be provided according to the requirements set forth at 19 Administrative Code 89.1053(h).

Documentation Necessary documentation or data collection regarding the use of time-out, if any, must be addressed in the IEP and/or behavior improvement plan or behavioral intervention plan. If a student has a behavior improvement plan or behavioral intervention plan, the district must document each use of time-out prompted by a behavior of the student specified in the student's behavior improvement plan or behavioral intervention plan, including a description of the behavior that prompted the time-out. The ARD committee must use any collected data to judge the effectiveness of the intervention and provide a basis for making determinations regarding its continued use.

19 TAC 89.1053(i)

Board Officers

The Board shall elect a President, a Vice President, and a Secretary who shall be members of the Board. ~~The Board may assign a District employee to provide clerical assistance to the Board.~~ Officers shall be elected by majority vote of the members present and voting.

Vacancy

A vacancy among officers of the Board shall be filled by majority action of the Board.

Term and Duties

Board officers shall serve for a term of ~~one year~~one year or until a successor is elected. Officers may succeed themselves in office. Each officer shall perform any legal duties of the office and other duties as required by action of the Board.

President

In addition to the duties required by law, the President of the Board shall~~:~~:

1. Preside at all Board meetings unless unable to attend.
2. Have the right to discuss, make motions ~~and~~, propose resolutions, and vote on all matters coming before the Board.

Vice President

The Vice President of the Board shall:

1. Act in the capacity and perform the duties of the President of the Board in the event of the absence or incapacity of the President.
2. Become President only upon being elected to the position.

Secretary

The Secretary of the Board shall:

1. Ensure that an accurate record is kept of the proceedings of each Board meeting.
2. Ensure that notices of Board meetings are posted and sent as required by law.
3. In the absence of the President and Vice President, call the meeting to order and act as presiding officer.
4. Sign or countersign documents as directed by action of the Board.

~~Special Committees~~

~~The President shall appoint members to special~~

Note: For advisory committees ~~created by the Board to fulfill specific assignments, unless otherwise provided~~ that include staff, parents, community members, or students, see BDF.

Board Committees

For purposes of this policy, a Board committee is a committee composed only of current Board members.

Formation of a Board committee shall be by Board action. ~~These committees may include District personnel~~When establishing a Board committee, the Board action shall, at a minimum, specify the:

- Number of Board members on the committee;
- Process to appoint Board members to the committee;
- Term of committee membership; and~~ citizens. The function of committees~~
- Responsibilities of the committee.

A Board committee shall be fact-finding, deliberative, and advisory, ~~but not administrative. Special~~and shall make recommendations in the areas of their responsibility. Board committees shall report their findings and recommendations to the Board and shall ~~be dissolved upon completion of the assigned task or vote of the Board~~not assume administrative duties or responsibilities.

~~The President of the Board and the Superintendent shall be ex officio members of all Board committees, unless otherwise provided by Board action.~~

Transacting Business

~~Committees may transact business only within the specific authority granted~~Unless specified by the Board~~. To be binding, all such business~~, a Board committee shall not have final decision-making authority. Board committee recommendations must be reported to the Board at ~~the next~~a regular or special meeting~~ for approval and entry into the minutes as a public record.~~. The Board shall not accept a Board committee's recommendation without due consideration of the matter.

Dissolution

A Board committee shall be dissolved upon Board action.

Note: For committees composed only of current Board members, see BDB.

Advisory Committees

For purposes of this policy, an advisory committee is a committee composed primarily of District staff, parents, other community members, and/or students. An advisory committee may also include Board members in numbers less than a quorum of the Board.

Formation of an advisory committee shall be by Board action. When establishing an advisory committee, the Board action shall, at a minimum, specify the:

- Number of members on the committee;
- Process to appoint members to the committee;
- Term of committee membership; and
- Responsibilities of the committee.

An advisory committee shall be fact-finding, deliberative, and advisory and shall not assume administrative duties or responsibilities. Advisory committees shall report their findings and recommendations to the Board.

Transacting Business

An advisory committee may transact business only within the specific authority granted by the Board. To be binding, all such committee recommendations must be reported to the Board at a regular or special meeting for approval and entry into the minutes as a public record.

Dissolution

An advisory committee shall be dissolved upon completion of the assigned task or Board action.

Certificate of Coursework Completion

The District shall not issue a certificate of coursework completion to a student who fails to meet all state and local requirements for graduation. [See EIF, FMH]

Partial Credit

When a student earns a passing grade in only half of a course and the ~~combined grade for~~average of both halves is lower than 70, the District shall award the student credit for the half with the passing grade.

Safe Schools Data

The Superintendent shall ensure that the District complies with Texas Education Agency (TEA) guidelines for the collection and maintenance of data regarding:

1. Mandatory expellable offenses committed at school or at a school-related or school-sponsored activity, on or off school property [see FOD]; and

2. Any student who becomes a victim of one of the following violent criminal offenses~~, as defined by the Penal Code,~~ while on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property:

   a. Attempted murder;

   b. Indecency with a child;

   c. Aggravated kidnapping;

   d. Aggravated assault on someone other than a District employee or volunteer;

   e. Sexual assault or aggravated sexual assault against someone other than a District employee or volunteer;

   f. Aggravated robbery; ~~or~~

   g. Continuous sexual abuse of a young child or disabled individual; or

   ~~g.~~h. Bullying.

School Safety Transfers

The parent of a student who becomes a victim of a violent criminal offense as described in the state guidance for unsafe school choice options or who is assigned to a campus identified by TEA as persistently dangerous shall be offered a transfer to a safe public or charter school within the District.

For each transfer requested, the District shall explore transfer options, as appropriate. Options may include a transfer agreement with another school district.

From a Persistently Dangerous School

The parent of a student attending a school identified as persistently dangerous shall be provided notification of his or her right to request a transfer. Notification shall occur at least 14 days prior to the start of the school year or, for a student enrolling subsequently, upon the student's enrollment.

The parent must submit to the Superintendent an application for transfer. The Superintendent shall complete the transfer prior to the

beginning of the school year, if applicable, or within 14 calendar days of the request for a subsequently enrolling student.

Any transfer arranged for a student from a campus identified by TEA as persistently dangerous shall be renewed so long as the campus from which the student transferred retains that designation.

The District shall maintain, in accordance with the District's record retention schedule, documentation of notification to parents of the transfer option, transfer applications submitted, and action taken.

For a Victim of a Violent Criminal Offense

Within 14 calendar days after a violent criminal offense described above occurs in or on the premises of the school the student attends or while attending a school-sponsored or school-related activity, on or off school property, the District shall notify the parent of a student who is a victim of the offense of the parent's right to request a transfer. The parent must submit to the Superintendent an application for transfer. The Superintendent shall approve or disapprove the request within 14 calendar days of its submission.

Any transfer arranged for a student who was a victim of a violent crime as described above shall be renewed so long as the threat to the student exists at the campus to which the student would typically be assigned.

For each offense, the District shall maintain for at least five years documentation of the nature and date of the offense, notification to the parent of the transfer option, transfer applications submitted, action taken, and other relevant information regarding the offense.

Additional Transfer Options

In circumstances described by Education Code 25.0341, a parent of a student who has been the victim of a sexual assault, regardless of whether the offense occurred on or off school property, may request a transfer of the parent's child or the student assailant from the same campus.

[For other transfer provisions, see also FDA and FDB.]

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: **Sheryl Davis**

RE: Amendments to the 2024-2025 Budget

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Background Information:

The Texas Education Agency has established additional requirements for school district budget preparation. As part of these requirements, a school district must amend the official budget before exceeding a functional expenditure category, i.e., instruction, administration, etc., in the total district budget. Attached is a copy of the proposed amendment to the Official Budget identifying details of the request. The following summarizes the effect of the amendment by functional category.

Summary:

Amendment #059: Dean Highland Elementary School (Fund 199)

This amendment will reallocate excess supply and overtime funds for library and media services, guidance and counseling and health services to school leadership for overtime, supplies and miscellaneous operating costs. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	2,100	Library & Media Services, Guidance & Counseling Services, Health Services
Use of Funds	$	2,100	School Leadership
Fund Balance Effect		**None**	

Amendment #060: J. H. Hines Elementary School (Fund 199)

This amendment will reallocate excess instructional supplies to extra-duty, overtime, contracted services, general supplies, dues and miscellaneous operating costs for library and media services, school leadership, and guidance and counseling services to meet administrative needs for the start of school. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	10,700	Instruction
Use of Funds	$	10,700	Library & Media Services, School Leadership, Guidance & Counseling Services
Fund Balance Effect		**None**	

Amendment #061: Curriculum and Instruction Department (Fund 199)

This amendment will amend revenues from donations to help cover staff development activities for new teacher onboarding. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	5,050	Local Revenue - Foundation Grants & Gifts
Use of Funds	$	5,050	Curriculum & Instructional Staff Development
Fund Balance Effect		**None**	

Amendment #062: G. L. Wiley Opportunity Center (Fund 199)

This amendment will reallocate excess school leadership travel, miscellaneous operating costs, and education service center services to security and monitoring contracted services for the relocation of security cameras. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	983	School Leadership
Use of Funds	$	983	Security & Monitoring Services
Fund Balance Effect		**None**	

Amendment #063: Curriculum and Instruction Department (Fund 199)

This amendment will reallocate funds from guidance, counseling and evaluation services for testing and other general supplies to curriculum and instructional staff development for supplies to support staff development activities for dyslexia staff. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	1,350	Guidance, Counseling & Evaluation Services
Use of Funds	$	1,350	Curriculum & Instructional Staff Development
Fund Balance Effect		**None**	

Amendment #064: University High School (Fund 199)

This amendment will reallocate excess funds from instructional supplies, professional development travel, guidance and counseling supplies and miscellaneous operating costs, health services extra-duty and supplies, and various costs budgeted for extra-curricular activities to school leadership supplies and security and monitoring services contracted services for security camera installations. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	38,658	Instruction, Curriculum & Instructional Staff Development, Guidance, Counseling & Evaluation Services, Health Services, Extracurricular Activities
Use of Funds	$	38,658	School Leadership, Security & Monitoring Services
Fund Balance Effect		**None**	

Amendment #065: State and Federal Programs Department (Fund 199)

This amendment will reallocate funds budgeted for administrative support for summer school to instructional supplies for at-risk programs. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	20,000	School Leadership
Use of Funds	$	20,000	Instruction
Fund Balance Effect		**None**	

Amendment #066: Child Nutrition Services (Fund 240)

This amendment will place revenue from insurance recovery to provide funds in child nutrition services contracted vehicle maintenance to assist in repairing damages. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	700	Local Revenue – Insurance Recovery
Use of Funds	$	700	Child Nutrition Services
Fund Balance Effect		**None**	

Amendment #067: Districtwide (Fund 199)

This amendment will place budget for instructional leased copiers as required under Governmental Accounting Standards Board Statement #87 for Leases. The expenditures are offset by other sources, proceeds from capital lease. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	20,264	Other Sources-Proceeds from Capital Lease
Use of Funds	$	20,264	Instruction
Fund Balance Effect		**None**	

Amendment #068: G. W. Carver Middle School (Fund 199)

This amendment will reallocate excess funds from instructional extra-duty, supplies, and student travel, library and media services supplies, school leadership contracted services and supplies, and security and monitoring services overtime to curriculum and professional development for extra-duty for guest educator training. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	6,836	Instruction, Library & Media Services, School Leadership, Security & Monitoring Services
Use of Funds	$	6,836	Curriculum & Instructional Staff Development
Fund Balance Effect		**None**	

Amendment #069: Early Childhood Department (Fund 199)

This amendment will reallocate excess funds from instructional leadership supplies to curriculum and instructional staff development contracted services for training of new prekindergarten teachers. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds	$	478	Instructional Leadership
Use of Funds	$	478	Curriculum & Instructional Staff Development
Fund Balance Effect		**None**	

A copy of the amendments, detailing line items to be adjusted, are attached for your review.

Fiscal Implications:

The amendments have no impact on the fund balance.

Administrative Recommendation(s):

The administration recommends that the Board of Trustees approve the budget amendments, as presented.

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 059

CAMPUS OR DEPARTMENT: Dean Highland Elementary

DATE: 6/9/2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	12	6329	00	107	99	000	Other Reading Materials	1,500	1,500.00	(1,250)	250
199	12	6399	00	107	99	000	Other General Supplies & Materials	200	200.00	(200)	0
199	31	6399	00	107	99	000	Other General Supplies & Materials	450	408.49	(300)	150
199	33	6121	00	107	99	000	Extra-duty/Overtime-Support Staff	200	200.00	(200)	0
199	33	6399	00	107	99	000	Other General Supplies & Materials	150	150.00	(150)	0
199	23	6121	00	107	99	000	Extra-duty/Overtime-Support Staff	2,412	(1,037.60)	1,250	3,662
199	23	6399	00	107	99	000	Other General Supplies & Materials	3,235	0.53	550	3,785
199	23	6499	00	107	99	000	Miscellaneous Operating Costs	3,535	4.94	300	3,835
										0	

REASON FOR REQUEST: Funds initially allocated for reading materials, general supplies, and extra duty pay—now supported through alternative funding sources, are being reallocated to offset existing account deficits as well as cover the cost of general materials and miscellaneous operating costs

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 060

CAMPUS OR DEPARTMENT: J.H. Hines

DATE: 7/14/2025

								A	B	C	D
BUDGET CODE								**CURRENT APPROPRIATION**	**CURRENT ACCOUNT BALANCE**	**REQUESTED INCREASE (DECREASE)**	**AMENDED APPROPRIATION**
FUND	**FNC**	**OBJ**	**SO**	**ORG**	**PRG**	**LOPT**	**DESCRIPTION**				
199	11	6399	00	110	11	000	Other Gen. Supplies and Materials	90,167	33,883.86	(10,700)	79,967
199	23	6121	00	110	99	000	Extra duty-Support Staff	100	100.00	1,800	1,900
199	23	6299	00	110	99	000	Other Misc Contracted Services	1,200	12.50	1,000	2,200
199	23	6399	00	110	99	000	Other Gen. Supplies and Materials	3,193	452.65	4,500	7,693
199	23	6495	00	110	99	000	Dues	739	2.04	900	1,639
199	23	6499	00	110	99	000	Misc Operating Costs	1,000	327.13	1,500	2,500
199	31	6399	00	110	99	000	Other Gen. Supplies and Materials	300	211.27	500	800
199	12	6118	00	110	99	000	Extra-duty Pay	0	.00	500	500
										0	

REASON FOR REQUEST: Realigning funds to meet the administrative needs of the campus due to the change in administration and counselor supplies.
Additionally, we are realigning funds to provide extra-duty for the librarian to inventory and organize the library.

EBony M. Cousins Ed.D
BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Sheryl Davis
Chief Financial Officer

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Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM **AMENDMENT # 061**

CAMPUS OR DEPARTMENT: Curriculum Department **DATE:** 7/24/2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	13	6399	17	999	99	000	Other Misc Contracted Services	16,000	3,107.02	5,050	21,050
199	00	5744	00	000	00	000	Revenue - Foundation Grants/Gifts	-	4,762.31	(5,050)	(5,050)
										0	

REASON FOR REQUEST: Amend in revenue to match donations received from D. Norwood, Alliance Bank, Extraco Bank, Educator's Credit Union, American Bank, TFNB and Allen Glass Company. Also adjusting expenditures to match the increase in revenue and to allow the curriculum department to purchase the needed items.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 062

CAMPUS OR DEPARTMENT: G.L. Wiley Opportunity Center

DATE: 6/9/2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	23	6499	00	005	99	000	Miscellaneous Operating Costs	750	335.51	(108)	750
199	23	6411	00	005	99	000	Travel Costs - Employee Only	700	700.00	(700)	700
199	23	6239	00	005	99	000	Education Service Center Services	700	175.00	(175)	700
199	52	6299	00	005	99	000	Other Misc Contracted Services	-	0.00	983	983
										0	

REASON FOR REQUEST: We are needing to move our elementary class cameras to our upstairs room

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 063

CAMPUS OR DEPARTMENT: Curriculum & Instruction **DATE:** 6.25.2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	31	6339	17	999	99	233	Testing Materials	1,000	1,000.00	(1,000)	0
199	31	6399	17	999	99	233	Other General Supplies & Materials	500	350.43	(350)	150
199	13	6399	17	999	99	233	Other General Supplies & Materials	1,000	530.39	1,350	2,350
										0	

REASON FOR REQUEST: Reallocating funds to purchase supplies and materials for professional development in August.

Kourtney Pedd 6/25/25
BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Sheryl Davis
Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 064

CAMPUS OR DEPARTMENT: University High School **DATE:** 6/24/2025

								A	B	C	D
BUDGET CODE											
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION	CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
199	11	6399	00	003	11	000	Other General Supplies and Materials	83,611	40,998.99	(13,500)	67,611
199	13	6411	00	003	99	000	Travel Costs - Employees Only	7,760	5,835.12	(5,835)	1,925
199	31	6399	00	003	99	000	Other General Supplies and Materials	1,980	827.10	(327)	1,653
199	31	6499	00	003	99	000	Miscellaneous Operating Costs	450	85.26	(85)	365
199	33	6118	00	003	99	000	Extra-Duty Pay- Teachers/Other Pro	500	500.00	(500)	0
199	33	6399	00	003	99	000	Other General Supplies and Materials	1,000	1,000.00	(700)	300
199	36	6299	00	003	91	000	Other Miscellaneous Cont Services	8,500	827.64	(827)	7,673
199	36	6397	00	003	91	000	Equipment-Unit Cost<$5000-Controlled	500	500.00	(500)	0
199	36	6399	00	003	91	000	Other General Supplies and Materials	2,480	1,862.42	(1,862)	618
199	36	6494	00	003	91	000	Reclassified Transportation Expenses	300	300.00	(300)	0
199	36	6499	00	003	91	000	Other Miscellaneous Operating Costs	13,000	11,974.26	(11,974)	1,026
199	36	6299	00	003	99	000	Other Miscellaneous Cont Services	2,511	1,461.30	(1,261)	1,250
199	36	6399	00	003	99	000	Other General Supplies and Materials	2,500	690.43	(690)	1,810
199	36	6499	00	003	99	000	Miscellaneous Operating Costs	1,000	797.62	(297)	703
199	23	6399	00	003	99	000	Other General Supplies and Materials	24,703	0.00	7,058	34,261
199	52	6299	00	003	99	000	Other Miscellaneous Cont Services	-	0.00	31,600	31,600
										0	

REASON FOR REQUEST: Realigning funds for planned upgrade/improvement of security cameras for security of the students and the building, purchase of office supplies for the UHS admin, Office, and Para staff, and the purchase of PBIS Software system.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 065

CAMPUS OR DEPARTMENT: State and Federal Programs **DATE:** 7/8/2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	23	6121	24	699	24	014	Extra-duty/Overtime-Support Staff	20,000	20,000.00	(20,000)	0
199	11	6399	24	999	24	000	Other General Supplies & Materials	112,960	4,368.93	20,000	132,960
										0	

REASON FOR REQUEST: Moving money previously allocated to Summer School Administrative Extra-Duty Support Staff to purchase instructional supplies for at-risk students.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM **AMENDMENT # 066**

CAMPUS OR DEPARTMENT: Child Nutrition Services - Insurance Recovery **DATE:** 7/9/2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
240	35	6245	70	999	99	000	Contracted Vehicle Maintenance	49,000	19,333.96	700	49,700
240	00	5745	00	000	00	000	Insurance Recovery	700	0.00	(700)	0
										0	

REASON FOR REQUEST: Amending insurance recovery revenue to match receipt from claim related to damage to 2019 Ford Truck.
Also adjusting expenditures to match the increase in revenue and to allow the department to pay for repairs.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM **AMENDMENT # 067**

CAMPUS OR DEPARTMENT: District-wide **DATE:** 7/14/2025

								A	B	C	D
BUDGET CODE							DESCRIPTION	CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT					
199	00	7913	00	000	00	000	Proceeds from Capital Lease	-	-	(20,264)	(20,264)
199	11	6659	99	999	11	000	Right to Use Leased Capital Assets-F&E	-	-	20,264	20,264

-

REASON FOR REQUEST: Governmental Accounting Standards Board (GASB) Statement #87, Leases is effective for fiscal years beginning after June 15, 2021. The Statement establishes a single model based on the foundational principle that leases are financings of the right to use an underlying asset. This amendment is required to place budget for the capital expenditures and proceeds from the leases for copiers received district-wide.

BUDGET ADMINISTRATOR /

Sheryl Davis
Chief Financial Officer

Revised 06/2019

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 068

CAMPUS OR DEPARTMENT: G. W. Carver Middle School **DATE:** 7/14/2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6118	00	050	11	000	Extra-duty Pay-Teachers/Other Professionals	4,964	4,517.16	(4,517)	447
199	11	6399	00	050	11	000	Other General Supplies & Materials	42,766	202.79	(202)	42,564
199	11	6412	00	050	11	000	Travel Costs-Student	1,500	128.15	(128)	1,372
199	11	6494	00	050	11	000	Reclassified Transportation Expenses	3,000	1,147.35	(1,147)	1,853
199	12	6399	00	050	99	000	Other General Supplies & Materials	600	59.02	(59)	541
199	23	6299	00	050	99	000	Other Miscellaneous Contracted Services	10,206	47.87	(47)	10,159
199	52	6121	00	050	99	000	Extra-duty/Overtime-Support Staff	500	236.73	(236)	264
199	23	6399	00	050	99	000	Other General Supplies & Materials	14,950	1,888.21	(500)	14,450
199	13	6118	00	050	99	000	Extra-duty Pay-Teachers/Other Professionals	-	0.00	6,836	6,836
										0	

REASON FOR REQUEST: Realigning funds from extra duty, supply, and reclassified transportation lines to cover the cost of guest educator pay for the in-service days prior to school starting to ensure the guest educator understands all 25-26 policies and trainings

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 069

CAMPUS OR DEPARTMENT: Early Childhood Department **DATE:** 7/14/2025

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	21	6399	27	999	99	000	Other General Supplies	6,602	6,394	(478)	6,124
199	13	6299	27	999	99	000	Other Misc. Contracted Services	5,358	1	478	5,836
										0	

REASON FOR REQUEST: Transfer of budget for Professional Development for new PK Teachers

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date July 24, 2025 **Contact Person: S. Smith/J. Allen**

RE: Bid Award for Education Software and Other School District Related Software

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Background Information:

Request for Proposal, RFP # 24-1277, Educational Software and other School District Related Software, have been received for the purpose of creating a list of vendors which can provide software needs for the District on an as needed basis. We have received fifty-six (56) responses for this initial bid and has been attached for your consideration. We received one (1) additional vendor this past month and has been attached for your consideration.

In an effort to allow for maximum participation with our Educational Software and Other School District Related Software and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 Purchasing, the Purchasing Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
Consideration may need to be given to have an extended opening for receiving responses.

• Limited Response Period. This choice is considered a normal, formal RFP. Examples include newspaper advertisements and awards made and limited to only the responders that submitted and awarded for the solicitation.

• Extended Response Period. This choice is more informal than a limited response period. The major difference is the date the responses are due. This method allows for responses to be accepted throughout an extended period such as the date of the contract award expiration and awards made periodically. Periodic board approval may also be required. For newspaper advertisements, our District will continue to publicize periodic republication through our website and continue to enlist the assistance of the three (3) Chamber of Commerce's, as received on this first solicitation. The advertisement will address concerns about transparency by announcing the solicitation to new readers even though the statutory requirements were met by the initial publication.

The awarding of additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the one (1) additional vendor for the Educational Software and Other School District Related Software, as presented.

RFP # 24-1277
Educational Software and Other School District Related Software
Vendors July 2025

Responding Supplier	City	State
Three Minute Theory (TTT United, LLC)	Oceanside	NY
Previously Responding Supplier	**City**	**State**
Beable Education, Inc.	Lakewood	NJ
Blueprint (Spotlight Series Holdings)	Miami Beach	FL
BrainPOP LLC	New York	NY
Cengage Learning, Inc.	Mason	OH
Curriculum Associates, LLC	North Billerica	MA
Different Roads to Learning	New York	NY
Discovery Education, Inc.	Charlotte	NC
eCampus Systems (Figtree Technologies Inc)	McKinney	TX
Edmentum, Inc.	Bloomington	MN
Education Advanced, Inc.	Tyler	TX
Edusmart (Learn-Ed)	Austin	TX
Encyclopaedia Britannica Inc.	Chicago	IL
Essential Skills (Essential Skills Software Inc)	Aurora	ON
ExploreLearning, LLC	Dallas	TX
Flinn Scientific, Inc.	Batavia	IL
Footsteps2Brilliance, Inc.	Washington	DC
FSS Software Topco LP (Follett Software, LLC)	McHenry	IL
GraceNotes, LLC.	Houston	TX
Hatch, Inc.	Winston Salem	NC
Heinemann (Greenwood Publishing Group LLC)	Portsmouth	NH
Houghton Mifflin Harcourt Publishing	Geneva	IL
iDismiss, LLC	Dallas	TX
Imagine Learning LLC	Tempe	AZ
Innovative Learning Concepts Inc.	Colorado Springs	CO
Insignia Software Corporation	Edmonton	AB
IXL Learning, Inc.	San Mateo	CA
Journeyed.com,Inc.	Allen	TX
Lab Resources, Inc.	Tomball	TX
Learning 2020 dba Penda Learning (Penda Learning)	Loveland	CO
Learning A-Z, LLC	Dallas	TX
Learning Without Tears	Cabin John	MD
Lexia Learning Systems LLC	Concord	MA
Lone Star Learning (Lone Star Learning Sales & Marketing, Inc.)	Lubbock	TX
MindRise Learning	Driftwood	TX
MobyMax (MobyMax Education, LLC)	Pittsburgh	PA
NoodleTools, Inc.	Pala Alto	CA
Perch (Catalyft Labs, Inc.)	Cambridge	MA
Perfection Learning Corporation	Logan	IA
PROGRESS LEARNING LLC	Atlanta	GA
Rhythm Monster, LLC	Prairie Grove	AR
Romeo Music	Coppell	TX
Rosen Classroom Or Rosen Digital OR Jackdaw Publications (Rosen Publishing Group, Inc.)	New York	NY
Rosetta Stone LLC	San Mateo	CA

Previously Responding Supplier	City	State
Savvas Learning Company	Paramus	NJ
ScholasticInc.	New York	NY
SchoolsPLP	Phoenix	AZ
Sirius Education Solutions (Sirius Education Solutions LLC)	Austin	TX
Stats Medic, LLC	Grand Rapids	MI
STEMfinity, LLC	Boise	ID
Super Duper Publications (Super Duper Inc)	Greenville	SC
Teachers Discovery	Auburn Hills	MI
The Writing Academy, LLC	Kemah	TX
ThinkCERCA.com, Inc.	Chicago	IL
TOPTALENT LEARNING	Plano	TX
Vernier Science Education (Vernier Software & Technology Inc.)	Beaverton	OR
visiOn cue LLC	Scottsdale	AZ

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Smith**

RE: Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services

==========

Background Information:

Request for Proposal, RFP # 21-1182, Educational Consulting, Professional Development, and Other Student-Based Contracted Services have been received for the purpose of creating a list of vendors which can service the District. We received eight (8) responses during the past month. The recommended vendors will be added to our previously approved list of four hundred four (409) responses.

Examples of the types of services covered under this RFP are:

- Academic Educational Consultant
- Professional/Staff Development Training
- Motivational or Professional Speaker
- Program Review/Recommendation Services
- Data/Statistical Analysis
- Curriculum Design
- Evaluator Services
- Judging Services
- Technology Analysis/Consultant
- Operations Analysis/Consultant
- Grant Evaluation Services
- Presentations/Programs for staff and students (e.g. authors)
- Marching Band/Drill/Cheer Design and Choreography (includes camps)
- Theatre Coaching Services
- Instructors for outside of the school day classes (art, photography, gardening, tennis, Zumba, etc.)
- Speaker(s) for Assembly Programs
- Other services deemed appropriate for this request

In an effort to create inclusivity with our consulting, professional development, and student-based contracted services vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 – Purchasing, the Business Services Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
Consideration may need to be given to have an extended opening for receiving responses.

• Limited Response Period. This choice is considered a normal, formal RFP. Examples include newspaper advertisements and awards made and limited to only the responders that submitted and awarded for the solicitation.

• Extended Response Period. This choice is more informal than a limited response period. The major difference is the date the responses are due. This method allows for responses to be accepted throughout an extended period such as the date of the contract award expiration and awards made periodically. Periodic board approval may also be required. For newspaper advertisements, our District will continue to publicize periodic republication through our website and continue to enlist the assistance of the three (3) Chamber of Commerce's, as received on this first solicitation. The advertisement will address concerns about transparency by announcing the solicitation to new readers even though the statutory requirements were met by the initial publication.

The intent for awarding additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the additional eight (8) vendors for the Educational Consulting, Professional Development, and Other Student-Based Contracted Services bid, as presented.

Angela Leonhardt

Company Name:	Angela Leonhardt
Street Address:	3419 Albizi Way
City, State, Zip:	San Antonio, TX 78258
Contact Name:	Angela Leonhardt
Contact Phone Number:	210-865-8258
Contact Email Address:	leonhardtmusic@gmail.com
Category of Service Provided:	Fine Arts Services (Band, Choir, Theater)
Target Audience:	Elementary Music Educators
Description of Services:	Provide hands-on professional development sessions for music educators; Sessions are tailored to the district's needs for their teachers; Sessions include detailed handouts.
Pricing:	$100.00/hour plus transportation costs.

Array Education (Teach Like a Champion) (Array Education, Inc)

Company Name:	Array Education, Inc. (dba Teach Like a Champion)
Street Address:	25 Broadway Floor 3
City, State, Zip:	New York, NY 10004
Contact Name:	Christian Sparling
Contact Phone Number:	917-952-3805
Contact Email Address:	csparling@teachlikeachampion.org
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	School leaders, rising leaders, or coaches training teachers on teaching strategies & techniques.
Description of Services:	Plug and Plays: These are digital file packages that include PowerPoint presentations, videos, & participant handout materials to be used by school personnel to train instructional staff. Teach Like a Champion will send the files via file transfer, & school can use the resources at their convenience.
Pricing:	Pricing varies from $375.00 to $1,700.00 per single session (Discounts for Multiple Campus usage)

Couros Leadership Group LLC

Company Name:	Couros Leadership Group LLC
Street Address:	11255 Macaw Court
City, State, Zip:	Windermere FL 34786
Contact Name:	George Couros
Contact Phone Number:	321-395-9028
Contact Email Address:	georgecouros@gmail.com
Category of Service Provided:	Academic Educational Consultant
Target Audience:	All Staff
Description of Services:	Speaking
Pricing:	$15,000.00 all inclusive

datrience'IQ, LLC (datience"IQ)

Company Name:	datience'IQ, LLC
Street Address:	101 Western Ridge
City, State, Zip:	Gatesville, TX 76528
Contact Name:	Eric Penrod
Contact Phone Number:	512-627-2251
Contact Email Address:	epenrod@datienceIQ.com
Category of Service Provided:	Data Analysis/Statistical Analysis
Target Audience:	Geospatial Location Analysis for Unaccounted Students
Description of Services:	Providing geospatial & data analytics services enabling identification, monitoring & re-engagement of students who exited or at-risk of leaving the district; Including those under relevant PEIMS leaver codes; Services deliver actionable insights with real-time mobility analysis; Early detection of emerging learners (ages 0–4) to support Pre-K outreach. Enhancing educator recruitment efforts through data-driven candidate matching & geographic analysis of talent pools; Services delivered in a secure, ethical manner to support strategic decision-making & long-term district sustainability.
Pricing:	$1.00 per enrolled student as of the most recent snapshot day (last Friday in October).

FeedForward Occupational Therapy, LLC

Company Name:	FeedForward Occupational Therapy LLC
Street Address:	1903 S 19th St
City, State, Zip:	Temple, TX 76504
Contact Name:	Crystal Mandudi
Contact Phone Number:	817-770-7215
Contact Email Address:	feedforwardot@gmail.com
Category of Service Provided:	Evaluator Services
Target Audience:	Special Education department
Description of Services:	FeedForward OT offers school-based occupational therapy services to students with disabilities or developmental challenges; Participate in their education by addressing each child's physical, socio-emotional, cognitive, & sensory needs. Comprehensive OT evaluations; Direct services (individual & small group treatment sessions); Indirect services (student/staff consultations, timely record keeping, COTA/OTA supervision, etc.). Provide bilingual educational diagnostic; In-depth testing to complete Full & Individual Evaluations (FIE) for IEP eligibilities via English and/or Spanish.
Pricing:	Pricing Varies: $86/hour-direct & indirect time, treatment sessions, teacher/staff consult, IEP meetings, report writing, documentation, & Bilingual educational diagnostician services: Hours not to exceed 40 hours/week/provider

JNREMU Business Solutions

Company Name:	JNREMU Business Solutions
Street Address:	5830 East Second Street
City, State, Zip:	Casper, WY 82609
Contact Name:	Jeanille Rockett
Contact Phone Number:	504-912-8187
Contact Email Address:	info@jnremuenterprisesllc.com

Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Educators and students.
Description of Services:	JNREMU Business Solutions offers transformational services designed to elevate people, shift culture, & increase clarity & productivity; Focus on internal alignment; Strategic leadership; Sustainable transformation; Team Trainings & Workshop Facilitation; Interactive workshops to strengthen teams, build self-awareness, and unlock next-level communication & collaboration; Developing emotional intelligence; Topics of Leadership Development, Culture Reset, Mental Wellness, Boundaries at Work, Communication with Clarity, and Purpose-Driven; In-person or virtual; available as one-time intensives or ongoing series: Assist in creating software Management Systems: Student workshop and small circles.
Pricing:	Pricing Varies; Per Session Rate: $5,000.00, Full Package Rate (5 -7 sessions) Includes 20% Discount: $20,000 - $28,000; Materials: Each book, journal, or workbook is $20.00-$30.00

Lea Devers - LeaD Educational Services

Company Name:	LeaD Educational Services
Street Address:	6713 Roaring Creek
City, State, Zip:	Argyle, TX 76226
Contact Name:	Lea Devers
Contact Phone Number:	940-594-0702
Contact Email Address:	leadevers@lead-edservices.com
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Principals, Assistant Principals, Instructional Coaches
Description of Services:	Educational Consulting Services; High impact instructional coaching; Targeted learning. Developing leadership capacity; Strengthening instructional practices to improve student outcomes; Focused on professional learning; Capacity Building with Instructional Leadership Teams; Principals Instructional Leadership Training; Change Management for Continuous Improvement; Effective Observations & Actionable Feedback; Data Informed Instruction.
Pricing:	Pricing for services range from $100.00 to $3000.00

Sage & Light Legacy Learning LLC

Company Name:	Sage & Light Legacy Learning LLC
Street Address:	2870 Peachtree Rd NW #915-2893
City, State, Zip:	Atlanta, GA 30305
Contact Name:	Minica Sanderson
Contact Phone Number:	762-260-6112
Contact Email Address:	dr.m.sanderson@icloud.com
Category of Service Provided:	Other applicable service
Target Audience:	K–12 students receiving special education services, their families, & school districts support.
Description of Services:	Transition Planning: Support for students ages 14+ in post-secondary planning, job readiness, & IEP goal implementation. Virtual coaching for students focused on transition planning, self-advocacy, & real-life skills; Behavioral Support Planning & Strategies; Data-driven consultation; Virtual coaching for behavior teams & parents. Family Engagement & Advocacy; Support caregiver in special education processes; Home-school collaboration; Certified special education teachers with IEP compliance, direct instruction & consultation.
Pricing:	Pricing varies $75-$95/hour; Group services or bundled programs can be priced per Participant.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: June 18, 2025 **Contact Person: S. Smith/G. Barrera**

RE: Bid Award for Maintenance Supplies, Equipment, and Services

==========

Background Information:

Request for Proposal, RFP # 22-1229, Maintenance Supplies, Equipment, and Services have been received for the purpose of creating a list of vendors which can provide supplies, equipment, and services for the Facilities and Maintenance and Custodial Departments. We have received one hundred fifty-five (155) responses for this initial bid. We received seven (7) additional vendors this past month and has been attached for your consideration.

In an effort to allow for maximum participation with our Maintenance and Custodial vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 Purchasing, the Purchasing Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
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The intent for awarding additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the seven (7) additional new vendors for the Maintenance Supplies, Equipment, and Services bid, as presented.

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for April 2025

Responding Supplier	City	State
Alamo Iron Works (Triple-S Steel Supply, LLC)	San Antonio	TX
American Consulting	Austin	TX
Emerge Services, LLC	Conroe	TX
R&R Tactical, LLC	Hewitt	TX
Regian Tool and Equipment	Waco	TX
Tuff Shed	Waco	TX
Zed Security, LLC	Hickory Creek	TX
Previously Awarded Vendors	**City**	**State**
A&H Refrigeration Company, Inc.	Waco	TX
A-1 Banner & Sign Company, Inc.	Waco	TX
A-1 Vacuum Center, Inc.	Conroe	TX
AAA Elevator Inspections	Austin	TX
Access Lift & Service Company, Inc.	Peaster	TX
ACE Fence & Supply (Ace Commercial Fence, Inc.)	Robinson	TX
Acme Architectural Hardware	College Station	TX
AHP Media Technology	Hewitt	TX
Air Flow Filter Service, Ltd.	Waco	TX
Allen Glass Company	Hewitt	TX
ARC Abatement 1, Ltd.	Waco	TX
Arrow Magnolia International, Inc.	Dallas	TX
AutoCzech/Soljonhof	West	TX
B F Hurley Mat Co, Inc.	LaGrange	GA
B&B Repair Shop	West	TX
Bain Paper Company	Waco	TX
Barnett Contracting, Inc.	Waco	TX
Batteries Plus Waco/Temple/Harker Heights (Glacierbeach)	Waco	TX
Belfor (Belfor USA Group, Inc.)	Waco	TX
Benchmark Signs	Weatherford	TX
Bill's Discount Tire Service (Maria G. Castanon-Vega)	Waco	TX
Bleacher Service Company (Gilbert D. Trevino)	Moody	TX
Brandt (The Brandt Companies, LLC)	Waco	TX
Brem's Fencing LLC	Valley Mills	TX
Brewer Lock and Safe	Waco	TX
BUGSDOTCOM Termite and Pest	Waco	TX
Bullseye Glass (Bullseye Glass LLC)	Waco	TX
Carquest of Hewitt (Pavelka Truck and Auto Parts, Inc	Hewitt	TX
CCP Industries, Inc. (The Tranzonic Companies)	Richmond Heights	OH
Centex Carpet & Interiors	Waco	TX
Central Texas Mobile Storage	Waco	TX
Century HVAC Distributing	Dallas	TX
CF Supply, Inc.	Waco	TX
CheckSammy, Inc.	Plano	TX
City Tire and Battery	Waco	TX
Clarks Small Engine Repair	Lacy Lakeview	TX
Cleaning Robotics, LLC	Luling	LA

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for April 2025

Previously Awarded Vendors	City	State
Climatec, LLC	Austin	TX
Code-3 Fire & Safety Products	Waco	TX
Communication Concepts	Fort Worth	TX
Competitive Choice, Inc.	Houston	TX
Complete Supply, Inc.	Dallas	TX
Core Controls	Dallas	TX
Dealers Electrical Supply	Waco	TX
DenaliCS (Denali Construction Services, LP)	Carrollton	TX
Dent Enterprises LLC	Desoto	TX
DH Pace Company, Inc.	Coppell	TX
Diesel Power Supply Company	Waco	TX
Duncan's Commercial Lock	Wichita Falls	TX
Encore Fence	Temple	TX
Environmental Concerns, Inc.	Waco	TX
Epic Solar Control, LLC	McKinney	TX
Equipment Depot	Waco	TX
Fairway Supply	Irving	TX
Fastsigns Waco (Red Bird Digital Media LLC)	Waco	TX
Filterbuy Incorporated	Talladega	AL
Firetrol Protection Systems (Heather Foster)	Austin	TX
Fissco Supply (Frigelar North America DBA Fissco Supply)	Dallas	TX
Fitzgerald Lawnscaper Ltd.	Woodway	TX
Flip Lok, LLC	Houston	TX
Flow Plumbing Services, LLC	Waco	TX
Fort Worth Window Cleaning, Inc.	Haltom City	TX
Fred's Power Wash (Washer Power)	Waco	TX
Gene Ives Acoustic & Tile Company	Waco	TX
Global Industrial (Global Equipment Company, Inc.)	Buford	GA
Grones Environmental Services	Waco	TX
Ground Penetrating Radar Systems	Maumee	OH
H & H Sign Co., Inc	Waco	TX
H. B. Blake Company	Hewitt	TX
Hardin & Associates Holdings, LLC	Carrollton	TX
HCS Inc. (MB Home Construction)	Waco	TX
Hill Country Paints (Wendy Hui Anderson)	Waco	TX
Image Maker 4U, Inc.	Hughes Springs	TX
Independent Hardware, Inc.	Philadelphia	PA
Interboro Packaging Corporation	Montgomery	NY
Intercon Environmental, Inc.	Mansfield	TX
Intermountain Lock & Security Supply	Salt Lake City	UT
J.K. Brown	Moody	TX
Jackson Sign & Lighting	Waco	TX
JGA Roofing	Waco	TX
JLM Contracting, LLC	Waco	TX
Justin Seed Company	Justin	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for April 2025

Previously Awarded Vendors	City	State
Kinco Inc., Overhead Door Co of Waco	Waco	TX
Lady Liberty Flag and Flagpole (Convict Hill Floor Covering & Design, Inc.	Austin	TX
Landscape Supply (Waco Landscape Supply, LP)	Waco	TX
LD Tebben Co/Pax Services Group	Waco	TX
Lea Park & Play, Inc.	Richardson	TX
Lennox Industries (Lennox Industries, Inc.)	Richardson	TX
Liftcrete Solutions (Green Foam Solutions, Inc.)	Waco	TX
Lonestar Chiller Systems (Lonestar Chiller Systems LLC)	Crawford	TX
Lonestar Truck Group Waco (Lonestar Freighliner Group, LLC	Waco	TX
Loop 340 Overhead Door (Sideline Enterprises, Inc.)	Waco	TX
Ludwig Saw AND Tool Sharpening	Waco	TX
M.A.N.S Distributors, Inc.	Carrollton	TX
Marks Plumbing Parts (John W Gasparini, Inc.)	Fort Worth	TX
MJM Commercial HVAC, LLC (Motl)	Robinson	TX
Morrison Supply Company (Reece USA)	Waco	TX
National Wholesale Supply Company	Woodway	TX
NEI Datacom (Nemmer Electric, Inc.)	Waco	TX
Newman Technology Solutions	Temple	TX
Otuvy, Inc	Provo	UT
P&E Mechanical Contractors, LLC	Waco	TX
Patriot Supply Company	Brady	TX
Perry Office Plus (Perry Office Products)	Temple	TX
Pioneer Steel and Pipe Co., Inc.	Waco	TX
Pioneer Vacuum Services, LLC	Waco	TX
Pye Barker Fire	Waco	TX
Ranger Security Solutions (Ranger Elite Management, LLC)	Temple	TX
RBO Technologies, LLC	Waco	TX
Resco (E & O investments, LLC)	Hewitt	TX
Richards Equipment Company	Waco	TX
Ryberg Plumbing LLC	Waco	TX
School Bus Safety Company	Hudson	OH
Sentinel Air Conditioning and Heating	Spring	TX
Share Corporation	Milwaukee	WI
Sherwin Williams (The Sherwin Williams Company)	Waco	TX
Shiffler Equipment Sales, Inc.	Chardon	OH
Sims Plastics of Waco	Waco	TX
Smith Supply Co. LLC	Temple	TX
Smoot-Anderson Company, Inc.	Waco	TX
Solar Supply	Waco	TX
Southern Clean Pressure Washing (Michael Jackson)	Ferris	TX
Southern Tire Mart	Dallas	TX
Southwest Maintenance, LTD	Waco	TX
Starks Janitorial Services	Mesquite	TX
Steeles Garage Door Solutions	Belton	TX
Sunrise Environmental LLC (Jessica L Marquesen)	Bridgeport	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for April 2025

Previously Awarded Vendors	City	State
SWS Concrete Contractor (Scott W Schreiber)	Waco	TX
T & W Tire	Waco	TX
T&G Chemical and Supply	Waco	TX
T.E.A.M. Solutions, Inc. (Texas Energy & Automation Management Solutions, Inc.)	Waco	TX
Tanglewood ATX, LLC	Leander	TX
Texas Alternator Starter Service (McAdamsGroup, LLC)	Austin	TX
Texas Security Equipment, Inc.	Waco	TX
The Reynolds Company (D. Reynolds Co., LLC)	Fort Worth	TX
The Roof Co. Waco, LLC	Waco	TX
TJ's Professional Painting and Construction, LLC	Red Oak	TX
Tradesman Service	Waco	TX
Trane	Fort Worth	TX
Truck Alignment Frame, LLC	Elm Mott	TX
Tyggr Roofing & Construction Company	Morgan	TX
UniFirst Corporation	Hewitt	TX
Unifirst First Aid & Safety	Earth City	MO
United Ag & Turf	Waco	TX
United Refrigeration, Inc.	Waco	TX
Versalift Southwest	Waco	TX
Virkim, Inc.	Hewitt	TX
Visual Techniques	Longview	TX
Waco Fencing & Stuff	Waco	TX
Waco Hydro Wash	Waco	TX
Waco Lock and Key, LLC	Waco	TX
WESCO Chemicals, Inc.	Waxahachie	TX
Winston Watercooler of Waco LTD	Waco	TX
Wizard Wash & Paint	Waco	TX
Woodard Builders Supply Company	Fort Worth	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Smith**

RE: Bid Award for Restaurant & Catering Services

==========

Background Information:

Request for Proposal, RFP # 19-1150, Restaurant & Catering Services have been received for the purpose of creating a list of vendors which can service the District in their Restaurant and Catering needs. We received two (2) additional response since the last bid was awarded.

The two (2) new vendors, to be considered with the previously approved seventy-seven (78) vendors, are attached for your consideration.

In an effort to create inclusivity with our local Restaurant and Catering vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 Purchasing, the Business Services Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
Consideration may need to be given to have an extended opening for receiving responses.

• Limited Response Period. This choice is considered a normal, formal RFP. Examples include newspaper advertisements and awards made and limited to only the responders that submitted and awarded for the solicitation.

• Extended Response Period. This choice is more informal than a limited response period. The major difference is the date the responses are due. This method allows for responses to be accepted throughout an extended period such as the date of the contract award expiration and awards made periodically. Periodic board approval may also be required. For newspaper advertisements, our District will continue to publicize periodic republication through our website and continue to enlist the assistance of the three (3) Chamber of Commerce's, as received on this first solicitation. The advertisement will address concerns about transparency by announcing the solicitation to new readers even though the statutory requirements were met by the initial publication.

The intent for awarding additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the two (2) additional vendors for the Restaurant & Catering Services bid, as presented.

RFP # 19-1150
Restaurant and Catering Services
Vendors for July 2025

New Responding Supplier	City	State
LC Texas LLC (Little Caesars Pizza)	Waco	TX
Fish City Grill	Waco	TX
Previously Awarded Vendors	**City**	**State**
Andy's Frozen Custard (Andy's Texas #5, LLC)	Austin	TX
Apex Coffee Roasters	Waco	TX
Backyard Bar Stage and Grill	Waco	TX
Bigwards Smokehouse	Waco	TX
Blanek‘s Custom Catering by Big Daddy‘s (Joe Blanek)	Robinson	TX
Boardwalk on Elm	Waco	TX
Bush‘s Chicken	Waco	TX
Cafe Venture Catering and Fuddruckers	Lubbock	TX
Chaney Brothers Coffee Truck (Waco Coffee Company)	Waco	TX
Chick-fil-A at Baylor University (Sykora Family Enterprises)	Waco	TX
Chick-fil-A of Waco	Waco	TX
Chuy's Opco Inc.	Austin	TX
Cicis Pizza (Smitty Investments)	Waco	TX
Coach's Smoke BBQ (Josey's BBA, Inc.)	Waco	TX
DoubleDave's Pizzaworks (Hearne Pizza, LLC)	Waco	TX
Fazoli's (FazTex Restaurants, Inc.)	Austin	TX
Firehouse Subs (Brazos Valley Subs)	Waco	TX
Franklin Avenue Mac House (Cheddar Box, LLC)	Waco	TX
Freebirds World Burrito (TavistockFreebirds, LLC	Waco	TX
Frenchie Daddy French Toast	Waco	TX
Fuego Waco II, LLC	Waco	TX
Gelu Italian Ice (Waco Coffee Company, LLC)	Waco	TX
George's Restaurant & Catering (George's 1, Ltd.)	Waco	TX
Good'N Gone Cookie Jar	Waco	TX
Hecho en Waco	Waco	TX
Heritage Creamery (Heritage Creamery, LLC)	Waco	TX
HTeaO (N2T, LLC)	Amarillo	TX
Ichiban	Waco	TX
Jason‘s Deli (Deli Management, Inc.)	Waco	TX
Jeremiah's Italian Ice of Waco	Waco	TX
Jimmy Johns (Butts Largest Investment Group II, Inc.)	Waco	TX
Jon Lillie's Steakhouse	Waco	TX
Kings Chicken Wings	Waco	TX
Kona Ice of Waco, LLC (Tie Dye Interprises)	Waco	TX
Kurbside Coffee & Goods	Waco	TX
La Fiesta Restaurant (Wanda Patlis, Inc.)	Waco	TX
Little Caesars Pizza (Reno, Ltd.)	Hewitt	TX
Lotz of Bunz, LLC	Waco	TX
Lula Jane's, LLC	Waco	TX
McAlister‘s Deli (The Saxton Group)	Dallas	TX
Mo Cookies	Waco	TX
Newk's-1033-Waco-TX (Newk's Eatery)	Waco	TX
Nightlight Donuts & Coffee	Woodway	TX

RFP # 19-1150
Restaurant and Catering Services
Vendors for July 2025

Andy's Frozen Custard (Andy's Texas #5, LLC)	Austin	TX
Ninfas Mexican Restaurant (Texas rodco Waco)	Waco	TX
Nothing Bundt Cakes (DOXA JaM LLC)	Waco	TX
Ohana Shaved Ice and ice Cream	Hewitt	TX
Panda Express, Inc.	Waco	TX
Panera Bread	Waco	TX
Papa Bear	Waco	TX
Performance Foodservice Group Roma (PFG Holdings, LLC)	Temple	TX
Peter Piper Pizza (Pizza Properties, Inc.)	El Paso	TX
Po' Boy Place	Waco	TX
Pop's Lemonade Company	Waco	TX
Raising Canes (Raising Canes Restaurants, LLC)	Plano	TX
Revival Eastside Eatery	Waco	TX
Roni's Mac Bar	Waco	TX
Rosa's Café & Tortilla Factory	Waco	TX
Rosati's of Waco (Odling Pizza, LLC)	Waco	TX
Sascee's Southern Eatery	Waco	TX
Shipley Do-Nuts (S. Valley Mills Dr, Waco Dr., Speight Ave.)	Waco	TX
Southern Roots Brewing (Southern Roots Taproom, LLC)	Waco	TX
Subway (Benchmark Subs)	Waco	TX
Sweetness Desserts (Laura Summersett)	Waco	TX
Sweets by Rachel	Waco	TX
Talk More Meals	Waco	TX
Texas Roadhouse	Waco	TX
The Olive Branch (Stewart Branch)	Waco	TX
Toaster Yolk Café	Waco	TX
Tony DeMaria's BBQ	Waco	TX
Travelin' Toms (CTX Coffee, LLC)	Waco	TX
Tres Manos Coffee	Waco	TX
Triple B's Smokehouse (J&C Triple B, LLC)	Waco	TX
Uncle Dan‘s Bar-B-que and Catering (D.W.Henderson Corporation)	Waco	TX
Waco Cha	Waco	TX
Walkons Waco	Waco	TX
What About Cupcakes? (What About Cupcakes, LLC)	Waco	TX
Wheat's Cocina	Woodway	TX
Zookies Investments, LLC	Waco	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Smith**

RE: Bid Award for Music Supplies, Equipment and Services

==========

Background Information:

Request for Proposal, Bid# 25-1288, for Music Supplies, Equipment and Services have been received for the purpose of creating a list of vendors which can be utilized by the District to provide goods and services for music supplies, equipment and services on an as needed basis. The District received forty-four (44) responses for this bid. A list of vendors is provided for your review. All valid responses, that met the scope of work, were accepted.

This bid will expire July 31, 2030.

Fiscal Implications:

The cost of these supplies will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the list of vendors for Music Supplies, Equipment and Services, as presented.

RFP # 25-1288
Music Supplies, Equipment and Services

Responses	City	State
ABI Digital Solutions / Digital Performance Gear (Airbrush Images Inc)	Conroe	TX
AM Designs LLC	Rogers	TX
Antonio Strad Violin LLC	San Antonio	TX
B.A.C. Musical Instruments	Kansas City	MO
Band Today	Henderson	NC
Benchmark Signs	Weatherford	TX
Brook Mays Music (Universal Melody Services)	Dallas	TX
Dance Sophisticates	Indianapolis	IN
Delgado Guitars (Manuel A. Delgado)	Nashville	TN
DeMoulin Brothers & Company	Greenville	IL
getpoms.com	Dallas	TX
High School Music Service (National Educational Music Co)	San Antonio	TX
Hole in the Roof Marketing (Hole in the Roof)	Waco	TX
Houghton Horns LLC	Keller	TX
J.W. Pepper & Son, Inc.	Exton	PA
Jeffrey Larch	Lakewood	OH
Lisle Violin Shop	Pasadena	TX
Luck's Music Library	Madison Heights	MI
M & D Music Co	China Spring	TX
Macie Publishing Company	Peapack	NJ
Mariachi Y Folklorico Center (Weslaco Music Center)	Mercedes	TX
Marimba One, Inc	Arcata	CA
McCormick's Group, LLC	Wheeling	IL
Mighty Music Publishing (Mollie Gregory Tower, LLC)	Austin	TX
Music and Arts (Guitar Center Stores Inc)	Frederick	MD
Music In Motion	PLANO	TX
Norcostco Inc	Minneapolis	MN
Pender's Music Company (Pender's Music Company, LLC)	Denton	TX
Plank Road Publishing	Wauwatosa	WI

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Smith**

RE: Purchases over $50,000 Under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service

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Background Information:

In April 2020, the Board approved a change in Board Policy CH (Local) that requires all purchase requests over $50,000 to be approved by the Board of Trustees prior to being made. These purchases will be made under a pre-existing bid or purchasing cooperative. The following purchase requests have been made as of July 24, 2025:

Pre-Existing Bid:

1. Catalyft Labs, Inc. dba Perch $68,900.00 – Waco High School Athletics – Software and Hardware for athletic weight training – Waco ISD Bid # 25-1277, Educational Software and other School District Related Software

2. Emergent Tree - $137,500.00 – Professional Development, Consultation and Materials – Waco ISD Bid # 21-1182, Educational, Professional Development and Other Student Based Contracted Services

3. Curriculum Associates - $615,000.00 Consulting – Waco ISD Bid # 21-1182, Educational, Professional Development and Other Student Based Contracted Services

Purchasing Cooperative:

4. Edmentum - $150,816.75 – Program to provide lessons for students working to recover credits – Omina Contract # R240305

5. Branching Minds - $81,935.00 – Program to track intervention tiers for student behavior and academic support – HCDE/Choice Partners, Contract # 25/018MF-09

6. Amira - $106,400.00 – Supplemental reading program to assist in closing gaps in literacy – HCDE/Choice Partners Contract # 24-029SG-05

7. Parsons Roofing - $53,518.00 – Repair roof damage at Dean Highland Elementary due to Hail/TASB claim funded – TIPS Contract # 211001

8. Flinn Scientific - $102,806.46 – Start up supplies for Waco High School Science Lab – TIPS Contract # 230805

9. School Mint Grow - $89,460.00 – Grow is an instructional coaching and classroom observation platform that is used in Waco ISD to support educators and instructional coaches. The platform empowers campus and district leaders by providing a cohesive way to provide classroom observation and feedback that is targeted and timely. This platform tracks teacher growth goals and monitors job embedded professional development and support for teachers, administrators, and other leaders in the district - Purchasing Cooperative TIPS, Contract # 230105

10. Technology Resources Education Consortium (TREC) -$61,177.00 Technology Resources Education Consortium is managed by ESC Region 11 and is a statewide consortium that provides library and resource management systems including Follett's Destiny Library Manager and Resource Management that are used in Waco ISD- ESC Region 11, Library and Resource Management Contract

11. ESC Region 12 - $166,402.64 - Various annual membership services provided to Waco ISD - ESC Region 12

12. Computer Solutions - $119,466.00 – Student Chromebook for University High DIR Contract # TX-DIR-TSO-4159

13. Dell Technologies - $74,915.50 – Chromebooks for Kendrick Elementary – DIR Contract # TX-DIR-CPO-5792

14. ParentSquare - $75,540.00 - Mass communication tool for teachers and staff to use in communicating with parents. Translates in parent preferred language TIPS Contract # 230105

15. Carnegie Learning - $60,500 – Elementary District-Wide Math Instructional Coaching – TIPS Contract # 220105

16. Great Minds - $ 229,700.00 – Staff Development for newly adopted math curriculum – Belton ISD's Bid # 2109-600-265-1

Other:

17. EMA - $98,000.00 – Professional Services SECO Loan Retro-Commissioning Services for WISD – Professional Services, exempt from the bidding process

Fiscal Implications:

The cost of these goods and services will be charged to the appropriate departmental budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the purchase requests over $50,000, as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: S. Davis/C. Ocampo

RE: Interlocal Cooperation Agreement and Fiscal Agent Contract between the McLennan County Challenge Academy and Participating Districts for the 2025-2026 School Year

==========

Background Information:

The attached Interlocal Cooperation Contract/Memorandum of Understanding (MOU) establishes the McLennan County Challenge Academy as a provider of Alternative Education Programs for area school districts pursuant to V.T.C.A. Education Code, Chapter 37 and the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791. The initial agreement creating the McLennan County Challenge Academy was executed in December, 1995. Each year, Waco ISD must renew this agreement as a participating district.

Funding of the program, as outlined in the MOU, is structured to fully fund the program while better accommodating placements in the Bill Logue Juvenile Detention Center. Districts paying an annual participation fee of $1500, will be charged $99 per each day of attendance for discretionary placements at the Challenge Academy and $77 per day at the detention center. District's choosing not to pay the annual participation fee will be charged $198 per each day of attendance at the Challenge Academy. Extended School Year services may be offered beyond the regular school year, as requested. The daily rate for extended services is $86.00 per each day of attendance. These rates are unchanged from the 2024-2025 school year.

Effective August 1, 2006, Waco I.S.D. entered into an agreement to serve as fiscal agent of the McLennan County Challenge Academy. This agreement, between Waco ISD and the McLennan County Juvenile Board, must also be renewed annually. The District receives a fiscal agent fee equivalent to its unrestricted indirect cost rate as approved by the Texas Education Agency. For 2025-2026, the approved rate is 10.628% of total expenditures. This unrestricted indirect cost rate covers administrative costs, such payroll, as well as plant maintenance and security costs. A copy of the fiscal agent contract is also attached.

Fiscal Implications:

All costs associated with these agreements will be paid by participating districts as outlined in the agreement. As fiscal agent, Waco ISD receives a fee equivalent to 10.628% of total expenditures. The cost and revenue to Waco ISD will be included in the 2025-2026 proposed general fund budget.

Administrative Recommendations:

The administration recommends the Board of Trustees approve the 2025-2026 Interlocal Cooperation Contract/Memorandum of Understanding and Fiscal Agent Contract with the McLennan County Challenge Academy, as presented.

2025-2026
INTERLOCAL COOPERATION CONTRACT/MEMORANDUM OF UNDERSTANDING
FOR THE OPERATION
OF THE McLENNAN COUNTY CHALLENGE ACADEMY
TO PROVIDE
ALTERNATIVE EDUCATION PROGRAMS

This Interlocal Cooperation Contract/Memorandum of Understanding is made by and between the McLennan County Juvenile Board, Waco ISD (as fiscal agent and as a participating school district), and each of the independent school districts of McLennan County, Texas who are signatories to this agreement as set forth below, pursuant to V.T.C.A. Education Code, Chapter 37 and the Interlocal Cooperation Act, V.T.C.A. Government Code, Chapter 791 upon the following terms and conditions:

(1) Purpose: The purpose of this Agreement is to govern and operate the McLennan County Challenge Academy (hereinafter "Academy") and to provide education services including a juvenile justice alternative education program (JJAEP), and an Alternative Education Program (AEP) for students, school districts and the juvenile board in McLennan County, Texas pursuant to V.T.C.A. Education Code Chapter 37.

(2) Governance: The Academy shall operate independent and apart from the parties to this agreement and shall not be a political subdivision, subsidiary, joint venture, or partnership of McLennan County or the McLennan County Juvenile Board. The governance of the Academy shall be as set forth in Attachment "1" titled Governance Structure for the McLennan County Challenge Academy, and the laws of the state of Texas, including but not limited to the Texas Education Code and regulations of the State Board of Education and/or the Texas Juvenile Justice Department. All terms and conditions in Attachment "1" are incorporated by reference herein and made a part hereof, the same as if copied into this contract verbatim.

(3) Services, Terms, Rights and Duties: The general services, terms, rights and duties addressed and/or created hereby are as set forth in Attachment "2" hereto, which is incorporated by reference herein. McLennan County and the Juvenile Board shall not, and do not by the execution of this Agreement assume any responsibility to participate financially, legally or otherwise in the education process and the business of the school districts and their students except for those obligations specifically mandated by statute involving certain expelled students or adjudicated delinquents.

(4) Payment for Services: Payment for services hereunder will be made from current revenues of the paying party. Payment for services shall be made as set forth in Attachment "2". The parties understand, acknowledge and agree the payments provided for in Attachment "2" are in an amount which will fairly compensate McLennan County Challenge Academy and Waco ISD, as fiscal agent for the services provided hereunder.

(5) Term: This Agreement shall become effective August 1, 2025 and shall remain in force unless terminated by the mutual agreement of the parties.

(6) Authorization: This agreement has been authorized by the McLennan County Juvenile Board and by the Board of Trustees of each school district who is a party to the agreement.

McLENNAN COUNTY JUVENILE BOARD

By:_____
(Name) (Title)

Date: _____

WACO ISD (Fiscal agent and Participating School District)

By:_____
(Name) (Title)

Date: _____

AXTELL ISD

By:_____
(Name) (Title)

Date: _____

BOSQUEVILLE ISD

By:_____
(Name) (Title)

Date: _____

BRUCEVILLE-EDDY ISD

By:_____
(Name) (Title)

Date: _____

CHINA SPRING ISD

By:_____
(Name) (Title)

Date: _____

CONNALLY ISD

By:_____
(Name) (Title)

Date: _____

CRAWFORD ISD

By:_____
(Name) (Title)

Date: _____

GHOLSON ISD

By:_____
(Name) (Title)

Date: _____

HALLSBURG ISD

By:_____
(Name) (Title)

Date: _____

LA VEGA ISD

By:_____
(Name) (Title)

Date: _____

LORENA ISD

By:_____
(Name) (Title)

Date: _____

MART ISD

By:_____
(Name) (Title)

Date: _____

McGREGOR ISD

By:_____
(Name) (Title)

Date: _____

MIDWAY ISD

By:_____
(Name) (Title)

Date: _____

MOODY ISD

By:_____
(Name) (Title)

Date: _____

RIESEL ISD

By:_____
(Name) (Title)

Date: _____

ROBINSON ISD

By:_____
(Name) (Title)

Date: _____

VALLEY MILLS ISD

By:_____
(Name) (Title)

Date: _____

WEST ISD

By:_____
(Name) (Title)

Date: _____

Attachment "1"

GOVERNANCE STRUCTURE

FOR THE

McLENNAN COUNTY CHALLENGE ACADEMY

On or about December 1, 1995, an interlocal agreement defining the responsibilities and duties of the eighteen (18) public schools of McLennan County and the McLennan County Juvenile Board was signed bringing into existence the McLennan County Challenge Academy (MCCA or Academy). This collaboration created and is operating an alternative education program (AEP) and a Juvenile Justice Alternative Education Program (JJAEP).

The Academy's Governance Board

MCCA will be governed by a Governance Board as set forth below:

A eleven (11) member Governance Board of the McLennan County Challenge Academy shall be formed and constituted as follows:

Chairperson: The chairperson of the McLennan County Juvenile Board (or an appointed representative thereof) shall serve as a chairperson for the MCCA Governance Board. The chairperson of the MCCA Governance Board shall have a vote. Said vote may be counted as two votes in the event of a tie vote in order to break the tie.

Member-McLennan County Juvenile Probation Department: The Chief Probation Officer of the MCJPD or his/her designee shall serve as a voting member of the MCCA Governance Board.

Member Fiscal Agent ISD: The Superintendent of Schools or his/her designee for the district serving as fiscal agent for the MCCA shall serve as a voting member of the MCCA Governance Board. The fiscal agent for 2025-2026 is Waco ISD.

Member-La Vega ISD: The Superintendent of Schools of La Vega ISD or his/her designee shall serve as a voting member of the MCCA Governance Board.

Member-Midway ISD: The Superintendent of Schools of Midway ISD or his/her designee shall serve as a voting member of the MCCA Governance Board.

Member Zone I: One Superintendent annually elected from the schools in Zone I shall serve, or shall designate someone to serve, as a voting member of the MCCA Governance Board. The ISDs in Zone I are: Bosqueville ISD, Gholson ISD, West ISD, and Connally ISD.

Member Zone II: One Superintendent elected from the schools in Zone II shall serve, or shall designate someone to serve, as a voting member of the MCCA Governance Board. The ISDs in Zone II are: Robinson ISD, Axtell ISD, Mart ISD, Hallsburg ISD, and Riesel ISD.

Member Zone III: One Superintendent elected from the schools in Zone III shall serve, or shall designate someone to serve, as a voting member of the MCCA Governance Board. The ISDs in Zone III are: China Spring ISD, Crawford ISD, McGregor ISD, Lorena ISD, Bruceville-Eddy ISD, and Moody ISD.

Member At-Large Representing the Minority Community: One representative from the Hispanic community of McLennan County shall be named by the Chairman of the Juvenile Board. Each representative will serve a one-year term as a voting member of the MCCA Governance Board.

Member At-Large Representing the Minority Community: One representative from the African-American community of McLennan County shall be named by the Chairman of the Juvenile Board. Each representative will serve a one-year term as a voting member of the MCCA Governance Board.

Member At-Large Representing McLennan County: One voting member of the MCCA Governance Board shall be selected annually from the residents of McLennan County. The Chairman of the Juvenile Board shall select this representative. The representative will serve a one-year term as a voting member of the MCCA Governance Board.

The eleven (11) member Governance Board shall serve as the legally constituted governing body for the McLennan County Challenge Academy. Those members who are annually appointed or elected shall be so elected or appointed by July 1 of each calendar year. The Chairperson of the Governance Board may cast a tie-breaking vote if the ISDs in any Zone otherwise cannot select a superintendent to represent the Zone on the Board. The one-year term for those members shall run from July 1 of the current year to June 30 of the following year.

The Academy's Governance Board shall meet at the call of the Chairperson, the Superintendent of the fiscal agent, or upon the written request of any two members of the Board delivered to the Chairperson. The Board shall conduct business, act and proceed in accordance with the laws of the state of Texas including the Texas Education Code, the Texas Family Code, the policies, rules, regulations, and standards of the Texas Juvenile Justice Department, the regulations of the State Board of Education, and the policies, rules and regulations adopted by the Academy's Governance Board. The Board shall conduct business in accordance with the Roberts Rule of Order unless inconsistent with this Governance Structure, state laws or policies, rules or regulations adopted by the Board.

Six members of the Board must be present to constitute a quorum. The board shall act or proceed by and through resolutions, motions or orders adopted or passed by the Board and the affirmative votes of a majority of all members of the Board shall be required to adopt or pass a motion, resolution or order.

The duties of the Academy's Governance Board shall include but not be limited to:

(1) The selection and recommendation for employment of the MCCA Director of Operations. The Director of Operations will become legally employed by the fiscal agent, Waco ISD, and must be formally approved by the Waco ISD Board of Trustees. Employees of the MCCA shall be governed by the policies and procedures of the employing school district.

(2) The approval of Operating Policies and Procedures for MCCA.

(3) The approval of an annual operating budget including the establishment of annual per student rate charged to each member school district for students served by the MCCA and reimbursement to the fiscal agent for its expenses in acting as fiscal agent.

(4) The approval of a McLennan County Student Code of Conduct. As set out in the Texas Education Code, Chapter 37, this overarching Student Code of Conduct shall be approved by the Juvenile Board and shall become the guiding code of conduct for the placement of students in the MCCA.

(5) The approval of contractual or unbudgeted purchases necessary to the effective operation of the MCCA.

(6) Other policies or procedures as appropriate to the governance of the MCCA and as necessary to obtain approval of the Texas Juvenile Justice Department.

Attachment "2"

SERVICES, DUTIES, COMPENSATION AND FUNDING, OPERATIONS, RIGHTS, AND RESPONSIBILITIES

1. Funding of Academy.

(a) Funding for Juvenile Justice Alternative Education Program (JJAEP): Pursuant to §37.011 of the Education Code, the Juvenile Board is required to provide a JJAEP for students who have been found to have engaged in conduct described in §37.007 and §37.0081 of the Education Code. The Academy will meet this requirement for the Juvenile Board by providing a JJAEP as part of the Academy system. For those students whose expulsion was **discretionary** (§37.007 (b), (c), (f), and §38.0081 of the Education Code), the JJAEP placement shall be funded by the ISD receiving ADA funding and if the student is not enrolled, the residing address determines the school district responsible for funding the student placed in the JJAEP based on a rate established by the Academy's Governance Board. For those students **placed** by the ISD as registered sex offenders (§37.301-§37.311 of the Education Code) the placement shall be funded by the ISDs having students placed in the JJAEP based on a rate established by the Academy's Governance Board. For those students adjudicated for delinquent conduct who are **judicially placed** in the JJAEP, the placement shall be funded by the ISDs having students placed in the JJAEP based on a rate established by the Academy's Governance Board. The established daily rate for the JJAEP for the 2025-2026 school year is $99.00 per day for each day the student is in attendance. For those students whose expulsion was **mandatory** (§37.007 (a), (d), and (e) of the Education Code), the JJAEP placement shall be funded by the McLennan County Juvenile Board with funds provided contractually through the Texas Juvenile Justice Department. The revenue source for the JJAEP shall be kept separately by the fiscal agent. In addition to any other funding or payment obligations under this Agreement, if any, all school districts who are party to this Agreement shall pay an annual participation fee of $1,500 dollars to support program operations. If a school district does not pay the annual participation fee of $1,500 dollars by the annual deadline established by the Academy's Governance Board, then the established daily rate for the JJAEP for the 2025-2026 school year for that school district shall be $198.00 per day for each day the student is in attendance.

(b) Funding for Alternative Education Programs (AEP): Programs for students residing in the Logue Juvenile Detention Center will be provided at the Logue Center in accordance with the existing practice of providing education programs and staff at the detention facility, at the expense of and with the cooperation of the Independent School Districts (hereinafter "ISD"). Each ISD shall allocate and pay to the Academy for the provision and operation of the AEP a daily sum determined pursuant to a rate adopted by the Academy's Governance Board (subject to adjustment by the MCCA Governance Board within said year) during each calendar year of this Agreement. The rate established, and the sum arrived at by application thereof, must be at least equal to the amount required by Chapter 37, Education Code. The established daily rate for the AEP (Logue Detention Center) for the 2025-2026 school is $77.00 per day for each day the student is in attendance. Each ISD shall be billed monthly for every day of attendance by the ISDs' students enrolled in the Academy. AEP placement shall be funded by the ISD receiving ADA funding. If the student is not enrolled, the residing address determines the school district responsible for funding the student placed in the AEP. In addition, La Vega ISD makes available to MCCA Title One, Part D, Sub Part 2 funds for instructional materials.

(c) Payments. Monthly payments shall be made to the Waco ISD, as the fiscal agent for the Academy (or any successor Fiscal Agent) not later than the tenth (l0th) day of the month following the date of billing. The payment should be sent to the Assistant Superintendent for Business and Support Services at Waco ISD, P.O. Box 27, Waco, Texas, 76703. Deficiency payment after adjustment shall be sent to the same officer and address.

(d) Failure to Pay -- Remedies. In addition to any other remedy available in law or in equity, the Academy shall have the right to refuse to accept students from an ISD if the ISD responsible fails to timely pay amounts due and owing hereunder and continues to fail and/or refuse to pay such amounts after ten (10) days' notice and opportunity to cure.

(e) No Authority to Bind. The Academy's Governance Board, the parties to this Agreement, the fiscal agent or any officer, employee or agent of any of them shall have no power or authority to bind any party hereto to any obligation made or incurred by any of them or to any obligation, financial or otherwise, arising from their acts or omissions. Any expenditure or obligation with regard to the Academy, beyond that required to be paid hereunder by the ISDs for AEP and JJAEP services to be provided at the Academy, shall not be a responsibility or obligation of any party hereto unless such expenditures or obligations are approved by that party's governing body.

(f) Student Enrollment. Students shall be enrolled in the ISD in which their parent or guardian resides. If a student moves into a different ISD located in McLennan County, MCCA staff will notify the PIEMS contact designees for both the current (withdrawing) and future (enrolling) ISDs. The future (enrolling) ISD contact will provide MCCA a list of information required to complete the enrollment process and work cooperatively with MCCA to ensure the enrollment is processed in a timely manner. The current (withdrawing) ISD shall agree to carry the student for 10 school days after the date of notification. After 10 school days, the student shall be enrolled in the future (enrolling) ISD and withdrawn from the current district unless the future (enrolling) district produces sufficient evidence to deny residency.

(g) Extended School Year. Educational services may continue to be offered beyond the regular 180 school year if requested by a member ISD. The established daily rate for extended services is $86.00 per day for each day the student is in attendance. If the Texas Juvenile Justice Department chooses to fund an extended school year program for students expelled for mandatory reasons, the ISD will not be charged a daily rate for these students.

2. Services.

(a) Juvenile Justice Alternative Education Programs and Alternative Educational Programs. The Academy will provide AEP and JJAEP programs in accordance with Chapter 37 of the Education Code and the standards and regulations of the State Board of Education and the Texas Juvenile Justice Department. An operations manual and a code of conduct shall be created and adhered to which must be approved by the Academy's Governance Board. The policies and codes for the JJAEP must also be approved by the Juvenile Board. All such policies and codes of conduct are also subject to prior approval of any state agency, board or commission to which such matters are directed to be submitted for approval by Chapter 37 of the Education Code and/or the regulations promulgated thereunder, or under the terms of the grant for this project, or pursuant to any other applicable federal, state, or local law or regulation.

(b) Supervision and Monitoring of Students in the JJAEP. Expelled or delinquent juveniles may be placed in the Academy's JJAEP only after approval of such program or programs by a vote of the Juvenile Board. In the event of such approval, the Juvenile Board, by and through the Juvenile Probation Department, will provide probation and/or detention officers to monitor the students in the JJAEP. The extent and nature of said monitoring shall lie in the discretion of the Juvenile Board and/or the Chief Probation Officer of the Juvenile Probation Department and shall be subject to availability of existing staff of the Juvenile Probation Department. The provision of these officers is not a guarantee of the security of teachers, Academy personnel or other students. Likewise, these officers are provided solely for the JJAEP, and are not intended to provide detention or security services in any other program.

(c) Supervision and Monitoring of Students in the AEP. Students placed in the AEP at the Logue Center will be supervised and monitored by detention officers provided by the Juvenile Probation Department, in accordance with the standards of the Texas Juvenile Justice Department.

(d) Mandatory and Discretionary Grounds for Expulsion. (Subject to legislative change) If a student commits an offense that falls under §37.007(a), (d), or (e), then the ISD by law must expel the student, and the grounds for expulsion are considered **mandatory**. Mandatory offenses are outlined below and Chapter 37 of the Texas Education Code.

MANDATORY GROUNDS FOR EXPULSION:

If a student commits an offense that falls under §37.007(a), (d), or (e), then the ISD by law must expel the student, and the grounds for expulsion are considered **mandatory**. Mandatory offenses include (Subject to change by legislation):

- Bringing to school a firearm as defined by federal law. "Firearm" under federal law includes:
  1. Any weapon (including a starter gun) that will, is designed to, or may readily be converted to expel a projectile by the action of an explosive.
  2. The frame or receiver of any such weapon.
  3. Any firearm muffler or firearm weapon.
  4. Any destructive device, such as any explosive, incendiary or poison gas bomb, or grenade.

- **Using, exhibiting, or possessing the following, as defined by the Texas Penal Code:**

1. A firearm (any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by explosion or burning substance or any device readily convertible to that use).
2. An illegal knife, such as a knife with a blade over 5 ½ inches; hand instrument, designed to cut or stab another by being thrown; dagger, including but not limited to a dirk, stiletto, and poniard; bowie knife; sword; or spear. **OR** Any knife including a pocket knife.
3. A club such as an instrument specially designed, made, or adapted for the purpose of inflicting serious bodily injury or death by striking a person with the instrument, including a blackjack, nightstick, mace, and tomahawk.
4. A prohibited weapon, such as an explosive weapon; a machine gun; a short-barrel firearm; a firearm silencer; a switchblade knife; knuckles; armor-piercing ammunition; a chemical dispensing device; or a zip gun.

Behavior containing elements of the following offenses under the Texas Penal Code.

1. Aggravated assault, sexual assault, or aggravated sexual assault.
2. Arson.
3. Murder, capital murder, or criminal attempt to commit murder or capital murder.
4. Indecency with a child.
5. Aggravated kidnapping.
6. Aggravated robbery.
7. Manslaughter.
8. Criminally negligent homicide.
9. Behavior punishable as a felony that involves the selling, giving, or delivering to another person, possessing, using, or being under the influence of marijuana, a controlled substance, a dangerous drug, or alcohol; or committing a serious act or offense while under the influence of alcohol.
10. Retaliation against a school employee combined with one of the above-listed offenses on or off school property or at a school-related activity.
11. Continuous sexual abuse of young child or children under Section 21.02, Penal Code.

If a student is expelled from school for an offense that falls under §37.007(b), (c), or (f), then the grounds for expulsion are considered **discretionary**. Discretionary offenses are outlined below.

DISCRETIONARY GROUNDS FOR EXPULSION:

If a student is expelled from school for an offense that falls under §37.007(b), (c), or (f), then the grounds for expulsion are considered **discretionary**. Discretionary offenses include (Subject to change by legislation):

- Engaging in conduct relating to a false alarm or report (including a bomb threat) or a terroristic threat involving a public school.
- Any offense that is a state-mandated expellable offense if the offense is committed on the property of another district in Texas or while the student is attending a school-sponsored or school-related activity on or off school property.
- Any of the following offenses on or within 300 feet of school property, as measured from any point on the school's real property boundary line, or while attending a school-sponsored or school-related activity on or off school property:

    1. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of marijuana, a controlled substance, or a dangerous drug, if the conduct is not punishable as a felony.
    2. Selling, giving, or delivering to another person, or possessing, using, or being under the influence of any amount of alcohol; or committing a serious act or offense while under the influence of alcohol, if the conduct is not punishable as a felony.
    3. Engaging in conduct that contains the elements of an offense relating to abusable volatile chemicals.
    4. Engaging in conduct that contains the elements of assault under Section 22.01(a)(1) against an employee or a volunteer.
    5. Engaging in deadly conduct.

- **Any of the following conduct while within 300 feet of school property, as measured from any point on the school's real property boundary line:**

    1. Committing aggravated assault, sexual assault, or aggravated sexual assault.
    2. Committing arson.
    3. Committing murder, capital murder, or criminal attempt to commit murder or capital murder.
    4. Committing indecency with a child, aggravated kidnapping, manslaughter, criminally negligent homicide, or aggravated robbery.
    5. Committing a felony drug- or alcohol-related offense.
    6. Using, exhibiting, or possessing a firearm (as defined by state law, an illegal knife, a club, or prohibited weapon,or possessing a firearm (as defined by federal law).

- **Engaging in the following conduct no matter where the conduct takes place:**

    1. Engaging in conduct that contains the elements of assault under Penal Code 22.01(a)(1) in retaliation against a school employee or volunteer.
    2. Engaging in criminal mischief, if not punishable as a felony.

In an emergency, the principal or the principal's designee may order the immediate expulsion of a student for any reason for which expulsion may be made on a non-emergency basis.

The JJAEP program will enroll and serve only students who have been expelled according to the specific reasons stated in §37.007 and §37.0081 of the Education Code. However, if a participating school district allows additional discretionary expulsions through an approved District of Innovation plan and TJJD and TEA approve those expulsions, those students shall be served as discretionary placements.

(e) Term of Placement for the JJAEP. Each student's term of placement should be clearly expressed as a number of days in the expulsion letter prepared by the expelling ISD. The term of placement will be a flexible term and may be lengthened or shortened according to the policies and procedures outlined in the Student Code of Conduct. If the student is no longer under juvenile court jurisdiction, the juvenile may continue to be served by the JJAEP if the juvenile is not allowed to return to their home district.

(f) Expelled Students over the Age of 16. Although a student expelled on or after his/her 17th birthday will not enter the Academy through the juvenile probation department, such a student may be served by the JJAEP. If the student is expelled on a **mandatory** basis, he/she must be ordered into the JJAEP by the adult probation department as a condition of probation. The student will remain in the JJAEP for the term of placement described in (e) above, unless otherwise ordered by the adult probation department. If the student is expelled on a **discretionary** basis, he/she may attend the JJAEP, remaining in the program for the term of placement described in (e) above. However, the Academy reserves the right to return a student expelled on a discretionary basis to the ISD if the student persistently refuses to abide by the Academy's Student Code of Conduct.

(g) Special Education Services. Students with disabilities who are placed in the JJAEP or AEP will be afforded education services determined by a duly constituted Admissions Review and Dismissal (ARD) Committee to be appropriate for the student to receive a free and appropriate public education as defined by Federal and State Laws. Each ISD will continue to serve as the LEA for each of their students. Each ISD shall remain responsible for making available the special education services necessary to implement the student's Individual Education Plan. Both those educational and non-educational services to be provided in accordance with the student's Individual Education Plan and/or Individual Transition Plan which are not statutorily required to be provided by the JJAEP shall be provided by the school district. The expelling ISD shall provide the JJAEP with reasonable notice of the manifestation ARD and a representative of the JJAEP may participate in the meeting to the extent that the meeting relates to the student's placement in the program. A JJAEP representative shall be given an opportunity to attend ARD meetings held for all students currently enrolled. If the Director of Operations has concerns that a student's academic or behavioral needs cannot be met in the program, a written notice will be sent to the student's home ISD requesting an ARD to reconsider the placement of the student in the program.

(h) Students on Medical Leave. If a student is diagnosed by a physician as physically unable to attend the Academy due to a medical disability, the Academy shall inform the ISD and shall be responsible for securing documentation from the physician. Provision of homebound educational services or other services required by a medical disability shall be the responsibility of the ISD.

(i) Truancy or Failure to Attend. Expelled students are expected to attend as required by the compulsory attendance law, pursuant to section 25.085 of the TEC. Pursuant to TEC Section 25.093, the attendance officer of the student's home ISD shall file a complaint against the parent or guardian in the justice of the peace court or municipal court of the political subdivision in which the parent resides or in which the school is located if the parent or guardian fails to require the child to attend school as required by law.

(j) Transportation. The Academy will not provide transportation services. Member districts have the option of providing transportation services. Each party will bear the responsibility or liability for its own transportation services, and neither the Academy nor any other party hereto shall have any responsibility or liability therefore.

(k) Transition Services for JJAEP Students. When a student is within 20 days of completion of, or release from, the program, the student begins the process of transition back to the ISD. Academy services to address the transition process include academic counseling, vocational counseling, and individual counseling (when indicated). Academy staff shall notify the school district one week prior to the student's scheduled return to the campus, when possible. Academy staff also facilitates referrals to community agencies and in-school programs when indicated. The Academy will not make decisions regarding the retention or promotion of a student returning to an ISD.

(l) Maximum Enrollment for the JJAEP. Maximum enrollment for the JJAEP is 70 students. The JJAEP reserves the right to temporarily exceed the maximum enrollment. The JJAEP will guarantee a minimum number of slots for each participating district as set forth in Attachment "3". Slots not utilized may be temporarily filled by students from other participating districts. In the event of overcrowding, the JJAEP reserves the right to return any discretionary student to his or her home district prior to the completion of their term of placement.

(m) Exceptions to Enrollment and Withdrawal of Discretionary Students. Discretionary students will not be enrolled in the JJAEP or withdrawn to return to their home campus during the two weeks prior to the end of the spring semester nor during any week students of their grade level have state testing scheduled. Discretionary students will not be withdrawn to return to their home campus during the two weeks prior to the end of the fall semester.

(n) Expulsion Packet Requirements. Prior to the enrollment of a student into the JJAEP, the ISD in which the student resides shall provide to MCCA a copy of:

- The order of expulsion including reason for expulsion and term of placement;
- Parent contact information;
- Attendance and disciplinary records;
- Special programs information and appropriate records showing transfer to MCCA including, but not limited to, 504, Special Education, and ESL;
- Transfer grades/average for each class;
- Current transcript for high school students;
- Graduation plan for high school students;
- Most recent report card;
- Immunization record;
- Police offense report if applicable;
- State assessment scores;
- Home language survey.

(o) Placement of Registered Sex Offenders. (Subject to change by legislation) Students may be **placed** by the ISD as registered sex offenders according to §37.301-§37.311 of the Education Code. The placing ISD may substitute the expulsion letter with a letter of placement.

3. Administrative Expenses of Fiscal Agent. The fiscal agent shall be reimbursed at the unrestricted indirect cost rate as approved by the Texas Education Agency for the 2025-26 fiscal year. Indirect costs will include custodial, security and utility expenses. The fiscal agent shall receive no fee or profit for its activities hereunder other than such expense reimbursement and the promise of each of the parties hereto to cooperate in this project.

4. Insurance. Nothing herein shall waive or reduce the sovereign immunity of the parties hereto, or broaden the limited waiver of immunity provided by the Texas Tort Claims Act. However, the fiscal agent shall, after approval of the Academy's Governance Board, purchase a policy or policies of liability insurance covering the Academy and its Governance Board from liability for acts, omissions or conditions in the operation of the Academy. The policy or policies should cover civil rights and related claims in addition to negligence claims. The parties hereto shall be named as additional insureds. The policy or policies shall be in at least the amount of $500,000, and shall be written on a "claims made" basis. The premiums for such policy/policies shall be paid out of the AEP and JJAEP funding to the extent not paid from other funding sources, and to the extent such funding is sufficient to cover the costs of the programs and pay the premiums. If sufficient funds are not available to pay the premiums, the ISDs shall pay the premiums based on a formula to be determined by the Academy's Governance Board and submitted to, and approved by the governing bodies of the parties hereto. Adequate provision shall be made for property insurance for building(s) in which the Academy conducts its operations unless the building(s) are leased, and the Academy is not required to provide such insurance or accept the risk of loss under the lease terms. Premiums for such insurance shall be funded in the same manner as set out above with regard to liability insurance.

5. Funding of other necessary expenses/obligations. To the extent that other approved expenses or obligations are incurred in, or are necessary for, the operation of the Academy, that exceed general funding and available grant funding, these expenses or obligations shall be paid by the ISDs on a pro rata basis based on the number of days of student participation in the program by each respective ISD as determined by the Governance Board of the Academy.

6. Assets Upon Dissolution. If a party withdraws from the cooperative agreement, it shall waive its right to retake or recover any assets (or the value thereof) it has provided to the Academy, or for its operations, until such time as the Academy ceases to operate, or ceases to use such assets in its operations. Upon complete dissolution of the Academy, contributed assets shall be the property of the entity which made the contribution. All other assets will be divided by value on the basis of the proportionate funding of the Academy (including the provision of matching funds). For example, if one ISD has paid 25% of the funding of the Academy since its inception, it would be entitled to 25% of the non contributed assets of the Academy operations. The distribution may be in kind, or the assets may be liquidated and sold with the proceeds, after satisfaction of any remaining obligations of the Academy, being distributed on the same basis. The manner of distribution and the plan for proportionate share distribution shall be mediated if the parties cannot reach an agreement thereon. The mediation shall be binding, and shall be conducted by a representative of the Texas Education Agency assigned by the Agency, or an agreed mediator if a TEA representative is not assigned to mediate the matter after a request to the TEA therefore.

   Caveat: Assets procured with grant funds shall be the sole property of the Juvenile Probation Department of McLennan County upon dissolution, except to the extent that the grant or applicable law requires otherwise.

7. Grant Funding: A separate contract between the fiscal agent and the Juvenile Board will be entered into with regard to the administration of the grant funding procured by the Juvenile Board from the Criminal Justice Division of the Governor of the State of Texas. All parties agree that the fiscal agent shall provide the grant administration and shall be reimbursed for the costs incurred by it in doing so by the ISDs in the same manner as it is reimbursed for other administrative expenses, unless the grant funding provides for reimbursement of such expenses. The parties also agree that all "matching funds" required under the terms of the grant are to be paid/contributed to the project by the ISDs on agreed proportionate basis from funds generated from student attendance, and that the Juvenile Board shall not be responsible for providing such matching funds. It is further agreed that the grant funds and matching funds shall be used only for the purposes set forth in the grant, and grant application, and shall not be used in any other manner except with the express prior approval of the Juvenile Board, the Governance Board of the Academy, and the Grantor Agency.

Attachment "3"

MINIMUM NUMBER OF JJAEP SLOTS FOR EACH PARTICIPATING DISTRICT*

Axtell	1
Bruceville Eddy	1
Bosqueville	1
China Spring	4
Connally	5
Crawford	1
Gholson	1
Hallsburg	1
LaVega	5
Lorena	3
Mart	1
McGregor	3
Midway	12
Moody	1
Riesel	1
Robinson	4
Valley Mills	1
Waco	24
West	2

*In order to receive a dedicated minimum number of JJAEP slots, the respective school district must have timely paid the $1,500 participation fee.

McLennan County Challenge Academy

2015 Alexander Avenue, Waco, TX 76708 Phone 254-754-0803 Fax 254-754-6029

6-18-25

To the Superintendents of Schools in McLennan County,

Enclosed is a copy of the Interlocal Cooperation Contract / Memorandum of Understanding between the McLennan County Juvenile Board, Waco ISD (fiscal agent and participating school), and each of the ISDs of McLennan County.

The Board has made the decision to keep daily the same for the 2025-2026 school year. A brief reminder of the funding structure follows:

1. For students expelled to the JJAEP:
    - The optional annual $1500 participation fee for each district has not increased compared to last year.
    - If the district does choose to pay the $1500 participation fee, the daily rate for discretionary expulsions, judicial placements, and sex offender placements will be $99.00 for each day the student is present. If the district does not choose to pay the $1500 participation fee, the daily rate for discretionary expulsions, judicial placements, and sex offender placements will be $198.00 for each day the student is present.
2. For students placed in the Juvenile Detention Center:
    - The daily rate is $77.00 for each day the student is present.

3. If expenses exceed general funding, the expenses shall be paid by the ISDs on a pro rata basis based on the number of days of student participation in the program by each respective ISD.

Please sign and return a copy of the MOU to the Challenge Academy.

An invoice for the optional $1500 participation fee is enclosed. The invoice needs to be paid by September 15, 2025 in order to receive the reduced rate as a participating district.

Thank you for all of your support and guidance,

Carrie Ocampo
Director of Operations

2025-2026
CONTRACT
FOR WACO INDEPENDENT SCHOOL DISTRICT
TO SERVE AS FISCAL AGENT
OF THE MCLENNAN COUNTY CHALLENGE ACADEMY

This Contract is made by and between the Mclennan County Juvenile Board ("Juvcnilc Board") and Waco ISD for Waco ISD ("Fiscal Agcnt") to serve as fiscal agent, pursuant to V.T.C.A. Education Code, Chapter 37, of the McLennan County Challenge Academy ("Academy") upon the following terms and conditions:

1. **Term:** This contract shall take effect and Fiscal Agent shall begin to perform its duties as Fiscal Agent under this contract on September 1, 2025. The term of the Contract shall be for one (1) year, ending on August 31, 2026. In the event Fiscal Agent does not intend to serve as Fiscal Agent for the following year (September 1, 2026 through August 31, 2027) by renewal of this Contract or execution of a new contract with the Juvenile Board, Fiscal Agent shall so notify the Chairman of the Juvenile Board no later than June 1, 2026.
2. **Scope:** Pursuant to Section 37.011(e) Fiscal Agent shall provide personnel and services for the Academy so that the Academy may provide alternative education programs (AEPs), including a juvenile justice alternative education program (JJAEP), for students, school districts, and the juvenile board in McLennan County, Texas pursuant to V.T.C.A. Education Code Chapter 37 consistent with and in accordance with the terms and provisions of the Interlocal Cooperation Contract made by and between the McLennan County Juvenile Board, Waco ISD (as fiscal agent and as a participating school district), and each of the independent school districts of McLennan County, Texas for 2025-26. In accordance with the Interlocal Cooperation Contract, all personnel of the Academy shall be employees of the Fiscal Agent including the Director of Operations of the Academy, whose employment shall be approved by the fiscal agent board of trustees, the McLennan County Juvenile Board, and the McLennan County Challenge Academy Governance Board.
3. **Duties and Obligations:** Both Fiscal Agent and Juvenile Board understand that each of the parties to this Agreement, respectively, have duties and obligations imposed upon them and required of them by applicable laws and regulations related to the Academy (in their respective roles of Fiscal Agent and Juvenile Board). Accordingly, both Fiscal Agent and Juvenile Board represent and agree with each other that they will timely and properly perform any duties and obligations that might be imposed or required of them under such laws or regulations. Neither Fiscal Agent or Juvenile Board by entering into this Contract is assuming or agreeing to perform any duties or obligations not specifically provided for in this Contract, the Interlocal Cooperation Contract, or applicable laws or regulations.
4. **Payment for Services:** Fiscal Agent shall be paid for its services as provided for in the Interlocal Cooperation Contract on a monthly basis.

5. **Authorization:** This Agreement has been authorized by the McLennan County Juvenile Board and by the Board of Trustees of Waco ISD.

McLennan County Juvenile Board	Waco ISD
By:_____	By:_____
Date:_____	Date:_____

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: **S. Smith**

RE: Interlocal Participation Agreement Renewal with the Texas Association of School Boards (TASB) Risk Management Fund for Property, Auto Liability and Physical Damage, School Liability Insurance, and Workers' Compensation Coverage for the 2025-2026 Fiscal Year

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Background Information:

The Waco Independent School District has acquired property, auto liability and physical damage, and school liability insurance as well as workers' compensation coverage through an interlocal participation agreement with the Texas Association of School Boards (TASB) Risk Management Fund. The TASB Risk Management Fund operates under the provisions of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. The purpose of this agreement is to provide a comprehensive coverage program. These coverage lines require concurrent participation and may not be purchased as 'stand-alone' coverages.

TASB has provided the District with a renewal proposal for the 2025-2026 fiscal year. The majority of the $285,611 increase in premiums is due to higher property values resulting from new construction at Waco High School and Kendrick Elementary School. The following paragraphs detail the coverage and proposed contribution rates for each program.

Property Insurance

The coverage is on district owned buildings, contents, and adjacent structures at a combined total value of $988,570,320 with a maximum replacement of $400,000,000 per occurrence for all perils except named/numbered windstorms which has a maximum limit of $50,000,000 per occurrence. The property deductible for weather perils and named/numbered windstorms will be two percent (2%) of the total value of a loss-affected structure, including contents, as listed on the statement of values schedule with a minimum deductible of $500,000 and $250,000 for all perils except weather perils. The proposal also provides coverage for boiler and machinery, flood, earthquake, crime and equipment breakdown with acceptable limits and deductibles. The coverage includes a sublimit of $2,000,000 for wind and hail loss to single ply membrane roofs and accompanying roof system.

The premium reflects an increase of **$278,174** from the previous year.

Flood Zone Exclusion: Flood coverage, for district owned properties that fall in flood zones A (high risk) or B (moderate risk), is not included under this policy. The

administration will obtain quotes for the continuation of additional flood coverage through the National Flood Insurance Program (NFIP) currently managed by FEMA. The NFIP provides coverage limits of $500,000 per building and $500,000 for contents in flood zones A and B with a $1,250 deductible per occurrence on the six properties in Zone B and a $5,000 deductible on the property in Zone A. The premium for this coverage was $28,581.00 for 2024-2025.

The following schedule details the proposed rates as compared to the past five years:

COVERAGE	POLICY YEAR 2020-2021	POLICY YEAR 2021-2022	POLICY YEAR 2022-2023	POLICY YEAR 2023-2024	POLICY YEAR 2024-2025	POLICY YEAR 2025-2026
PROPERTY VALUES	$ 536,969,954	$ 600,857,408	$ 663,013,306	$801,656,976	$906,061,600	$988,570,320
Property	$556,736 Contribution @.103700 rate per $100 of value	$654,124 Contribution @.108900 rate per $100 of value	$758,117 Contribution @.114300 rate per $100 of value	$1,145,695 Contribution @.142900 rate per $100 of value	$1,696,784 Contribution @.18730 rate per $100 of value	$1,974,931 Contribution @.19980 rate per $100 of value
Engineering Fee	Included	Included	Included	Included	Included	Included
Certified Acts of Terrorism	Included	Included	Included	Included	Included	Included

Commercial Auto Liability

The proposed premium for auto liability coverage for 2025-2026 is $85,960, an increase of $19,863 over the prior year. The proposed premium for auto physical damage is $50,951, a decrease of $18,312. The net increase is $1,551, which corresponds to the fairly flat increase that TASB was projecting. The plan provides up to a $300,000 liability limit for each occurrence, a $2,500 deductible for bodily injury, property damage, comprehensive and collision coverage. Automobile Physical Damage is limited to actual cash value.

School Liability

The school liability coverage under TASB combines general, professional legal, and employee benefits liability into a single coverage agreement to prevent gaps in coverage. This policy carries a $25,000 deductible per claim and is an occurrence made policy with a $5,000,000 maximum annual aggregate limit.

The renewal premium for 2025-2026 is $78,480 an increase of $3,361 from the prior year. Ancillary coverage included in the renewal includes Violent Acts coverage at no charge, $0 deductible and $250,000 per occurrence. The School Liability Coverage Agreement will be endorsed to provide limited coverage for claims arising under the new Chapter 118. Coverage will be limited to a maximum of $1,000,000.

Privacy and Information Security

The privacy and information security liability coverage began in 2020-2021. The plan coverage is $500,000, no deductible applies. This combines single limit and covers the most common cyber claims, including a data breach, phishing attack, or fraudulent direction incident. The premium for this coverage for 2025-2026 is $8,000, the same amount as the previous year.

The following schedule details proposed rates as compared to the past four years:

COVERAGE	POLICY YEAR 2021-2022	POLICY YEAR 2022-2023	POLICY YEAR 2023-2024	POLICY YEAR 2024-2025	POLICY YEAR 2025-2026
Auto Fleet	$ 50,962	$ 53,574	$ 56,873	$ 135,360	$ 136,911
General Liability	$74,847	$80,902	$ 80,902	$ 75,119	$ 78,480
***Educators Legal Liability**	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability
$5,000,000 Excess Liability – ELL, Only	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability
Privacy & Information Security	$ 4,000	$6,000	$8,000	$8,000	$8,000
Total Premium -->	**$ 129,809**	**$140,476**	**$ 145,775**	**$ 218,479**	**$ 223,391**

Workers' Compensation

The Risk Management Fund continues to serve the District well by managing all workers' compensation claims and providing legal defense when appropriate. The District continues to maintain a return to work program that began in 2001. The District changed from a fully funded to a partially funded aggregate deductible plan in 2002 because of a consistent reduction in paid out losses.

TASB bases their renewals on five years of prior claims experience and on the Fund's overall progress throughout Texas.

Fiscal Year	2020-21	2021-22	2022-23	2023-24	2024-25	2025-26
Contribution	$109,534	$109,205	$103,273	$103,271	$120,516	$123,068
Estimated Claims Liability	$654,396	$671,190	$680,769	$682,454	$705,316	$611,638
Maximum WC Claims/ Liability	$763,930	$780,395	$784,012	$785,725	$825,832	$734,706

The administrative contribution of $123,068 reflects an increase of $2,552 from last year. The estimated payroll for 2025-2026 is multiplied by the claims liability factor to arrive at estimated claims liability for 2024-2025. The claims liability will be adjusted at the end of the plan year based on the actual audited payroll total year ending August 31, 2026.

Fiscal Implications:

The total cost of these coverages is $2,321,390 an increase of $285,611 over 2024-2025. This increase has been included in the proposed 2025-2026 budget.

Administrative Recommendations:

The Administration recommends that the Board of Trustees approve the renewal of the Interlocal Participation Agreement with the Texas Association of School Boards (TASB) Risk Management Fund, to include property, auto liability and physical damage, school liability insurance, as well as workers' compensation coverage for the 2025-2026 fiscal year, as presented.

TASB RISK FUND

TASB Risk Management Fund
P.O. Box 301, Austin, Texas 78767-0301 • 800-482-7276
12007 Research Blvd., Austin, Texas 78759-2439 • tasbrmf.org
Administered by the Texas Association of School Boards

July 14, 2025

Sherry Smith

Waco ISD

Dear Sherry Smith,

The TASB Risk Management Fund is pleased to provide the following proposal for renewing coverage with the Fund for the coming year. The proposal reflects the Fund's ongoing commitment to the risk-sharing partnership among its more than 1,000 members.

The Fund is the oldest and largest governmental risk pool serving Texas public schools. A 21-member board comprised of school board members, superintendents, and administrators from member districts governs the Fund. The Fund's board of trustees ensures the Fund remains financially strong and responsive to member needs. Fund programs and coverages continue to respond to the risks shared by Fund members and reflect the challenges Fund members face today.

The coverage proposal on the following pages includes terms and contribution amounts for the programs in which your organization participates. A summary of changes and updates to the Fund's Coverage Agreements is included in this proposal. You can also access coverage agreements on the Fund's website. **Waco ISD participates in the Fund's comprehensive coverage program which includes Auto, Liability, Property, Privacy & Information Security, Violent Act, and Workers' Compensation coverage. These coverage lines require Concurrent Participation and may not be purchased on a stand-alone basis.**

Please review all terms, provisions, and features of this renewal proposal. When ready, you may accept this renewal proposal by signing the Contribution & Coverage Summary (CCS) and returning it by email to me or TASBRMF@tasbrmf.org. You may also complete the electronic acceptance using the link in the renewal email sent to the designated Program Contact. All provisions and terms of this CCS, including contribution amounts, are offered by the Fund in total as indicated only; if not accepted by the member in total, please contact your underwriter for other pricing and options.

Please note that if you take no action, coverage will automatically renew under the terms of this renewal proposal. If you wish to terminate coverage, the Fund must receive written notice of termination at least 30 days prior to your renewal date. If you are unsure of your plans to renew or have questions about this renewal proposal or any aspect of your Fund membership, please contact Heide Gaden or any member of TASB's Underwriting or Marketing teams at 800.482.7276.

Thank you for your membership in the TASB Risk Management Fund and participation with all Fund members. The Fund is proud to be your partner in managing risk and serving the students and staff in your community.

Sincerely,
Heide Gaden
Risk Management Consultant
Division of Risk Management Marketing & Strategic Partnerships
Texas Association of School Boards, Inc.

TASB Risk Management Fund
12007 Research Blvd., Austin, Texas 78759-2439
P.O. Box 301, Austin, Texas 78767-0301
Toll-Free: 800.482.7276 | Austin area: 1 (512) 505-2816

CC:

Notification of Coverage Changes and Language Refinements
Effective September 1, 2025

As a part of the annual coverage review, the TASB Risk Management Fund (Fund) implemented the following coverage changes and language refinements ***for all renewals taking effect on or after September 1, 2025***. This document is a summary of changes and refinements only; please carefully review the full text of all Fund Coverage Agreements and any applicable Contribution and Coverage Summary (CCS).

Additionally, The Texas Legislature recently enacted HB 4623, creating Texas Civil Practice and Remedies Code Chapter 118, effective September 1, 2025, regarding a school district's negligent employment of those who commit or have committed sexual misconduct or fail to report abuse or neglect. The new law applies only to independent school districts and open-enrollment charter schools. In response, the Fund will implement the **Chapter 118 Endorsement**, effective September 1, 2025. A summary of those changes follows at the end of this document under the "Chapter 118 Endorsement" header. Please carefully review the new Chapter 118 Endorsement as well.

Automobile Liability & Physical Damage Coverage Agreement

- Under Part A, § 3.1 **Automobile**, coordinated coverage for motor-driven equipment and motor vehicles between Automobile Liability, General Liability, and Property coverages and align coverage with evolving Texas common law definitions regarding motor vehicles.

School Liability Coverage Agreement

- Under Part A, § 3.1 **Covered Person**, updated the definition of a **Covered Person** to explicitly name law enforcement employees and employee-participants in the guardian or School Marshal programs to affirm the Fund's coverage for members' law enforcement employees and employees participating in members' safety and security efforts.
- Under Part A, § 3.4 **Automobile**, coordinated coverage for motor-driven equipment and motor vehicles between Automobile Liability, General Liability, and Property coverages and align coverage with evolving Texas common law definitions regarding motor vehicles.
- Under Part F, § 16 Related Acts, clarified that related acts, including the number of events and degree of damage, are considered a single act.

Property Coverage Agreement

- Added coverage for up to 125% of the cost to repair or replace a covered single-ply membrane roof when upgraded to a Very Severe Hail-rated roofing system, not to exceed $250,000 per occurrence.
- Revised the Named/Numbered Windstorm and Flood Endorsements to indicate that flooding due to a **Named or Numbered Windstorm (NWS)** outside of Tier 1 and Tier 2 coastal counties will be covered under the Flood endorsement and its limit; however, only the higher deductible will apply.
- Added language to maintain claim timelines when losses are initially lower than the deductible.
- Under Part A, § 3.6 (B)(8) **Personal Property**, extend coverage for the personal property of others to include loan agreements in addition to lease or rental agreements.
- Revised the Crime and Employee Dishonesty Endorsement, § 2, Payments (A), to include *abstraction* (a form of embezzlement) and fraudulent or dishonest omission by an employee and (B) to include abstraction and forgery as additional covered losses, all as additional compensable elements for a crime claim.

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- Under Part A, § 3.6 (B)(7) **Personal Property**, coordinated coverage for motor-driven equipment and motor vehicles between Automobile Liability, General Liability, and Property coverages and align coverage with evolving Texas common law definitions regarding motor vehicles.

Privacy & Information Security Coverage Agreement

- Changed the coverage agreement's name to Cyber Liability & Security from Privacy & Information Security to better reflect its purpose and scope.

Violent Act Coverage

- No changes.

Chapter 118 Endorsement

The **School Liability Coverage Agreement** will be endorsed to provide limited coverage for claims arising under the new Chapter 118. A summary of the "Chapter 118 Endorsement," which modifies the terms of the School Liability Coverage Agreement, follows. For this notification, "state court Chapter 118 **Claims**" means those claims that are filed and adjudicated in, or remanded to, the state courts of Texas.

- Under Part A, § 3.3, the defined term **Claim Expense** is revised to limit **Claim Expense** for state court Chapter 118 **Claims** to within the limits of liability.
- Under Part A, § 3.7, the defined term **Wrongful Act** is revised to ensure Chapter 118 **Claims** are included.
- Under Part B, § 5.1 **Other coverage**, added another exception to include coverage for Chapter 118 **Claims**.
- Under Part C, added a new GL exclusion, § 7.12 **Chapter 118**, so that coverage for Chapter 118 claims will fall under PLL coverage.
- Under Part F, § 17.1 **Limits**, revised to limit state court Chapter 118 **Claims** to a maximum of $1 million liability limits, including paid or incurred **Claim Expense**.
- Under Part F, § 17.5 **Maximum annual aggregate limit**, revised to limit the annual aggregate liability limit for state court Chapter 118 **Claims** to a maximum of $1 million that is included within, and not separate from, the maximum annual aggregate liability limit stated in the CCS for all PLL **Claims**. This limit includes paid or incurred **Claim Expense**.
- Under Part F, § 19.1 **Intentional acts**, revised to add that Chapter 118 liability (including gross negligence, recklessness, conscious indifference, or intentional misconduct in employment), once admitted by or adjudicated against the district, is excluded from coverage.

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Waco ISD

Contribution & Coverage Summary (CCS)
Participation Period: 9/1/2025 through 8/31/2026

The following is a summary of coverages, limits, deductibles, and contribution amounts. More information about coverage, limits, deductibles, terms, and conditions can be found on the following pages and is part of this CCS. Please review all pages of this CCS document and associated Fund Coverage Agreements. ***Coverage under this CCS is contingent upon concurrent participation in the Fund's Auto, Liability, Property and Worker's Compensation programs.***

This document is not a declarations page. The Fund is not insurance but a self-insured risk pool through which members agree to share risk and actively participate in their contractual obligations as a member of the Fund.

Coverage	Limit	Deductible	Contribution
Property	See Property Coverage Summary	See Property Coverage Summary	**$1,974,931**
Automobile Liability	$100K Person Bodily / $300K Occurrence Bodily / $100K Occurrence Property	$2,500	**$85,960**
Automobile Physical Damage	Actual Cash Value	See Automobile Coverage Summary	**$50,951**
School Liability including Professional Legal, General, and Employee Benefits Liability	See School Liability Coverage Summary	See School Liability Coverage Summary	**$78,480**
Privacy & Information Security	$500,000	$0	**$8,000**
Violent Acts	$250,000	$0	**No Cost**
Workers' Comp Aggregate Deductible	Statutory	$611,638	**$123,068**
Total Contribution			**$2,321,390**

THIS IS NOT AN INVOICE. The TASB Risk Management Fund will issue an invoice when coverage is accepted by the member. Total Contribution is an estimate and is subject to exposure audit.

All provisions and terms of this CCS, including contribution amounts, are offered by the Fund in total as indicated only; if not accepted by the member in total, please contact your underwriter for other options and updated pricing.

Waco ISD

Property Coverage Summary
Participation Period: 9/1/2025 through 8/31/2026
Total Property Contribution: $1,974,931

The following is an overview of the limits and deductibles for risk of Direct Physical Loss to Covered Property. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period. All limits are per Occurrence unless otherwise shown.

Coverage	Limit	Deductible
All Perils not specified	$400,000,000	$250,000
Weather Perils except Named/Numbered Windstorm	$400,000,000	2% Minimum $500,000
Named/Numbered Windstorm	$50,000,000	2% Minimum $500,000
Flood – Annual Aggregate Limit	$2,000,000	$50,000
Earthquake – Annual Aggregate Limit	$2,000,000	$50,000
Crime	$100,000	$10,000
Equipment Breakdown	$100,000,000	$50,000

Additional Sublimit for Weather Perils	Limit	Deductible
Sublimit for Wind, Hail Loss to Single Ply Membrane roofs and accompanying roof systems; all other deductibles apply. This does not apply to Named/Numbered Windstorm Loss in Tier 1, Tier 2, or Harris counties.	$2,000,000	Weather Perils Deductible applies

Property Coverage Provisions

Weather Perils: Weather Perils is an Occurrence of wind, hail, convective storm, or freeze. The Weather Perils Limit and Deductible shown on this CCS will apply to Loss (including ensuing Loss) by a Weather Peril. Weather Perils does not include Named/Numbered Windstorm.

Named/Numbered Windstorm: Named/Numbered Windstorm (NWS) is an Occurrence of hurricane, typhoon, tropical cyclone, tropical storm, or tropical depression (but not other convective storms) that is designated by name or number by the National Weather Bureau, National Hurricane Center, or any recognized meteorological authority, including any related wind-driven rain, flood, tidal water or wave, storm surge, wave wash, surface water, overflow of bodies of water, or spray from any of these conditions. The NWS Limit and Deductible indicated on this CCS will apply to Loss (including ensuing Loss) by an NWS.

However, any flood-related Loss (including ensuing Loss) during an NWS Occurrence will be considered a separate Flood Occurrence with a Flood Limit as indicated on this CCS. For all other NWS Loss (including ensuing Loss) during this combined perils event, the NWS Limit indicated on this CCS will apply. Only the higher deductible of the two perils will apply during this combined perils event.

Percent Deductible/Occurrence Minimum Deductible: General. When Covered Property sustains a Loss caused by a Weather Peril or NWS, the Fund Member's deductible will be a Percent-based Deductible or an Occurrence-based Minimum Deductible; the higher deductible applies. Covered Property structures that do not appear on the Statement of Values schedule and sustain a Loss will be subject to the applicable deductible based on its Total Covered Value at the time of the Loss.

Deductible calculation. The Percent Deductible amount will be calculated based on the designated percent, as shown on the CCS, applied to the Total Covered Value of a Loss-affected structure (including contents) in the Statement of Values schedule, which is considered a part of this CCS. This designated percent is reflected on the schedule as the deductible dollar amount listed under a Loss-affected structure's deductible column. This structure may be eligible for payment once the covered Loss amount for a Loss-affected structure exceeds the Percent Deductible amount listed on the schedule.

Single-structure Loss. If there is only one Loss-affected structure, the Percent Deductible amount for that structure will be compared with the Occurrence Minimum Deductible amount; the higher deductible applies.

Multiple-structure Loss. In the case of multiple Loss-affected structures, the member will incur multiple Percent Deductibles, each calculated the same as one Loss-affected structure only. These Percent Deductible amounts will be added to determine the Total Percent Deductible for comparison with the Occurrence Minimum Deductible. (However, for payment purposes, the Total Percent Deductible calculation below will not affect the Percent Deductible application to each structure.)

To determine whether the Total Percent Deductible or the Occurrence Minimum Deductible applies when multiple structures are Loss-affected, only the actual Loss amount within each structure's Percent Deductible amount will apply toward the summed Total Percent Deductible amount, which is then compared with the Occurrence Minimum Deductible amount; the higher deductible applies.

Payment obligation. In either case (single or multiple Loss-affected structures), if the Fund has any payment obligation above the Occurrence Minimum Deductible, this payment will be based on the Loss amount for each structure exceeding that structure's scheduled Percent Deductible amount.

Occurrence Minimum Deductible—General. Regardless of the Total Percent Deductible, the amount of Loss sustained, the number of Loss-affected structures in an Occurrence, or any other factor, in no event will the member's Percent Deductible obligation (Total or individual) be less than the Occurrence-based Minimum Deductible listed on the CCS.

Location: A Location is a single street address that is the site of the Covered Property. Locations may have multiple Covered Properties, including structures.

Flood Zone Exclusions: The Fund Member's Covered Property (as defined in the Coverage Agreement) is excluded from coverage under the Flood Endorsement of the Coverage Agreement if any portion of the Covered Property subject to loss is located in any Special Flood Hazard Areas (SFHA) beginning with 'A' or 'V' as identified on the most recently published pre-Loss FEMA Flood Insurance Rate Map (FIRM).

Other Limits: If more than one Per Occurrence Limit may be applicable, the Fund will determine which limit or limits will apply.

Statement of Values: The Statement of Values schedule will be provided to the Fund Member before the beginning of the Participation Period and is considered incorporated into the Agreements between the Fund and the member. The Fund Member agrees to allow the Fund to conduct property appraisals of the Fund Member's property periodically and agrees to accept values provided by the Fund. The Fund reserves the right to adjust the Fund Member's contribution for newly-constructed Buildings or Other Structures that are Covered Property and accepted within the Participation Period based on the certificate of occupancy date. The Fund reserves the right to adjust the Fund Member's contribution for newly-acquired Buildings or Other Structures that are Covered Property and acquired within the Participation Period based on the acquisition date.

Salvage: The Fund will have the right, at its discretion, to exercise rights of salvage to any damaged property paid for or replaced under the terms of this Agreement.

Single Ply Membrane: 'Single Ply Membrane' is a synthetic roofing material that includes EPDM, TPO, and PVC membranes. For Weather Perils, Single Ply Membrane roofs are subject to the Single Ply Membrane sublimit and deductible indicated on the CCS, except for roofs rated for Very Severe Hail by FM Global or UL Solution's equivalent rating, which are subject to the Weather Perils limit and deductible.

Fund Member Mitigation: As indicated in the Property Coverage Agreement, including Sections 9.29 and 12.5, the Fund Member must preserve Covered Property before and after Loss, or the Fund may exclude coverage.

Fund Member Notice: As indicated in the Property Coverage Agreement, including Section 13.1, time is of the essence for the Fund Member to give notice of a claim for all Loss. Coverage is only available if the Fund Member reports all Loss within 365 days of an Occurrence.

Limit Elimination: The Fund may reduce all Property limits to zero and cease all payments (promised or otherwise) to the member for any claim under this CCS if the Fund's applicable property reinsurance coverage exhausts during the Participation Period through any property claim payment to any Fund Member.

Waco ISD

Automobile Coverage Summary
Participation Period: 9/1/2025 through 8/31/2026
Total Automobile Contribution: $136,911

The following is an overview of the limits and deductibles for risks associated with the ownership, maintenance, or use of Covered Automobiles. The Fund's Coverage Agreement includes additional coverages, limits, exclusions, and terms for this Participation Period.

Coverage	Limit	Deductible
Automobile Liability	$100K Person Bodily / $300K Occurrence Bodily / $100K Occurrence Property	$2,500
Automobile Physical Damage - Collision	Actual Cash Value	$2,500
Automobile Physical Damage - Comprehensive	Actual Cash Value	$2,500
Automobile Physical Damage - Catastrophic	Actual Cash Value	$50,000

Automobile Terms & Conditions

Statement of Values: The Fund Member has provided the Fund with the most complete and accurate listing of vehicles owned and leased by the Fund Member and will make this listing current throughout the Participation Period. The Fund Member agrees to allow the Fund to conduct vehicle appraisals of the Fund Members' fleet periodically and agrees to accept values provided by the Fund, if any.

Salvage: The Fund will have the right, at its discretion, to exercise rights of salvage to any damaged property paid for or replaced under the terms of this Agreement.

Excluded Vehicles: Vehicles specifically listed on this CCS are excluded from all Automobile coverage as noted under 'Exclusion.'

Waco ISD

School Liability Coverage Summary
Participation Period: 9/1/2025 through 8/31/2026
Total School Liability Contribution: $78,480

The following is an overview of the limits and deductibles for legal, general, and other liability risks. The Fund's Coverage Agreement includes additional coverages, limits, exclusions, and terms for this Participation Period.

Coverage	Limit	Deductible
Professional Legal Liability Subject to $5,000,000 Maximum Annual Aggregate	$5,000,000	$25,000
General Liability	$5,000,000	$0
Employee Benefits Liability	$100,000	$0

School Liability Coverage Provisions

Known Prior Acts: As indicated in the School Liability Coverage Agreement, including in Section 4.1, the Fund Member agrees that all known prior acts (including previously reported acts) that may result in a legal claim against the Fund Member have been fully disclosed to prior carriers, including the Fund, and no coverage will apply to these acts under this CCS. However, this CCS does not void coverage afforded to the Fund Member under any previous CCS.

Fund-requested Settlement Contributions: As indicated in the School Liability Coverage Agreement, including Section 4.6, the Fund may request a monetary or non-pecuniary contribution from the Fund Member to address the portion of a Claim that is not covered by the Coverage Agreement so that the Fund can settle the Claim in its entirety. Any refusal by the Fund Member to contribute to the settlement as requested by the Fund will result in the Fund Member being responsible for further defense costs and indemnity payments other than what the Fund would have paid.

Chapter 118 Coverage: As indicated in the School Liability Coverage Agreement Chapter 118 Endorsement, the Fund will provide limited coverage for K-12 school districts for **Claims** arising from allegations under Chapter 118 of the Texas Civil Practice and Remedies Code. This endorsement excludes coverage under the General Liability Coverage and provides claims-made coverage under the Professional Legal Liability Coverage. The coverage for state court Chapter 118 **Claims** only (those **Claims** that are filed and adjudicated in, or remanded to, the state courts of Texas) will have **Claim Expense** within a $1 million limit of liability that is the limit per claim and annual aggregate.

Waco ISD

Cyber Liability & Security Coverage Summary
Participation Period: 9/1/2025 through 8/31/2026
Total Cyber Liability & Security Contribution: $8,000

The following is an overview of the limits and deductibles for cyber liability & security risks. The Fund's Coverage Agreement includes additional coverages, limits, exclusions, and terms for this Participation Period.

Coverage	Aggregate Limit Per Event	Deductible
Cyber Liability & Security	$500,000	$0

Cyber Liability & Security Conditions

No Known Losses: Fund Member certifies that all known or reported events occurring prior to the effective date of this coverage, as applicable, which it is reasonably believed may result in a claim under this coverage have been fully disclosed or reported.

Waco ISD

Workers' Compensation – Aggregate Deductible
Participation Period: 9/1/2025 through 8/31/2026
Total Workers' Compensation – Aggregate Deductible Contribution: $123,068

The following is a summary of estimated payrolls and contribution for Workers' Compensation coverage. The Contribution and Claims Liability amounts shown are subject to audit at the end of the Participation Period.

Classification	Estimated Payroll	Net Annual Rate	Estimated Contribution
7380 - BUS DRIVERS	$1,397,616	0.00241769	$3,379
7720 - POLICE OFFICER	$1,703,003	0.00287081	$4,889
8810 - CLERICAL OFFICE EMPLOYEES	$4,873,088	0.00027190	$1,325
8868 - PROFESSIONAL/ADMINISTRATON	$103,521,117	0.00055900	$57,868
9101 - ALL OTHERS	$13,733,138	0.00404911	$55,607
Total	**$125,227,961**		**$123,068**

Estimated Contribution	**$123,068**
Estimated Claims Liability	**$611,638**
Estimated Maximum Program Cost	**$734,706**

Workers' Compensation – Aggregate Deductible Provisions

Claims Liability: The Fund Member agrees to reimburse the Fund for amounts paid for workers' compensation claims with injury dates within the Participation Period up to the Claims Liability amount (Aggregate Deductible). The Fund will pay claims in excess of the Claim Liability amount.

Benefit Limits: Workers' Compensation benefits paid to the Fund Member's employees under this CCS will be as defined in the Texas Workers' Compensation Act (the Act). The Fund is responsible for claims payments as reflected in this CCS. This CCS does not cover the defense of any suit or claim against a Fund Member except a workers' compensation claim by an eligible employee or former employee of the Fund Member for the payment of statutory workers' compensation benefits.

Cooperation: The Fund Member designates the TASB Risk Management Fund as the Workers' Compensation claim administrator of record for all purposes. The Fund Member agrees to use the Fund's contractors for services related to the administration of claims and to follow the Fund's election under Section 504.053 of the Labor Code to direct care through the Political Subdivision Workers' Compensation Alliance.

Claims Reporting: For Workers' Compensation claims arising during the Participation Period, the Fund Member agrees to report those claims timely and solely to the Fund. The report of Workers' Compensation claims to any other entity will waive all Fund liability under this agreement for those claims, regardless of reporting sequence. Any fines levied against the Fund for the Fund Member's failure to comply with the rules and regulations of the Act will be the Fund Member's sole responsibility.

Seasonal Benefits Adjustments: The Fund adjusts weekly workers' compensation Temporary Income Benefits (TIBS) to zero during specific holiday periods. Benefit adjustments are always made during the summer, Thanksgiving, spring, and winter breaks. Other extended holiday periods may also trigger benefit adjustments.

Waco ISD

Workers' Compensation Fee Schedule

Participation Period: 9/1/2025 through 8/31/2026

The following is a summary of the charges, fees, and terms of participation for Run-In claims.

Non-Allocated Claim Services	Fees	
New Indemnity Claim Set up	$875	Per claim
New Medical Claim Set up	$175	Per claim
New Record Only Claim Set up	$25	Per claim

Allocated Claim & Cost Containment Services	Fees	
Bill Review	$13	Per bill
Pre-Authorization (RN)	$120	Per pre-authorization
Pre-Authorization (Physician)	$120	Per pre-authorization + time/expense
External Case Management (ECM)		Per hour
Peer Review by Physician Advisor	Time & Expense	
BRC, CCH, and SOAH and other regulatory representation	Prevailing judicial rates	
Subrogation Services	Included	
Subrogation Recovery	33% of recovery plus attorney fees	
External Investigations	At cost	
Legal Fees (regulated by DWC)	Per attorney rates	

Workers' Compensation — Fee Schedule Terms & Conditions

Allocated Claim and Cost Containment Service Services: Regardless of the original submission date of the claim, the Fund will allocate the Allocated Claim and Cost Containment Service Fees for any services during this participation period to the appropriate claims at the fees listed above.

Run-In Claims: Run-In Claims are existing claims carried over from a previous claims administrator and transferred to the Fund for administration or claims from a member moving from ASO to Fully Funded or Aggregate. Allocated Claim and Cost Containment Fees apply as shown above to any claims transferred to and administered by the Fund from a previous claims administrator (including the Fund) as "Run-In" claims during this or any prior Participation Period.

Subrogation: The Fund will provide subrogation recovery services for the Fund Member. The Fund Member will be entitled to recovered amounts (less applicable attorney fees) and retains the right of final litigation-related settlement decisions, including subrogation.

Program Coordinators

The Fund Member is required to designate a Program Coordinator (Coordinator) with express authority to represent and bind the Fund Member in all program matters. Below are the current Coordinators associated with the Fund Member. If a Coordinator's name and email address are not listed or the Coordinator identified needs to be updated, please provide updated information to the Fund as soon as possible or include updates in this document.

Current Program Coordinators

Program	Name	Title	E-mail
TASB RMF - Property	Sherry Smith	Executive Director of Finance	sherry.smith@wacoisd.org
TASB RMF-Auto	Sherry Smith	Executive Director of Finance	sherry.smith@wacoisd.org
TASB RMF-Liability	Sherry Smith	Executive Director of Finance	sherry.smith@wacoisd.org
TASB RMF-Workers' Compensation	Sherry Smith	Executive Director of Finance	sherry.smith@wacoisd.org

Program Coordinator Updates

Program	Name	Title	E-mail

If accepting this proposal electronically, you may scan and email this page to tasbrmf@tasbrmf.org to provide Program Coordinator updates.

TASB RISK FUND

TASB Risk Management Fund • 12007 Research Blvd., Austin, Texas 78759-2439
P.O. Box 301 • Austin, Texas 78767-0301 • 800.482.7276 • **tasbrmf.org**
Administered by the Texas Association of School Boards

Contribution & Coverage Summary General Provisions

Coverage: This CCS, the Fund's corresponding coverage agreements and their endorsements, the Fund Member's questionnaire, the Interlocal Participation Agreement (IPA), and the documents incorporated by reference into any of those documents, all for this Participation Period, outline the coverage terms and limits.

Claims Reporting: The Fund Member will provide timely notice of all claims to the Fund as required in the IPA, the applicable Fund coverage agreement, and this CCS. The lack of timely notice may result in a loss of coverage.

Definitions: Any terms not defined in this CCS will use the definition for that term from the corresponding Fund Coverage Agreement.

Payment: The Fund Member agrees to pay contributions based on a plan developed by the Fund. All contributions are payable upon receipt of an invoice from the Fund. The Fund will determine the contribution for each program and how each contribution is applied.

Termination: In addition to any CCS-specific provisions, the IPA outlines the termination-related provisions that govern this CCS. These provisions include the following: this CCS may be terminated by either party, with termination effective at the end of the Participation Period, by giving written notice to the other party no later than 30 days before the end of the Participation Period. If the Fund Member ceases to be an Active or Associate member of the Texas Association of School Boards, Inc., this CCS will terminate at the end of the Participation Period, and the Fund will not offer a renewal CCS. If neither party terminates this CCS, any renewal CCS offered by the Fund becomes effective based on the terms of the renewal CCS and will bind the Fund Member.

Concurrent Participation: All coverages through this CCS are only effective if the Fund Member concurrently participates in or has agreed in writing to participate in all the following Fund programs: Auto, Liability, Property, and Workers' Compensation. The Fund may terminate all coverages immediately if the Fund Member fails to or ceases to participate in any of these Fund programs concurrently. If this termination occurs, the total contribution under this CCS shall be considered fully earned, and the Fund Member agrees that no refund of any contribution is due. This paragraph's termination provisions take precedence over any conflicting termination provisions in the Interlocal Participation Agreement or this CCS.

Fund Member Authorization:

I have read, approved, and agreed to this Contribution and Coverage Summary (CCS) and certify that this information is correct. I affirm that I am duly authorized to approve this CCS and understand that my signature below contractually binds the entity I represent to this CCS and any other coverage-related or Fund participation agreements.

_____ _____
Authorized Signature Date

_____ _____
Printed Name Title

TASB™ RISK FUND

Proof of Auto Liability Coverage

THIS GOVERNMENT VEHICLE IS EXEMPT FROM THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT. Liability coverage in effect meets the minimum limits required by Texas law.

Member: **Waco ISD**
Contract Number: **P161914-2025-001**
Contract Period: **9/1/2025** through **8/31/2026**

If you have an accident, please notify the TASB Risk Management Fund at 800.482.7276.

Coverage is applicable to all vehicles owned by the above-named entity. Coverage remains in effect only if contribution has been paid.

942

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WHAT TO DO IF YOU HAVE AN ACCIDENT

(Keep this Card in Vehicle at all times)

- Move vehicle to the side of the road if drivable.
- Call 911 immediately. Have driver's license and this card ready to give to police.
- Help the injured by making them comfortable and providing emergency first aid. Call for medical help and provide requested information.
- Report the accident to your supervisor as soon as possible. If you have been injured, notify your supervisor.
- Do not discuss blame or fault. Discuss accident only with the police.
- Collect names, insurance, and other driver's license number. If there are witnesses, collect their names and contact information and give the information to the police and your supervisor.
- Do not sign any documents except as requested by law enforcement.

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Waco ISD

Statement of Values

As of date: 7/14/2025
Participation Period: 9/1/2025 through 8/31/2026

Campus Name – Site Address	Building ID	Building Name	Total Covered Value	Weather Percent Deductible
ADVANCED HEALTH CARE ACADEMY, 7200 VIKING DRIVE, WACO, TX, 76710	27270	ADVANCED HEALTH CARE ACADEMY	$8,046,000	$160,920
ADVANCED HEALTH CARE ACADEMY, 7200 VIKING DRIVE, WACO, TX, 76710	27271	GYMNASIUM	$1,080,000	$21,600
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	161914--20	ADVANCED MANUFACTURING ACDADEMY SCHOOL	$12,717,000	$254,340
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	9566	DRESSING ROOM	$458,000	$9,160
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	9567	METAL PAVILION	$15,000	$300
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	9568	PORTABLE STORAGE	$19,000	$380
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	9564	STORAGE BUILDING	$61,000	$1,220
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	26881	STORAGE CONTAINER	$10,000	$200
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	9563	WELDING BUILDING #1	$4,004,000	$80,080
ADVANCED MANUFACTURING ACADEMY CAMPUS, 2401 J J FLEWELLEN ROAD, WACO, TX, 76704	9565	WELDING BUILDING #2	$1,191,000	$23,820
ALTA VISTA ELEMENTARY SCHOOL CAMPUS, 3637 ALTA VISTA DRIVE, WACO, TX, 76706	161914--23	ALTA VISTA ELEMENTARY SCHOOL	$13,537,000	$270,740
ALTA VISTA ELEMENTARY SCHOOL CAMPUS, 3637 ALTA VISTA DRIVE, WACO, TX, 76706	9583	PORTABLE CLASSROOM #1	$148,000	$2,960

ALTA VISTA ELEMENTARY SCHOOL CAMPUS, 3637 ALTA VISTA DRIVE, WACO, TX, 76706	9584	PORTABLE CLASSROOM #2	$278,000	$5,560
ALTA VISTA ELEMENTARY SCHOOL CAMPUS, 3637 ALTA VISTA DRIVE, WACO, TX, 76706	9587	PORTABLE CLASSROOM #3	$334,000	$6,680
ALTA VISTA ELEMENTARY SCHOOL CAMPUS, 3637 ALTA VISTA DRIVE, WACO, TX, 76706	9586	STORAGE BUILDING	$34,000	$680
ALTA VISTA ELEMENTARY SCHOOL CAMPUS, 3637 ALTA VISTA DRIVE, WACO, TX, 76706	26887	STORAGE BUILDING #2	$10,000	$200
ALTA VISTA ELEMENTARY SCHOOL CAMPUS, 3637 ALTA VISTA DRIVE, WACO, TX, 76706	9585	WOOD SHED	$10,000	$200
BELL'S HILLS ELEMENTARY SCHOOL CAMPUS, 2100 ROSS AVENUE, WACO, TX, 76706	161914--5	BELL'S HILLS ELEMENTARY SCHOOL	$33,333,000	$666,660
BELL'S HILLS ELEMENTARY SCHOOL CAMPUS, 2100 ROSS AVENUE, WACO, TX, 76706	9421	GREENHOUSE	$35,000	$700
BELL'S HILLS ELEMENTARY SCHOOL CAMPUS, 2100 ROSS AVENUE, WACO, TX, 76706	9422	STORAGE SHED	$2,000	$40
BRAZOS HIGH SCHOOL, 3005 EDNA AVENUE, WACO, TX, 76708	27183	GYMNASIUM	$1,134,000	$22,680
BRAZOS HIGH SCHOOL, 3005 EDNA AVENUE, WACO, TX, 76708	27181	MAIN HIGH SCHOOL BUILDING	$15,573,000	$311,460
BRAZOS HIGH SCHOOL, 3005 EDNA AVENUE, WACO, TX, 76708	27182	MAINTENANCE STORAGE BUILDING	$120,000	$2,400
BROOK AVENUE ELEMENTARY SCHOOL CAMPUS, 720 BROOK AVENUE, WACO, TX, 76708	161914--28	BROOK AVENUE ELEMENTARY SCHOOL	$11,634,000	$232,680
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	161914--21	CEDAR RIDGE ELEMENTARY SCHOOL	$15,548,000	$310,960
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9575	GREENHOUSE	$2,000	$40
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	26884	HELPING HANDS STORAGE	$1,000	$20
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9577	METAL SHED	$1,000	$20
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	26849	PORTABLE CLASSROOM 317-318	$278,000	$5,560
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9571	PORTABLE CLASSROOMS #1	$286,000	$5,720

CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9572	PORTABLE CLASSROOMS #2	$286,000	$5,720
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9573	PORTABLE CLASSROOMS #3	$286,000	$5,720
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9574	PORTABLE CLASSROOMS $4	$341,000	$6,820
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9439	PORTABLE CLASSROOMS 405/406	$278,000	$5,560
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	26883	STORAGE SHED	$3,000	$60
CEDAR RIDGE ELEMENTARY SCHOOL CAMPUS, 2115 MERIDIAN AVENUE, WACO, TX, 76708	9576	WOOD PAVILION	$3,000	$60
CESAR CHAVEZ MIDDLE SCHOOL CAMPUS, 700 SOUTH 15TH STREET, WACO, TX, 76706	161914--8	CESAR CHAVEZ MIDDLE SCHOOL	$32,471,000	$649,420
CESAR CHAVEZ MIDDLE SCHOOL CAMPUS, 700 SOUTH 15TH STREET, WACO, TX, 76706	9456	PORTABLE CLASSROOM	$278,000	$5,560
CESAR CHAVEZ MIDDLE SCHOOL CAMPUS, 700 SOUTH 15TH STREET, WACO, TX, 76706	26861	STORAGE SHED #1	$23,000	$460
CESAR CHAVEZ MIDDLE SCHOOL CAMPUS, 700 SOUTH 15TH STREET, WACO, TX, 76706	26862	STORAGE SHED #2	$23,000	$460
CRESTVIEW ELEMENTARY SCHOOL CAMPUS, 1120 NORTH NEW ROAD, WACO, TX, 76710	9520	CAFETERIA STORAGE SHED	$15,000	$300
CRESTVIEW ELEMENTARY SCHOOL CAMPUS, 1120 NORTH NEW ROAD, WACO, TX, 76710	161914--14	CRESTVIEW ELEMENTARY SCHOOL	$21,111,000	$422,220
CRESTVIEW ELEMENTARY SCHOOL CAMPUS, 1120 NORTH NEW ROAD, WACO, TX, 76710	9519	MAINTENANCE STORAGE BUILDING	$83,000	$1,660
CRESTVIEW ELEMENTARY SCHOOL CAMPUS, 1120 NORTH NEW ROAD, WACO, TX, 76710	9517	PICNIC PAVILION	$28,000	$560
CRESTVIEW ELEMENTARY SCHOOL CAMPUS, 1120 NORTH NEW ROAD, WACO, TX, 76710	9516	PORTABLE CLASSROOM LIBRARY	$151,000	$3,020
CRESTVIEW ELEMENTARY SCHOOL CAMPUS, 1120 NORTH NEW ROAD, WACO, TX, 76710	9518	STORAGE SHED #1	$5,000	$100
CRESTVIEW ELEMENTARY SCHOOL CAMPUS, 1120 NORTH NEW ROAD, WACO, TX, 76710	26874	STORAGE SHED #2	$17,000	$340
DEAN HIGHLAND ELEMENTARY SCHOOL CAMPUS, 3300 MAPLE AVENUE, WACO, TX, 76707	161914--11	DEAN HIGHLAND ELEMENTARY SCHOOL	$28,852,000	$577,040

DEAN HIGHLAND ELEMENTARY SCHOOL CAMPUS, 3300 MAPLE AVENUE, WACO, TX, 76707	9478	GREENHOUSE	$42,000	$840
G. W. CARVER MIDDLE SCHOOL CAMPUS, 1601 J J FLEWELLEN ROAD, WACO, TX, 76704	23363	G. W. CARVER MIDDLE SCHOOL	$62,872,000	$1,257,440
G. W. CARVER MIDDLE SCHOOL CAMPUS, 1601 J J FLEWELLEN ROAD, WACO, TX, 76704	26865	LUNCH PAVILION	$24,000	$480
G. W. CARVER MIDDLE SCHOOL CAMPUS, 1601 J J FLEWELLEN ROAD, WACO, TX, 76704	26864	TRACK RESTROOM / STORAGE	$268,000	$5,360
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	9524	BAND HALL	$2,102,000	$42,040
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	161914--15	G.L. WILEY OPPORTUNITY CENTER	$15,897,000	$317,940
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	9528	GAZEBO	$26,000	$520
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	9527	GREENHOUSE	$43,000	$860
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	9523	GYMNASIUM	$3,859,000	$77,180
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	9525	PORTABLE CLASSROOM #1	$278,000	$5,560
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	9526	PORTABLE CLASSROOM #2	$278,000	$5,560
G.L. WILEY OPPORTUNITY CENTER CAMPUS, 1030 EAST LIVE OAK STREET, WACO, TX, 76704	9529	STORAGE SHED	$4,000	$80
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27266	GREENHOUSE	$2,000	$40
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27261	PORTABLE CLASSROOM #1	$215,000	$4,300
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27262	PORTABLE CLASSROOM #2	$283,000	$5,660
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27263	PORTABLE CLASSROOM #3	$283,000	$5,660
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27264	PORTABLE CLASSROOM $4	$141,000	$2,820
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	26852	PORTABLE CLASSROOM 301-302	$278,000	$5,560

HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	26853	PORTABLE CLASSROOM 303-304	$278,000	$5,560
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	26843	PORTABLE CLASSROOM 305-306	$278,000	$5,560
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	26844	PORTABLE CLASSROOM 307-308	$278,000	$5,560
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	26851	PORTABLE RESTROOM BUILDING	$90,000	$1,800
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27258	PROFESSIONAL DEVELOPMENT CENTER	$12,366,000	$247,320
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27260	RESTROOM PORTABLE BUILDING	$128,000	$2,560
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27259	STEPHENS GYMNASIUM	$1,114,000	$22,280
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27265	STORAGE BUILDING	$188,000	$3,760
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27268	STORAGE SHED	$3,000	$60
HILLCREST PROFESSIONAL DEVELOPMENT, 4225 PINE AVENUE, WACO, TX, 76710	27267	WOOD PERGOLA	$4,000	$80
J.H. HINES ELEMENTARY SCHOOL CAMPUS, 301 GARRISON STREET, WACO, TX, 76704	9512	GREENHOUSE	$43,000	$860
J.H. HINES ELEMENTARY SCHOOL CAMPUS, 301 GARRISON STREET, WACO, TX, 76704	161914--13	J.H. HINES ELEMENTARY SCHOOL	$22,213,000	$444,260
KENDRICK ELEMENTARY SCHOOL CAMPUS, 1801 KENDRICK LANE, WACO, TX, 76710	31356	KENDRICK ELEMENTARY	$46,757,914	$935,158
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9470	ARTS BUILDING	$1,041,000	$20,820
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9467	FREEMAN GYMNASIUM	$2,852,000	$57,040
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9473	HEN CAGE #1	$1,000	$20
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9474	HEN CAGE #2	$1,000	$20
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9475	HEN CAGE #3	$3,000	$60

LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9476	HEN CAGE #4	$1,000	$20
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	26868	HEN CAGE #5	$2,000	$40
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	161914--10	LAKE AIR MONTESSORI SCHOOL	$23,004,000	$460,080
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9468	PIERCE GYMNASIUM	$4,131,000	$82,620
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9469	PORTABLE CLASSROOMS	$278,000	$5,560
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9471	STORAGE BUILDING #1	$242,000	$4,840
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9472	STORAGE BUILDING #2	$188,000	$3,760
LAKE AIR MONTESSORI SCHOOL CAMPUS, 4601 COBBS DRIVE, WACO, TX, 76710	9466	STORAGE SHED	$4,000	$80
MCCA NORTH WACO CAMPUS, 2015 ALEXANDER AVENUE, WACO, TX, 76708	161914--19	MCCA NORTH WACO SCHOOL	$14,207,000	$284,140
MCCA NORTH WACO CAMPUS, 2015 ALEXANDER AVENUE, WACO, TX, 76708	9560	STORAGE SHED	$4,000	$80
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9604	1ST GRADE/PRE K BUILDING	$1,619,000	$32,380
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9601	2ND GRADE BUILDING	$1,412,000	$28,240
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9599	4TH GRADE BUILDING	$1,601,000	$32,020
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9594	5TH GRADE BUILDING	$1,673,000	$33,460
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	26889	GARDEN STORAGE SHED	$6,000	$120
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9600	GYMNASIUM	$1,111,000	$22,220
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9603	KINDERGARTEN BUILDING	$1,576,000	$31,520
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	161914--25	MOUNTAINVIEW ELEMENTARY SCHOOL	$7,954,000	$159,080

MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9595	PORTABLE CLASSROOM #1	$139,000	$2,780
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9596	PORTABLE CLASSROOM #2	$139,000	$2,780
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9597	PORTABLE CLASSROOM #3	$139,000	$2,780
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9598	PORTABLE CLASSROOM #4	$139,000	$2,780
MOUNTAINVIEW ELEMENTARY SCHOOL CAMPUS, 5901 BISHOP DRIVE, WACO, TX, 76710	9602	PORTABLE CLASSROOM #5	$139,000	$2,780
OLD KENDRICK ELEMENTARY SCHOOL CAMPUS, 1801 KENDRICK LANE, WACO, TX, 76711	9546	GYMNASIUM	$1,070,000	$21,400
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	9535	GYMNASIUM/CLASSROOM BUILDING	$3,199,000	$63,980
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	161914--17	PARKDALE ELEMENTARY SCHOOL	$13,187,000	$263,740
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	9536	PORTABLE CLASSROOM #1	$278,000	$5,560
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	9537	PORTABLE CLASSROOM #2	$278,000	$5,560
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	9538	PORTABLE CLASSROOM #3	$139,000	$2,780
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	9539	PORTABLE CLASSROOM #4	$278,000	$5,560
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	9542	PORTABLE CLASSROOM #7	$334,000	$6,680
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	9543	PORTABLE CLASSROOM #8	$139,000	$2,780
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	26845	PORTABLE CLASSROOM 309-310	$278,000	$5,560
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	26846	PORTABLE CLASSROOM 311-312	$278,000	$5,560
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	26847	PORTABLE CLASSROOM 313-314	$278,000	$5,560
PARKDALE ELEMENTARY SCHOOL CAMPUS, 6400 EDMOND AVENUE, WACO, TX, 76710	26848	PORTABLE CLASSROOM 315-316	$278,000	$5,560

PROVIDENT HEIGHTS ELEMENTARY SCHOOL, 2415 BOSQUE BOULEVARD, WACO, TX, 76707	27255	GARDEN GAZEBO	$16,000	$320
PROVIDENT HEIGHTS ELEMENTARY SCHOOL, 2415 BOSQUE BOULEVARD, WACO, TX, 76707	27256	GARDEN STORAGE BUILDING	$8,000	$160
PROVIDENT HEIGHTS ELEMENTARY SCHOOL, 2415 BOSQUE BOULEVARD, WACO, TX, 76707	27252	MAIN ELEMENTARY BUILDING	$10,454,000	$209,080
PROVIDENT HEIGHTS ELEMENTARY SCHOOL, 2415 BOSQUE BOULEVARD, WACO, TX, 76707	27253	PORTABLE CLASSROOM	$174,000	$3,480
PROVIDENT HEIGHTS ELEMENTARY SCHOOL, 2415 BOSQUE BOULEVARD, WACO, TX, 76707	27254	STORAGE SHED #1	$11,000	$220
SOUTH WACO ELEMENTARY SCHOOL CAMPUS, 2104 GURLEY LANE, WACO, TX, 76706	161914--16	SOUTH WACO ELEMENTARY SCHOOL	$17,702,000	$354,040
TENNYSON MIDDLE SCHOOL CAMPUS, 6100 TENNYSON DRIVE, WACO, TX, 76710	27334	NEW MAIN BUILDING	$79,561,600	$1,591,232
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9412	BASEBALL HOME DUGOUT	$20,000	$400
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9413	BASEBALL PRESS BOX	$85,000	$1,700
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9411	BASEBALL STORAGE SHED	$3,000	$60
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9406	BASEBALL STORAGE SHED #1	$5,000	$100
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9407	BASEBALL TICKET BOOTH	$5,000	$100
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9414	BASEBALL VISITOR'S DUGOUT	$20,000	$400
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9396	CONCESSIONS/RESTROOM BUILDING	$797,000	$15,940
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9416	FOOTBALL PRESS BOX	$175,000	$3,500
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9417	FOOTBALL STORAGE SHED #1	$5,000	$100
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9418	FOOTBALL STORAGE SHED #2	$8,000	$160

UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9397	FOOTBALL TICKET BOOTH	$3,000	$60
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9398	GREENHOUSE	$101,000	$2,020
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	26840	GUARD SHACK	$3,000	$60
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	26839	MORGAN SHED	$11,000	$220
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9415	RESTROOM/GROUNDS BUILDING	$402,000	$8,040
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9408	SOCCER STORAGE SHED #1	$3,000	$60
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9409	SOCCER STORAGE SHED #2	$5,000	$100
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9410	SOCCER STORAGE SHED #3	$5,000	$100
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9405	SOFTBALL HOME DUGOUT	$20,000	$400
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9404	SOFTBALL PRESS BOX	$80,000	$1,600
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9402	SOFTBALL STORAGE SHED	$3,000	$60
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9403	SOFTBALL VISITOR'S DUGOUT	$20,000	$400
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9399	STORAGE SHED #1	$24,000	$480
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	9400	STORAGE SHED #2	$4,000	$80
UNIVERSITY HIGH SCHOOL CAMPUS, 3201 SOUTH NEW ROAD, WACO, TX, 76706	161914--1	UNIVERSITY HIGH SCHOOL	$124,793,000	$2,495,860
WACO ISD ADMINISTRATION BUILDING, 501 FRANKLIN AVENUE, WACO, TX, 76701	161914--7	ADMINISTRATION BUILDING	$42,051,000	$841,020
WACO ISD DISTRICT TRANSPORTATION CENTER, 2001 SOUTH 18TH STREET, WACO, TX, 76706	161914--26	WACO ISD TRANSPORTATION CENTER	$1,722,000	$34,440
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	26895	DISTRICT COOLER/FREEZER	$896,000	$17,920

WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9611	DRIVER'S LOUNGE PORTABLE	$137,000	$2,740
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9614	METAL STORAGE CONTAINER #1	$7,000	$140
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9615	METAL STORAGE CONTAINER #2	$7,000	$140
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9616	METAL STORAGE CONTAINER #3	$7,000	$140
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9617	METAL STORAGE CONTAINER #4	$7,000	$140
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9619	METAL STORAGE CONTAINER #6	$7,000	$140
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	26892	METAL STORAGE CONTAINER #7	$10,000	$200
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	26893	METAL STORAGE CONTAINER #8	$10,000	$200
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	26894	METAL STORAGE CONTAINER #9	$5,000	$100
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9612	STORAGE BUILDING	$20,000	$400
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	9609	WACO ISD CHILD NUTRITION SERVICE	$3,594,000	$71,880
WACO ISD DISTRICT WAREHOUSE, 2025 SOUTH 19TH STREET, WACO, TX, 76706	161914--27	WAREHOUSE	$3,720,000	$74,400
WACO ISD HIGH SCHOOL CAMPUS, 4200 COLCORD AVENUE, WACO, TX, 76710	31355	WACO HIGH SCHOOL	$167,101,805	$3,342,036
WACO ISD LAUNDRY/STORAGE FACILITY, 319 NORTH 10TH STREET, WACO, TX, 76701	161914--36	LAUNDRY/STORAGE FACILITY	$1,340,000	$26,800
WACO ISD MUNICIPAL STADIUM, 1000 SOUTH 15TH STREET, WACO, TX, 76706	161914--35	CONCESSIONS/RESTROOM BUILDING	$275,000	$5,500
WACO ISD MUNICIPAL STADIUM, 1000 SOUTH 15TH STREET, WACO, TX, 76706	9659	HURDLE STORAGE PAVILION	$5,000	$100
WACO ISD MUNICIPAL STADIUM, 1000 SOUTH 15TH STREET, WACO, TX, 76706	9658	LOCKER ROOM	$559,000	$11,180
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26906	BASEBALL DUGOUT #1	$54,000	$1,080

WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26907	BASEBALL DUGOUT #2	$54,000	$1,080
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26910	BASEBALL STORAGE	$6,000	$120
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26905	BASEBALL/SOFTBALL RESTROOM BUILDING	$80,000	$1,600
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26904	HOME PRESS BOX	$1,068,000	$21,360
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26902	HOME TICKET BOOTH/ CONCESSIONS	$296,000	$5,920
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26903	RESTROOMS/TRACK STORAGE BUILDING	$842,000	$16,840
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26909	SOFTBALL DUGOUT #1	$40,000	$800
WACO ISD PAUL TYSON STADIUM, 1850 LAKE AIR DRIVE, WACO, TX, 76710	26908	SOFTBALL DUGOUT #2	$40,000	$800
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9509	BASEBALL CONCESSIONS/RESTROOMS	$336,000	$6,720
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9502	BASEBALL DUGOUT #1	$32,000	$640
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9507	BASEBALL DUGOUT #2	$32,000	$640
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9484	BASEBALL DUGOUT #3	$27,000	$540
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9485	BASEBALL DUGOUT #4	$27,000	$540
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9481	BASEBALL PRESS BOX	$35,000	$700
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9506	BASEBALL PRESS BOX/CONCESSIONS/RESTROOMS	$286,000	$5,720
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9504	BASEBALL STORAGE SHED #1	$6,000	$120
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9503	BASEBALL TICKET BOOTH #1	$3,000	$60
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9508	BASEBALL TICKET BOOTH #2	$17,000	$340

WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9482	BLEACHER PAVILION	$84,000	$1,680
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9493	EAST CONCESSIONS/RESTROOMS	$938,000	$18,760
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9492	EAST TICKET BOOTH	$23,000	$460
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9486	FIELD HOUSE	$1,881,000	$37,620
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	161914--12	FOOTBALL HOME PRESS BOX/GRANDSTAND	$7,370,000	$147,400
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9483	MAINTENANCE STORAGE SHED	$28,000	$560
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9491	NORTH CONCESSIONS/RESTROOMS	$835,000	$16,700
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9490	NORTH TICKET BOOTH	$23,000	$460
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9498	SOFTBALL DUGOUT #1	$35,000	$700
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9499	SOFTBALL DUGOUT #2	$35,000	$700
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9501	SOFTBALL DUGOUT #3	$26,000	$520
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	26870	SOFTBALL DUGOUT #4	$26,000	$520
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9497	SOFTBALL PRESS BOX/CONCESSIONS/RESTROOMS	$589,000	$11,780
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9500	SOFTBALL STORAGE SHED	$6,000	$120
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9496	SOFTBALL TICKET BOOTH	$3,000	$60
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9495	SOUTH CONCESSIONS/RESTROOMS	$839,000	$16,780
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9494	SOUTH TICKET BOOTH	$23,000	$460
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	26871	STORAGE CONTAINER	$5,000	$100

WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9487	VISITOR'S GRANDSTAND	$4,908,000	$98,160
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9489	WEST CONCESSIONS/RESTROOMS	$835,000	$16,700
WACO ISD SPORTS COMPLEX, 1401 SOUTH NEW ROAD, WACO, TX, 76711	9488	WEST TICKET BOOTH	$23,000	$460
WEST AVENUE ELEMENTARY SCHOOL CAMPUS, 1101 NORTH 15TH STREET, WACO, TX, 76707	9580	STORAGE BUILDING	$4,000	$80
WEST AVENUE ELEMENTARY SCHOOL CAMPUS, 1101 NORTH 15TH STREET, WACO, TX, 76707	161914--22	WEST AVENUE ELEMENTARY SCHOOL	$14,738,000	$294,760
WISD MAINTENANCE/CUSTODIAL/GROUP, 4315 BEVERLY DRIVE, WACO, TX, 76711	161914--31	MAINTENANCE/ GROUNDS FACILITY	$11,281,000	$225,620
WISD MAINTENANCE/CUSTODIAL/GROUP, 4315 BEVERLY DRIVE, WACO, TX, 76711	26899	SHIPPING CONTAINER #1	$12,000	$240
WISD MAINTENANCE/CUSTODIAL/GROUP, 4315 BEVERLY DRIVE, WACO, TX, 76711	26900	SHIPPING CONTAINER #2	$6,000	$120
WISD MAINTENANCE/CUSTODIAL/GROUP, 4315 BEVERLY DRIVE, WACO, TX, 76711	26837	STORAGE CONTAINER #3	$9,000	$180
WISD MAINTENANCE/CUSTODIAL/GROUP, 4315 BEVERLY DRIVE, WACO, TX, 76711	26832	STORAGE CONTAINER #4	$9,000	$180
WISD MAINTENANCE/CUSTODIAL/GROUP, 4315 BEVERLY DRIVE, WACO, TX, 76711	26898	TRACTOR SHED	$245,000	$4,900
WISD MAINTENANCE/CUSTODIAL/GROUP, 4315 BEVERLY DRIVE, WACO, TX, 76711	9641	WELDING/CARPENTRY SHOP	$1,217,000	$24,340

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Smith/ G. James**

RE: Memorandum of Understanding Between Economic Opportunities Advancement Corporation (EOAC) Head Start and Waco ISD for the 2025-2026 School Year

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Background Information:

The Waco Independent School District (Waco ISD) has had a collaborative partnership with the Economic Opportunities Advancement Corporation (EOAC) for over twenty years. The purpose of this memorandum of understanding (MOU) is to continue the established collaborative to provide comprehensive early childhood education, health, nutrition, and parent involvement services to low-income children and families through the Jump Start preschool program at South Waco and West Avenue Elementary Schools.

Services and resources designed to foster stable family relationships, enhance children's physical and emotional well-being, and establish an environment to develop strong cognitive skills will be provided in four classrooms, two on each campus. Enrollment will include a maximum of no more than 20 children per classroom and the schedule will follow the district-adopted school calendar

Fiscal Implications:

Waco ISD's in-kind contribution, including salaries and benefits for teachers assigned to the four Jump Start classrooms, are included in the 2024-2025 budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the memorandum of understanding (MOU) between Waco ISD and EOAC, as presented.

Memorandum of Understanding between
Waco Independent School District and
Economic Opportunities Advancement Corporation of Planning Region XI

This Memorandum of Understanding ("MOU") is made and entered into between the Waco Independent School District, a legally established Independent School District in McLennan County, Texas, hereafter referred to as "Waco ISD" or the "District," and the Economic Opportunities Advancement Corporation of Planning Region XI, the grantee and administrator of the Head Start program in McLennan County, a federally funded early childhood program, hereafter referred to as "EOAC" or "EOAC Head Start." This MOU depends on receiving federal funding for EOAC.

I. Purpose

A. To improve the availability and the quality of early childhood education services for local preschool-aged students and their families.
B. To support students' optimal development and readiness for school entry and success.
C. To address the unique strengths and needs of the local population, such as homeless, migrant, or non-English speaking families.
D. To promote collaboration regarding the shared use of qualified staff, facilities, transportation, and other resources as appropriate.
E. To promote further collaboration to reduce duplication and enhance the efficiency of services.
F. To define the roles and responsibilities of Waco ISD and EOAC toward coordination and greater collaboration; enhance linkages and relationships; and exchange information on the provision of educational and noneducational services.
G. Coordinate a comprehensive system of activities, policies, and procedures among Waco ISD and EOAC , which guide and support the delivery of services to students and their families.

II. Program Description

The collaborative Waco ISD and EOAC Head Start classrooms will be called "Jump Start" classrooms hereafter. They will be located at the Waco ISD campuses included in "Attachment A" and serve four-year-old students who meet the Texas Education Agency's pre-k enrollment and federal Head Start eligibility requirements. Enrollment will consist of 20

students per classroom. Federal regulations require EOAC to maintain full enrollment in each classroom. Jump Start classrooms must achieve full enrollment by September and maintain full enrollment each month, filling vacancies within 30 days, or the classroom will be relocated to a new Waco ISD campus or EOAC Head Start campus.. Jump Start classrooms will follow the adopted Waco ISD school-year calendar.

III. Agency Responsibilities

A. Waco ISD will:

1. Provide age-appropriate classroom space for eligible preschool students on the campuses included in Attachment A, along with the usual and customary usage of the facilities such as a library, gym, and playground. Classroom space and associated utilities are considered in-kind to the EOAC program with a monthly rental valuation of facility use as identified in the appraisal document on file at the EOAC Central Office.
2. Recruit, enroll, and serve eligible preschool students in the Jump Start classrooms. Serving these students will include provisions of curriculum materials, developmentally appropriate materials and supplies, and other components typically found in preschool classrooms in McLennan County.
3. Develop and implement Individualized Education Programs (IEPs), including related services. Waco ISD will schedule admission, review, and dismissal (ARD) committee meetings and provide staffing to ensure implementation of all components of students' IEPs.
4. Provide food services for enrolled students. Food services will be accomplished through "family style" dining (EOAC will provide any additional utensils or equipment necessary to undertake that style of food service).
5. Provide a preschool-certified teacher certified by the Texas Education Agency (TEA) for the Jump Start classroom (“Certified Teacher”). Waco ISD will employ, fund, supervise, and evaluate these staff. A Waco ISD administrator (principal) will supervise and evaluate the certified teacher. Salaries and fringe benefits of Waco ISD teachers will be considered an in-kind donation to the EOAC program.
6. Provide a daily three-hour period of pre-k instruction based on the TEA Pre-

kindergarten Guidelines for all enrolled students. The certified teacher will collaborate with the EOAC Head Start teacher to deliver instruction in the classroom.

7. Provide common planning time for Waco ISD pre-k and EOAC teachers each day, before or at the end of the instructional day.
8. Provide student testing and evaluation, and collaborative program evaluation deemed necessary to fulfill school district requirements. Both agencies will share the evaluation analysis as appropriate.
9. Assist in delivering collaborative staff development for Waco ISD and EOAC staff involved in the collaborative project.
10. Ensure that campus health staff are available to students in Jump Start classrooms. Provide for the annual vision and hearing screening requirements for the state of Texas and report the results to the state.
11. Provide office space and access to and use a telephone for the EOAC Child and Family Advocate.
12. Provide a substitute when a Waco ISD employee is absent from duty, which is contingent on the availability of Waco ISD substitutes on the given day.
13. Provide a designated person to coordinate efforts between Waco ISD and EOAC.
14. Include EOAC in the child find plan under Part B of the Individuals with Disabilities Education Act (IDEA) for evaluation purposes. If students are identified and services are recommended, the family will have options of enrolling in Waco ISD to receive their services through the district, dual Enrollment in Waco ISD and EOAC, or receiving services through proportionate share funds until funds are depleted at EOAC. Services will only be provided through IDEA-B if students are dually enrolled.
15. Inform EOAC of the appropriate local referral procedures and referral information required by Waco ISD.
16. Identify district staff responsible for accepting and processing the referral of students from EOAC.
17. Report referral and assessment process results to EOAC with the parent's written consent.
18. Assure that procedural safeguards and confidentiality of information are provided to eligible students and their parents in accordance with law

19. Facilitate the transition of eligible students into Waco ISD.
20. Assess students for needed services:
    - Individuals with exceptional needs assessed for special education services shall benefit from a multi-disciplinary team. No single procedure shall be used as a sole criterion for assessment.
    - The district shall ensure that a full and individual evaluation is conducted for each child being considered for special education and related services under Part B of IDEA (1). The evaluation is completed in accordance with the procedures described in 300.560300.535. (2) The child's IEP team uses the results of the evaluation to meet the requirements of 300.340-300.350
    - Parents shall receive five business days' notice of an IEP meeting to ensure an opportunity to attend.
    - The meeting notice shall also identify any local agency that shall be invited to send a representative. The EOAC Head Start program is acknowledged as another local agency.

(See "Attachment B" for disability service implementation)

B. **EOAC will:**

1. Recruit, enroll, and serve eligible preschool students (four- year-olds) for the Jump Start classrooms, per state and local pre-kindergarten regulations and EOAC Head Start eligibility guidelines. Serving these students will include the provision of curriculum materials (including any mandated by Head Start Performance Standards), developmentally appropriate materials and supplies, and other components typically found in EOAC Head Start classrooms in McLennan County.
2. Reimburse Waco ISD for food services for adult meals consumed by EOAC employees.
3. Support and implement the existing state and district medical policies of Waco ISD.
4. Provide at least six hours of classroom instruction for enrolled students.
5. For each Jump Start classroom, provide one EOAC Teacher who meets Head Start educational requirements. For every 2 Jump Start classrooms, provide one EOAC Teacher Aid. The Teacher Aide will assist the teacher in the classroom. EOAC will

employ, fund, supervise, and evaluate these staff.

6. Provide the necessary paperwork for EOAC staff to comply with Waco ISD's requirements (i.e., criminal background check results, TB test results, CPR certification). EOAC must register with the Texas DPS Criminal History Clearinghouse and have all employees working at the Waco ISD campus to have passed the fingerprint-based applicant clearinghouse of Texas (FACT).
7. Provide student testing and evaluation and collaborative program evaluations deemed necessary to fulfill EOAC requirements. Both agencies will share an analysis of the collaborative program evaluation.
8. Provide or make available to participating students and their families support services that are available to eligible students in an EOAC Center.
9. Provide a designated person to coordinate efforts between Waco ISD and EOAC.
10. Ensure the confidentiality of the identities of students with disabilities enrolled in the collaborative program.
11. Follow the dress code policy of Waco ISD.
12. Provide a substitute when an EOAC employee is absent from duty, contingent on the availability of EOAC substitutes on the given day, and notify the WISD campus principal if problems arise in finding a substitute.
13. Provide parent training, training information, and parent activities.
14. Ensure that only students residing within the Waco ISD boundaries are served in the Jump Start classrooms. Waco ISD shall provide the information required by EOAC to comply with this provision.
15. Ensure discussion between collaborative campuses before a student is transferred.
16. Assist with recruiting and identifying students to participate in dual Enrollment from Waco ISD ECSE (Early Childhood Special Education) as per TEA guidelines.
17. Participate in the District's child find plan under Part B of IDEA through monthly transition meetings with the Preschool Assessment team.
18. Screen all students within the first 45 days of enrollment and refer those suspected to need special education and related services to the district for assessment.
19. Refer students suspected of having a disability to Waco ISD for evaluation in accordance with Head Start Program Performance Standards (1302.33) (3)(i).

20. Assist Waco ISD in activities to support the achievement of the child's IEP goals and objectives, the ARD committee meetings, and the transition process.
21. Ensure that procedural safeguards, including confidentiality of records, are provided for all students with disabilities and their parents.
22. Offer a support system for families of students with disabilities through training, information, and social support, enabling parents to advocate effectively for their child.
23. Provide information on special education and the referral process to all families with a child suspected of having a disability. This is done annually in EOAC child recruitment efforts and meetings.

(See "Attachment B" for disability service implementation)

IV. Confidentiality

EOAC and Waco ISD may review the enrollment data of current and previously enrolled students to verify their participation in the collaborative program, after obtaining parental consent, respectively. In rendering performance, EOAC and Waco ISD will ensure compliance with all applicable statutory requirements relating to the confidentiality of education records outlined in the Family Education Rights and Privacy Act (FERPA), 20 U.S.C. §1232g. et. seq. EOAC and Waco ISD will have a system to protect student records maintained in connection with the services provided according to this Agreement. EOAC and Waco ISD will not transfer or disclose any identifiable student education records to any third party or entity without the express written consent of someone authorized to act on behalf of the student. Waco ISD may require EOAC to transfer a student record to another agency if the transfer is necessary to protect the record's confidentiality or the student's health or welfare. EOAC and Waco ISD understand and agree that no confidential information will be disclosed in any document intended for public disclosure. Waco ISD and EOAC agree to protect the confidentiality of all personally identifiable information (“PII”) of both entities' staff, children, families, and volunteers. EOAC shall comply with applicable federal, state, and local laws, regulations, and codes, including the privacy and non-disclosure provisions of the Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C 1232g,34 CFR Part 99).

V. Collaboration Efforts

A. EOAC and Waco ISD will utilize weekly planning time for lesson plan development and preparation. The EOAC teacher aide will assist with classroom coverage during planning. Lesson plans and supply lists will be provided to the EOAC Education Manager weekly.

B. Staff training will be determined and coordinated by the EOAC Education Manager and the responsible Waco ISD personnel based on needs assessments completed by EOAC staff and Waco ISD collaborative staff.

C. Meetings between EOAC administrators and district administrators will be held per the schedule in Attachment A. Efforts will be made to provide a joint planning and meeting time to Waco ISD and EOAC teachers before the first day of school in August.

D. Waco ISD teachers and principals will be invited to all EOAC staff meetings related to this collaboration.

E. EOAC teachers and administrative staff will be invited to all Waco ISD meetings related to this collaboration.

F. EOAC will provide all EOAC Head Start support services for students enrolled in this collaborative.

G. Waco ISD will provide breakfast and lunch to all students who qualify.

H. EOAC will provide tables, chairs, and serving dishes to accommodate family-style meal service if needed.

I. EOAC will provide a snack for all students in this collaborative if not provided by the district.

J. Waco ISD will distribute and maintain all forms and records needed for the USDA School Lunch Program.

K. EOAC will purchase meals for EOAC Head Start staff from Waco ISD.

L. EOAC will provide an Education Manager and Mentor Coach who will observe classrooms 3 times per year. The agency will also support the collaborative classrooms by making available the EOAC Special Services Manager, Nutrition Manager, Child Outcomes Coordinator, Health Manager, Parent, Family & Community Engagement Senior Leader, and ERSEA (Eligibility, Recruitment, Selection, and Attendance) Manager. Pertinent information will be shared with the EOAC Associate Director and Principal.

M. EOAC and Waco ISD will collaborate to ensure compliance with the Individuals with

disabilities act (IDEA) and Section 504, including the development and implementation of students' IEPs.

N. Per IDEA, Waco ISD will provide special education services to all students with Individual Education Plans (IEP) as determined by the district.
O. Waco ISD will provide space for family-style meal services if needed.
P. The Waco ISD school nurse will provide student services as needed.
Q. EOAC will provide for the cost of two class field trips per year, per classroom.
R. Document parent and community in-kind services to support EOAC's non-federal share requirement.
S. EOAC will work with Waco ISD to comply with screening, identification, and services for students whose Home Language Survey indicates that the home language is other than English**.**

VI. Physical Environment

A. The Waco ISD and EOAC teachers will work together to set up the classroom environment.
B. EOAC and Waco ISD will provide classroom furniture and equipment. Any furniture and/ or equipment provide by EOAC shall remain the property of EOAC and be returned to EOAC in the event this MOU is terminated or non-renewed.
C. Waco ISD will provide EOAC teachers access to the laminator and die-cut machine.
D. Waco ISD will provide custodial services. EOAC will support custodial supplies for Jump Start classrooms.

VII. Registration, Enrollment, and Transition

A. Waco ISD and EOAC will coordinate to provide joint Pre-K and EOAC registration and transition and will share enrollment information on all students prior to the child's first day in attendance.
B. Waco ISD will publicize pre-k through public notices in English and Spanish per the Texas Education Code 29.153, (e), page 192.
C. Waco ISD will provide pre-kindergarten registration online for all students, including those in Jump Start classrooms.
D. Students will be screened as they enroll throughout the school year. Under the following circumstances, they will be enrolled in EOAC:

1. the child qualifies by age
2. the family qualifies by income
3. there is space in one of the collaborative classrooms
4. the family chooses to participate

E. EOAC will collaborate with Waco ISD to maintain all student immunizations current or up to date.

F. Waco ISD and EOAC will work together to meet 95% attendance daily.

G. Waco ISD and EOAC will work collaboratively to actively recruit and enroll students with disabilities to meet the 10 %disability enrollment requirement for EOAC.

H. Waco ISD will share educational data Pre-K through at least 3rd grade to aggregate and/or on individual levels as appropriate to ensure program impact is measured and tracked.

VIII. Communication with Parents and Parent Involvement

A. EOAC staff receiving parent concerns, compliments, and complaints will follow Waco ISD's policy and the EOAC complaint procedure.

B. The EOAC Head Start Child and Family Advocate will conduct a home visit to families of students who have been absent for two or more days and have not made contact with the school.

C. EOAC teachers will conduct two annual family home visits and two parent-teacher conferences.

D. EOAC Child and Family Advocate will plan at least five parent meetings per school year.

IX. Management of Collaboration

A. EOAC and Waco ISD administrators will meet per the schedule in Attachment A.

B. Waco ISD and EOAC will provide general liability insurance for all pre-k students enrolled in this collaborative.

C. Waco ISD and EOAC will observe a communication/problem-solving protocol.

D. EOAC will provide a designated person to coordinate efforts between Waco ISD Principals and EOAC staff who work on the Waco ISD campus.

X. Notices

All notices required or permitted under this Agreement may be given to a party personally or by mail, addressed to such party at the address stated below or to such other address as one party may notify the other in writing from time to time. Any notice given shall be deemed received when deposited in the United States mail addressed with postage prepaid.

XI. Terms/Termination

The effective date of this MOU is August 1, 2025. The term of this MOU is for one year, renewable for up to ten years. Either party may terminate this MOU for any reason, including Head Start funding, upon ninety (90) days' written notice. Any modifications to this MOU must be mutually agreed upon by both parties in writing.

XII. Miscellaneous Provisions

A. This MOU shall not create a principal-agent relationship, partnership, or joint venture. Each party shall retain control over its employees and agents.
B. Due to entering this MOU, no party waives or relinquishes any immunity or defense on behalf of itself, its agents, trustees, officers, or employees.
C. This MOU shall not benefit or obligate any person or entity, not a party.
D. The parties shall cooperate fully in opposing any attempt by any third party to claim any benefit, protection, or other consideration under this MOU.
E. Any notice required under this MOU must be in writing and directed to the following persons.

Waco Independent School District
Contact Person:
Dr. Deena Cornblum, Assistant Superintendent of Curriculum and Instruction
Waco ISD Administration Bldg.
501 Franklin Avenue
Waco, TX 76703

Person Responsible for Implementing Agreement:
Sherry Smith, Executive Director of Business Services
501 Franklin Avenue
Waco, TX 76703

EOAC
Contact Person:
Susanne S. Wilson, EOAC Head Start Director
1800 N. Valley Mills
Waco, TX 76710

Person Responsible for Implementing Agreement:
James Jesse, EOAC Executive Director
1800 N. Valley Mills
Waco, TX 76710

Deena Cornblum Assistant Superintendent of Curriculum and Instruction-Waco ISD	Date
Dr. Tiffany Spicer Superintendent of Schools-Waco ISD	Date
James Jesse EOAC Executive Director	Date
Susanne S. Wilson EOAC Director	Date

ATTACHMENT A

COLLABORATIVE CAMPUS

West Avenue 2 Classrooms

South Waco Elem. 2 Classrooms

COMMUNICATION/MEETINGS

Regular communication between EOAC and Waco ISD will be implemented.

Meetings will be scheduled with EOAC and Waco ISD to train and inform all persons working with the Jump Start collaboration as needed. (See timeline).

Suggested Timeline

August	Meeting: Topic: review collaboration with teaching staff A master list of eligible students for the Jump Start classrooms is defined.
November	Meeting: Topic: Beginning of Year (BOY) Student Assessment Data
February	Meeting: Topic: Middle of Year (MOY) Student Assessment Data
May	Evaluation of Jump Start Collaboration Review MOU for the following school year.
June	Meeting: Topic: End of Year (EOY) Student Assessment Data
July	Jump Start acceptance letters sent to parents. Set dates for parent orientation

Recruitment and enrollment occur year-round in Head Start.

ATTACHMENT B

PROCEDURAL SAFEGUARDS

The individual shall be afforded procedural safeguards and confidentiality of all identifiable information per the Texas Education Code and federal regulation. The district shall:

- Implement all procedural safeguards per Texas and federal laws and regulations.
- Inform parents of legal rights and protections, including due process hearings and complaint procedures.
- Inform EOAC of any due process hearing of grievances of students and families who are provided special education by the district and enrolled in EOAC.
- With the parent's written consent, provide information to EOAC.

EOAC shall:

- Implement all procedural safeguards per Texas and federal laws and regulations.
- Inform parents of legal rights and protections.
- EOAC will provide information to the district with the parent's written consent.
- Participate in the meetings and assist in developing an IEP for students eligible for special education.
- Facilitate active involvement of parents/guardians.
- Coordinate the review of both agencies.
- Provide space for team meetings.
- Provide a location for occupational /speech/physical therapy if students are not enrolled with Waco ISD and the family determines that services should be provided at EOAC through proportional share funds until these funds are depleted.

TRANSITION

The child with exceptional needs and his or her parents shall benefit from a uniform transition plan from EOAC to the local public school.

The District shall

- Establish a system to ensure a smooth transition of students with disabilities from EOAC center sites to public schools.
- With the parent's consent, provide to EOAC by October any students in attendance for EOAC students receiving special education services through the district.

EOAC shall:

- Be invited to participate in the preschool transition committee.
- Assist the District in establishing a transition plan for EOAC students transitioning to public school.
- Update the list of identified special education students attending EOAC, including their home addresses, emergency information, and telephone numbers.

AREAS OF COORDINATION AND COOPERATION (1302.63)

1. Information on students enrolled in EOAC and/or jointly enrolled students will be shared with the written consent of the parent /guardian. This information would include the EOAC developmental screenings, contractual screenings/evaluations, physician referrals, etc., per the EOAC Performance Standards Part (1302.63(c) (1-2)).

2. When referring a child for further evaluation, a copy of an EOAC Referral and Treatment Record will be sent to Waco ISD. Upon completing the evaluation, the school will complete and return the EOAC referral form with a notification if special services are necessary.

3. Waco ISD may refer eligible students to the EOAC program orally or in writing at any time throughout the year.

4. Waco ISD may request an EOAC representative to attend the IEP meeting of a child being considered for EOAC enrollment to explain EOAC service. All information shared will remain confidential.

5. Waco ISD will notify EOAC in writing, electronically, or by phone of Placement Committee Meetings, IEP meetings, or IEP review meetings for any child receiving joint services.

6. An Individual Education Plan (IEP) will be collaboratively developed for each jointly placed child identified with a disability at a staffing that includes the child's parent or legal guardian, public school staff, EOAC staff, and other appropriate service providers.

7. Services for jointly placed students with disabilities, including purchasing necessary equipment, may be cooperatively shared as agreed upon at joint IEP meetings.

8. Staff working with jointly placed students with disabilities will meet monthly.

9. Planning for the transition of each child with disabilities will be discussed during the IEP review. (1302.71)

10. Waco ISD staff may be used on a consultation basis for students served in EOAC, including preschool psychological screening, assessment, and observation. The written recommendation provided by Waco ISD staff will be used by EOAC teaching staff to meet the individual needs of the child/students. All information will remain confidential.

11. Waco ISD and EOAC agree to share information on training and in-services to facilitate joint training whenever appropriate. (1302.71 (2)(iii)

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Hamilton**

RE: Memorandum of Understanding Between Texas A&M University Health Science Center and Waco ISD for Pediatric and Adolescent Behavioral Health Services via Telehealth

==========

Background Information:

The Waco Independent School District (Waco ISD) desires to enter into an agreement, by and between Texas A&M University (TAMU), a member of the Texas A&M System on behalf of the College of Medicine, for the provision and administration of telehealth services associated with the Texas Child Health Access through Telemedicine, an initiative of the Texas Children's Mental Health Care Consortium, funded by the state of Texas. These initiatives are focused on delivering school-based behavioral health services and education, and to provide school-based access with a mental health professional for high risk children and adolescents.

Fiscal Implications:

There is no monetary obligation for Waco ISD to participate in this initiative as Texas Children's Mental Health Care Consortium (TCMHCC) has been funded by Senate Bill 1.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the memorandum of understand (MOU) between Waco ISD and Texas A&M University Health Science Center, as presented.

MEMORANDUM OF UNDERSTANDING
TO PROVIDE PEDIATRIC AND ADOLESCENT BEHAVIORAL HEALTH SERVICES VIA TELEHEALTH
BETWEEN
TEXAS A&M UNIVERSITY HEALTH SCIENCE CENTER
ON BEHALF OF
THE COLLEGE OF MEDICINE
AND
WACO INDEPENDENT SCHOOL DISTRICT

This Memorandum of Understanding ("MOU") is made and entered into by and between Texas A&M University Health Science Center ("TAMHSC"), a health-related institution under the administration of Texas A&M University ("TAMU"), a member of The Texas A&M University System ("the A&M System"), an agency of the state of Texas, on behalf of the College of Medicine ("COM"), and Waco Independent School District, located at 501 Franklin Avenue, Waco, TX 76701, ("Site") for the provision and administration of telehealth services associated with the Texas Child Health Access Through Telemedicine ("TCHATT"), an initiative of the Texas Children's Mental Health Care Consortium ("TCMHCC") funded by the state of Texas. TAMHSC and Site are each individually sometimes referred to as a "Party" and collectively sometimes referred to as the "Parties".

WITNESSETH

WHEREAS, TAMHSC is a health-related institution member of the TCMHCC and has been funded by Senate Bill 11 to address gaps in mental health care for children and adolescents in Texas;

WHEREAS, COM is a component of TAMHSC and operates comprehensive professional education programs for the study of medicine at both the undergraduate and graduate levels;

WHEREAS, COM's Department of Psychiatry & Behavioral Sciences ("PSY") operates comprehensive research, training and clinical programs;

WHEREAS, TCMHCC initiatives are focused on delivering school-based behavioral health services and education;

WHEREAS, the TCHATT initiative is designed to provide school-based access with a mental health professional for high-risk children and adolescents;

WHEREAS, the role of the TCHATT project is the initial intervention and assessment of these students and referral, if necessary (the "TCHATT Project");

WHEREAS, Site desires to participate in carrying out the objectives associated with the TCHATT Project; and

WHEREAS, Site desires to engage the services of TCHATT Project from the Department of Psychiatry & Behavioral Sciences and Department of Psychiatry & Behavioral Sciences desires to provide such services to Site.

NOW, THEREFORE, in consideration of the foregoing and the agreements and provisions set forth herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, and intending to be legally bound hereby, the Parties agree as follows:

Article 1 - Purpose

Site is ready, willing and able to undertake a portion of the efforts associated with the TCHATT Project as described in "Exhibit A", which is attached hereto and incorporated by reference herein.

Article 2 - Description of Work

Site shall cooperate and shall exert its best efforts in carrying out the specific objectives set out in the Statement of Work, which is attached hereto as "Exhibit B" and incorporated by reference herein, during the Period of Performance set forth below.

Article 3 - Period of Performance

This MOU shall begin upon signature of the Parties and shall continue in full force and effect for five (5) years.

Article 4 - Compensation

All Parties expressly acknowledge that nothing in this MOU shall be construed as establishing an obligation of payment to either Party by the other Party.

Article 5 – TAMHSC TCHATT Project Director

The TCHATT Project Director identified in Article 13 shall be responsible for the general guidance and technical direction of all work under this MOU.

Article 6 - Site Key Personnel

The key Site personnel cited below are considered to be essential to the work being performed hereunder (each, a "Key Person"). In the event that a Key Person leaves Site's employment or becomes unable or unwilling to continue the TCHATT Project, Site shall notify TAMHSC in writing reasonably in advance and may propose an individual to replace such Key Person. Any replacement of a Key Person must be approved, in writing, by TAMHSC. In the event a mutually acceptable replacement is not available, TAMHSC shall have the option to immediately terminate this MOU upon written notice to Site. The thirty (30) calendar day prior notice required under Article 11 of this MOU is not required for termination by TAMHSC under this Article. Such termination shall be in writing.

Key Personnel:
Name: Tiffany Spicer, Ph.D., Superintendent
Address: 501 Franklin Avenue, Waco, TX 76701
(Ph): (254)755-9473
Email:
Fax:

Article 7 - Assurances

A. For purposes of the Family Educational Rights and Privacy Act (FERPA), Site designates TAMHSC as a school official with a legitimate educational interest in any educational records (as defined in FERPA) to the extent TAMHSC requires access to those records to fulfill its obligations under this MOU. TAMHSC shall comply with FERPA as to any such educational records and is prohibited from redisclosure of the educational records except as otherwise authorized by FERPA. Further, TAMHSC and its officers and employees are only permitted to use the educational records for the purpose of meeting TAMHSC's obligations under this MOU.

B. All medical and other records and documents prepared by TAMHSC shall be and remain the property of TAMHSC and the applicable patient in accordance with applicable law and shall be treated as confidential pursuant to applicable federal and state law. Site understands that TAMHSAC shall not provide any protected health information to Site without an executed TAMHSC approved HIPAA consent form.

Article 8 - Reports & Records Inspection

Site agrees to furnish in a timely manner and appropriate format, such progress reports, schedules, and other information required for the TCHATT Project to TAMHSC for its reporting requirements to the TCMHCC. Reports shall be sent to the TCHATT Project Director at the address shown in Article 13. Furthermore, Site agrees to retain all progress reports, statistical records, and all other records pertinent to this MOU for a minimum of four (4) years from the termination date of this MOU.

Article 9 - Amendment and Modification

This MOU, or any portion hereof, may be amended or modified in writing at any time as mutually agreed upon by the Parties, or as required by TCMHCC.

Article 10 - Independent Relationship

Nothing in this MOU is intended nor shall be construed to create an employer/employee relationship or joint venture relationship between the contracting Parties. The sole interest and responsibility of the Parties is to ensure that the services covered by this MOU shall be performed and rendered in a competent, efficient, and satisfactory manner.

Article 11 - Termination of MOU

A. Either TAMHSC or Site may terminate this MOU, with or without cause, upon thirty (30) calendar days written notification to the other Party. Notice of termination shall be given by prepaid certified or registered mail and shall be deemed to be given on the date so delivered.

B. TAMHSC may terminate this MOU immediately with written notice in the event the TCMHCC terminates the funding under Rule §3.2519 of the Texas Administrative Code.

Article 12 - Governing Law and Venue

This MOU shall be governed by and construed and enforced in accordance with the laws of the State of Texas.

Article 13 - Communications

Communications between the Parties shall be sent via prepaid certified mail or registered mail to the following and shall be deemed to be given on the date so delivered unless otherwise provided herein:

For TAMHSC:
Programmatic/Project Director:
Name: TAMHSC TCHATT Project Director
Address: 2900 E 29th Street, Suite 300
Bryan, TX 77802

E-mail: texasamhealthtchatt@tamu.edu
Phone: (979) 436-0700

For Site:
Programmatic:
Name: Sara Miller
Address: 501 Franklin Avenue, Waco, TX 76701
E-mail: sara.miller@wacoisd.org
Phone: (254)730-7291
Fax :

Fax : (979) 436-0062

Administrative:
Name: MPSY Director
Adress: 2900 E 29th Street, Suite 300
Bryan, TX 77802

E-Mail: TCHATTAdmin@tamu.edu
Phone: (979) 436-9052
Fax : (979) 436-0062

Administrative:
Name: Yolanda Williams
Address: 501 Franklin Avenue, Waco, TX 76701
E-mail: yolanda.williams@wacoisd.org
Phone: (254)755-9417
Fax :

Article 14 - Compliance

The Parties acknowledge that each is subject to applicable federal and state laws and regulations. Accordingly, each Party will enforce compliance with all applicable laws, regulations, and requirements, and will make available such information and records as may be reasonably requested in writing by the other Party to facilitate its compliance, except for records that are confidential and privileged by law.

Article 15 - Indemnity

As consideration for Site's participation in the TCHATT Project, Site, to the extent allowed by the Constitution and laws of the state of Texas, agrees to indemnify and hold harmless TAMHSC, its officers, agents and employees (collectively "Indemnities") from any and all claims, actions, demands or suits of any kind or character either by common law or statute, whether now recognized or not, including any and all liability caused in whole or in part by the negligence (whether sole, joint or concurrent), gross negligence, strict liability or other legal fault of Indemnities, and including, but not limited to, any costs expenses or penalties.

Article 16 - Warranty of Authority

The person(s) executing this MOU on behalf of the Parties, or representing themselves as executing this MOU on behalf of a Party, warrant and guarantee that each has been duly authorized by the appropriate Party to execute this MOU on behalf of the Party and to validly and legally bind the Party to all of its terms, performances, and provisions.

Article 17 – Insurance

The Parties acknowledge that liability for the tortious conduct of the agents and employees of TAMHSC (other than professional liability of medical staff physicians, residents and fellows) or for injuries caused by conditions of tangible state property is provided for solely by the provisions of the Texas Tort Claims Act (Texas Civil Practice and Remedies Code, Chapters 101 and 104), and that Workers' Compensation Insurance coverage for employees of TAMHSC is provided by TAMHSC as mandated by the provisions of Texas Labor Code, Chapter 503. The Parties further acknowledge that TAMHSC shall have the right, at its option, to either (a) obtain liability insurance protecting TAMHSC and its employees and property insurance protecting TAMHSC's buildings and the contents, to the extent authorized by Section 51.966 of the Texas Education Code or other law; or (b) self-insure against any risk that may be incurred by TAMHSC as a result of its operations under this MOU. Any obligation by TAMHSC under this MOU to obtain insurance is expressly made subject to TAMHSC's authority under state law to obtain such insurance.

Article 18 – Background Screenings

TAMHSC will require all TAMHSC employees, students and volunteers who provide services

pursuant to this MOU to submit to a criminal background check. TAMHSC employees, students and/or volunteers with disqualifying criminal histories are prohibited from providing services under this MOU. TAMHSC shall be responsible for all costs associated with any criminal background checks.

Article 19 – Other

Neither Party shall be held liable or responsible to the other Party nor be deemed to have defaulted under or breached this Agreement for failure or delay in fulfilling or performing any obligation under this Agreement if and to the extent such failure or delay is caused by or results from causes beyond the affected Party's reasonable control, including, but not limited to, acts of God, strikes, riots, flood, fire, epidemics, natural disaster, embargoes, war, insurrection, terrorist acts or any other circumstances of like character; provided, however, that the affected Party has not caused such force majeure event(s), shall use reasonable commercial efforts to avoid or remove such causes of nonperformance, and shall continue performance hereunder with reasonable dispatch whenever such causes are removed. Either Party shall provide the other Party with prompt written notice of any delay or failure to perform that occurs by reason of force majeure, including describing the force majeure event(s) and the actions taken to minimize the impact of such event(s).

The validity of this MOU and all matters pertaining to this MOU, including but not limited to, matters of performance, nonperformance, breach, remedies, procedures, rights, duties, and interpretation or construction, shall be governed and determined by the Constitution and the laws of the State of Texas. Pursuant to Section 85.18, *Texas Education Code*, venue for any suit filed against TAMHSC shall be in Brazos County, Texas.

The dispute resolution process provided in Chapter 2260, *Texas Government Code*, and the related rules adopted by the Texas Attorney General pursuant to Chapter 2260, shall be used by TAMHSC and Site to attempt to resolve any claim for breach of contract made by Site that cannot be resolved in the ordinary course of business. Site shall submit written notice of a claim of breach of contract under this Chapter to the Vice President & Chief Financial Officer of Texas A&M University Health Science Center, who shall examine Site's claim and any counterclaim and negotiate with Site in an effort to resolve the claim.

Site acknowledges that TAMHSC is obligated to strictly comply with the Public Information Act, Chapter 552, Texas Government Code, in responding to any request for public information pertaining to this Agreement, as well as any other disclosure of information required by applicable Texas law. Upon TAMHSC's written request, Site will promptly provide specified contracting information exchanged or created under any resultant agreement for or on behalf of TAMHSC. Site acknowledges that TAMHSC may be required to post a copy of the fully executed Agreement on its Internet website in compliance with Section 2261.253(a)(1), Texas Government Code. The requirements of Subchapter J, Chapter 552, Texas Government Code, may apply to this Agreement and Site agrees that this Agreement can be terminated if Site knowingly or intentionally fails to comply with a requirement of that subchapter.

Site expressly acknowledges that TAMHSC is an agency of the state of Texas and nothing in this MOU will be construed as a waiver or relinquishment by TAMHSC of its right to claim such exemptions, privileges, and immunities as may be provided by law.

Pursuant to Chapter 2270, *Texas Government Code*, Site certifies Site (1) does not currently boycott Israel; and (2) will not boycott Israel during the Term of this MOU. Site acknowledges this MOU may be terminated and payment withheld if this certification is inaccurate.

Site shall not use TAMHSC's name, logo or other likeness in any press release, marketing materials or other public announcement without receiving TAMHSC's prior written approval.

Pursuant to Subchapter F, Chapter 2252, *Texas Government Code*, Site certifies Site is not engaged in business with Iran, Sudan, or a foreign terrorist organization. Site acknowledges this MOU may be terminated and payment withheld if this certification is inaccurate.

A state agency may not accept a bid or award a contract, including a contract for which purchasing authority is delegated to a state agency, that includes proposed financial participation by a person who, during the five-year period preceding the date of the bid or award, has been convicted of any offense related to the direct support or promotion of human trafficking. A bid or award subject to the requirements of this section must include the following statement: "Under Section 2155.0061, Government Code, the vendor certifies that the individual or business entity named in this bid or contract is not ineligible to receive the specified contract and acknowledges that this contract may be terminated and payment withheld if this certification is inaccurate."

Site is responsible for ensuring that its employees involved in any work being performed for TAMHSC under this Agreement have not been designated as "Not Eligible for Rehire" as defined in System policy 32.02, Discipline and Dismissal of Employees, Section 4 ("NEFR Employee"). In the event TAMHSC becomes aware that Site has a NEFR Employee involved in any work being performed under this Agreement, TAMHSC will have the sole right to demand removal of such NEFR Employee from work being performed under this Agreement. Non-conformance to this requirement may be grounds for termination of this Agreement by TAMHSC.

Article 19 - Signatures

IN WITNESS WHEREOF, the undersigned contracting Parties bind themselves to the faithful performance of this MOU.

Texas A&M University Health Science Center, on behalf of its College of Medicine:

Amy L. Waer

Amy L. Waer, MD
Jean and Tom McMullin Endowed Dean
College of Medicine
Texas A&M University

Date: 06/24/2025

Waco Independent School District:

Suzanne Hamilton, Ed.D.
Assistant Superintendent for Student Services & Support

Date: 10.12.25

Waco Independent School District

Dr. Tiffany Spicer

Superintendent

Date: _____

EXHIBIT A - DESCRIPTION OF TCHATT PROJECT

Vision Statement:
Every child receiving public education in the State of Texas has access to school-based crisis prevention, intervention, and stabilization.

Definition of TCHATT:
The TCHATT initiative is designed to provide school-based access with a mental health professional for high-risk children and adolescents.

The role of TCHATT is the initial intervention and assessment of these students and referral, if necessary. TCHATT funds may not be used for ongoing management of the student's mental health needs.

Key Components of a Successful TCHATT Program:

•**Telemedicine or telehealth** – Programs should leverage the use of telecommunications technology to ensure prompt access to a mental health professional. Technology should be located at both the originating site in the school and at the location of the mental health professional.

•**Identify mental health needs** – Site should be trained/educated on how to identify children who may have need for TCHATT services. This initial identification may be done by a variety of school personnel, including teachers, counselors, nurses, or school administrators, who then refer students to the school counselor or designated TCHATT support person on campus. The school counselor or TCHATT support person can then connect the student with TCHATT services and facilitate communication with the parents/guardian. The goal is to quickly identify a child who is experiencing a mental health challenge.

•**Assess mental health needs** – Programs must use a mental health professional (LPC, CAP, psychology doctoral student, etc.) to provide an appropriate assessment of the mental health needs of the child who is identified and referred by the school counselor or TCHATT support person.

•**Provide access to mental health services** – Utilizing telecommunications technology, a program will provide initial mental health services to an identified child. These services should include a diagnostic evaluation with a behavioral health professional with primary goals of assessment and stabilization. The duration of these services shall be approximately two months. If ongoing care is needed, the child should be referred to a separately funded resource (e.g, public or private insurance, indigent-funded services) for longer term care using one of the strategies outlined above.

•**Prioritize needs of at-risk children and adolescents** – Programs should have a triage system for prompt review of school referral and appropriate triage of symptom severity.

EXHIBIT B – STATEMENT OF WORK

•TAMHSC TCHATT Covered Services

- **Services:** TAMHSC shall provide, as applicable, the following pediatric and adolescent behavioral health services remotely by means of telecommunications technology to mutually agreed upon students of Site ("Patient"): case consultation, risk assessment, therapeutic intervention, therapy, psychoeducation, medication evaluations, psychopharmacological interventions, treatment and intervention recommendations, and referral services. Prior to providing any telehealth services to a Patient, TAMHSC will obtain an executed telehealth consent form from the Patient or the Patient's parent or guardian. TAMHSC will schedule the Patient with a TAMHSC behavioral health professional with the primary goals of assessment and stabilization. If ongoing care is needed, TAMHSC will refer the Patient to a separately funded resource for longer term care.

- **Personnel: TAMHSC** will utilize licensed personnel, including psychologist and psychiatrist, doctoral level trainees, and support staff, including administrative and information technology ("IT") staff. TAMHSC will provide supervision for its personnel from its facilities at TAMHSC.

- **Training:** TAMHSC will train Site staff on the use of the TAMHSC telehealth platform.

- **Materials:** TAMHSC will provide any program specific materials (e.g. flyers, brochures) upon request for distribution by Site for informational and promotional purposes.

- **Education:** TAMHSC will provide education Youth Aware of Mental Health of ("YAM") for districts upon request.

• School District's Responsibilities

- **School Counselor/TCHATT Support Person:** Identify one person on campus through which referrals to TCHATT will be routed. Individual will communicate and consult with TAMHSC as needed to obtain and facilitate services for students.
- **Referrals:** Site will identify students who have a need for TCHATT services by referring those students to the school counselor or designated TCHATT support person on campus and facilitating communication with the student's parents or guardian. Site will obtain any necessary consents from each student or the student's parent or guardian prior to sharing any personal information about the student with TAMHSC.

- **Location:** Provide a location on campus with a secure internet connection where private, confidential telehealth services can be provided to students through TCHATT. At TAMHSC's request, Site shall allow TAMHSC onto Site to inspect the location to ensure provided location is confidential.

- **Equipment:** Site will be responsible to have an Internet-connected device (i.e., tablet, laptop, or desktop computer) with camera and microphone capabilities ("Equipment"). Site will be responsible for the maintenance, the training Patients on how to use such devices, and HIPAA-compliance of Equipment. At TAMHSC's request, Site shall allow TAMHSC to validate the Equipment for such compliance. If the district participates in YAM, the school will provide onsite access to space for delivery of educational content.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: S. Davis/L. Saxenian

RE: Memorandum of Understanding between the Waco ISD and Partner Independent School Districts for Tuition and Building Fee Rates for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2025-2026 School Year

==========

Background Information:

The Memorandum of Understanding establishes the agreement between the Waco Independent School District and partner school districts regarding participation in the Greater Waco Advanced Manufacturing Academy (GWAMA) and the Greater Waco Advanced Health Care Academy (GWAHCA) for the 2025-2026 school year.

The administration is recommending an increase of $158 in the tuition rate for GWAMA students. This will be an increase from $3,200 to $3,358 for GWAMA students only. There will be no change in the tuition rate for GWAHCA students, which will remain at $3,200, nor will there be a change in the building use fee of $600 per student for either program.

Based on projected enrollments of 317 students at GWAHCA and 327 students at GWAMA for the 2025-2026 school year, the tuition is not anticipated to cover the direct program costs of either program with GWAMA's per student cost estimated at $4,555 per student and GWAHCA's per student cost of $4,489 per student. School districts partnering in our academies include Bruceville-Eddy, Chilton, Midway, Troy and the Methodist Children's Home.

It is projected that the District's total operating transfer to cover the fund's deficit will be $448,000 for 2025-2026.

Student tuition will be prorated in the event a student moves out of the Partner ISD's attendance zone. Tuition for student's removed for disciplinary reasons or withdrawn for personal reasons will not be prorated. The $600 building use fee will not be prorated in any event. Tuition payments are due in two installments, on September 19, 2025 and December 18, 2025.

A copy of the Memorandum of Understanding is attached for your review.

Fiscal Implications:

Tuition and building use revenue are credited to a special revenue fund set up as a cost center to account for revenues and expenditures related to the Advanced Academies.

Administrative Recommendations:

The administration recommends the Board of Trustees approve the Memorandum of Understanding between the Waco Independent School District and partner independent school districts and set the tuition rate and building fee for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2025-2026 school year, as presented.

WACO INDEPENDENT SCHOOL DISTRICT

Waco Independent School District
Memorandum of Understanding
Greater Waco Advanced Academies

Waco Independent School District ("WISD") and the Partner Independent School Districts (individually "Partner ISD"), enter the following Memorandum of Understanding for the 2025-2026 school year regarding the Greater Waco Advanced Manufacturing Academy ("GWAMA") and Greater Waco Advanced Healthcare Academy ("GWAHCA") (individually *"Academy"* and collectively *"Academies")*

Now therefore, the parties to the Memorandum of Understanding mutually agree to the following:

I. Purpose:

Whereas WISD operates *GWAMA* and *GWAHCA* as two magnet schools with the purpose of the *Academies* being to:

a. provide all students with the opportunity to meet challenging academic content and student academic achievement standards;

b. support the development and design of innovative education methods and practices that promote diversity and increase choices in public education programs;

c. support capacity development (the ability of a school to help all its students meet more challenging standards) through professional development and other activities that will enable the continued operation of the *Academies* at a high-performance level after funding ends;

d. Support the implementation of courses of instruction in the *Academies* that strengthen students' knowledge of academic subjects and their grasp of tangible and marketable vocational skills.

II. Student Eligibility Requirement:

a. In order to apply to enroll in either of the *Academies* a student must have Sophomore, Junior or Senior standing at a Partner ISD;

b. A student must have the written approval of his/her Partner ISD in order to apply to enroll in either of the *Academies;* and

c. A student must have completed the application to enroll in either of the *Academies.*

III. Academic Calendar for the Academies

a. The *Academies* will follow the WISD academic calendar for the 2025-2026 school year. This will apply to grades, attendance, holidays, etc.

b. If a Partner ISD academic calendar differs from the WISD academic calendar, it is the responsibility of the Partner ISD to submit a copy of their academic calendar to WISD prior to the start of the 2025-2026 school year.

IV. Grades

a. The *Academies* will submit each student's grades to the student's home campus at each student's sending Partner ISD, respectively, based on the WISD academic calendar.

b. The *Academies* will provide access for grades at all times to each Partner ISD for all students enrolled from the Partner ISD.

c. If the grading cycle of a Partner ISD is different from the WISD grading cycle, then the Partner ISD may give an incomplete until the WISD grading cycle is completed.

d. Each Partner ISD will provide written notification to the *Academies* prior to the start of the 2025-2026 school year on how the Partner ISD prefers the grades for any of its students enrolled in either of the *Academies* to be reported. If a Partner ISD is on a different grading cycle, it is likely that that Partner ISD's students' grades will be different than when the grade is determined using the Partner ISD's calendar due to lack of six-weeks test, etc.

V. Attendance

a. All students enrolled in either of the *Academies* from a Partner ISD are expected to attend the *Academy* of enrollment for the entire school year. Students will not be permitted to withdraw from an *Academy* without Partner ISD and *Academy* written approval.

b. In the event a student enrolled in either of the *Academies* becomes pregnant during the school year, WISD may require a medical release/authorization approving that student's continued attendance/participation in the *Academy.*

c. In the event a student enrolled in either of the *Academies* is unable to continue attending the *Academy* due to medical/health reasons (including, but not limited to pregnancy) the sending Partner ISD will be responsible for providing any homebound and/or pregnancy related services to that student.

d. The *Academies* will submit student attendance to each student's home campus weekly.

e. Students are expected to attend the *Academies* according to the WISD academic calendar.

    i. For instance, if a Partner ISD is not in school, but WISD is, then Partner ISD's students are expected to be present at the *Academy* in which the student is enrolled.

ii. If WISD has a scheduled student holiday, but a Partner ISD does not, students from that Partner ISD will not attend either of the *Academies* on the WISD scheduled student holiday.

iii. If a student from a Partner ISD has a school related event causing the student to be absent from one of the *Academies,* the Partner ISD will notify the *Academy* (in which the absent student is enrolled) as soon as confirmation of the event and the student's participation has occurred.

VI. Tuition and Billing

a. WISD will bill the Partner ISD for the cost of GWAMA tuition at the rate of $3,358 per student and a building use fee of $600 per student for the 2025-2026 school year. **Totaling $3,958.00**. WISD will bill the Partner ISD for the cost of GWAHCA tuition at the rate of $3,200 per student and a building use fee of $600 per student for the 2025-2026 school year. **Totaling $3,800.00.**

i. Student tuition will be prorated in the event a student moves out of the Partner ISD's attendance zone.

ii. If a student is removed for disciplinary reasons, the student's tuition will not be prorated based on the number of days enrolled.

iii. If a student wishes to withdraw for personal reasons, tuition will not be prorated.

a. WISD reserves the right to make exceptions on the proration rules set forth above regarding disciplinary and personal withdrawals as determined by Campus Director of each of the Academies.

iv. The $600 building fee will not be prorated in any event.

v. Invoices will be calculated for each student enrolled from each partner ISD. After the 10th class day of the 2025-2026 academic school year, the full fee of $3,958.00 will be charged and billed to the student's ISD.

vi. An Invoice will be mailed out to each Partner ISD for each student enrolled (from the Partner ISD) at either Academy during the 2025-2026 school year. Invoices will be mailed after completion of the first six week grading cycle of WISD. Payment will be due in two installments with ½ of the tuition and all of the building fee due by September 19, 2025 and the remaining ½ of the tuition due by December 18, 2025.

VII. Other Fees

a. Any and all fees for Dual Credit, certification, background checks, fingerprinting, drug screening, required immunizations, or health tests required will be paid by the student or the sending Partner ISD, as determined by Partner ISD administration.

VIII. Course Offerings

a. The *Academies* will provide a course list to Partner ISDs prior to the start of the 2025-2026 school year.

IX. Discipline

a. It is the expectation that students will maintain the highest level of discipline and safety at the *Academies.* It is the expectation that each Partner ISD will support the *Academies* in maintaining discipline. Discipline enforcement will be the responsibility of the sending Partner ISD for its students enrolled in either of the *Academies.* The *Academies* will use a discipline model that, to the extent feasible, simulates practices for employees in current professional workplaces. Representatives from the *Academies* will provide a detailed report for each student to the student's home campus of the Partner ISD for that campus to use in decision making on a discipline incident. Partnering districts are expected to enforce their normal disciplinary rules to students of the *Academies.*

b. The *Academies* reserve the right to remove a student at any time for disciplinary reasons.

X. Special Education/504

a. It is ultimately the responsibility of the Partner ISD to ensure that a student's IEP is implemented as written, as well as to conduct all student ARD and 504meetings.

b. Prior to the start of the school year, each Partner ISD will provide written notification to each of the *Academies* of all Special Education and 504 students from that Partner ISD.

c. Each Partner ISD agrees to send all IEPs for its students enrolled in either of the *Academies* to the appropriate *Academy* prior to August 13, 2025.

d. The *Academies* will implement the IEP as written with one exception; it is the responsibility of the sending Partner ISD to provide additional staff support if designated in a student's IEP.

e. Each sending Partner ISD agrees to invite an *Academy* representative (from the *Academy* in which a particular student is enrolled) to attend and offer feedback for all student ARD and 504 meetings.

XI. Partner ISD's Responsibilities

Each Partner ISD understands and agrees that it is making a commitment to work collaboratively to achieve project goals, and to:

a. Support and utilize the *Academies;*

b. Aid in recruiting a target number of students based upon a predetermined percentage, and using a lottery system that supports desegregation of minority student groups;

c. Support the Magnet Schools Assistance Program grant and project philosophy to reduce minority group isolation, build institutional capacity to increase Industrial Science *I* Career and Technology course credits, increase parental involvement, improve academic achievement, and increase Postsecondary success for students in the greater Waco area;

d. Provide transportation for accepted students to and from the *Academies* and to and from the sending Partner ISD;

e. Ensure students enrolled at the *Academies* are provided the opportunity to have breakfast and lunch at a student's home campus within the sending Partner ISD;

f. Share student data with WISD and/or External Evaluator including, but not limited to, test data on students for the purposes of completing evaluations of the Magnet Schools Assistance Program grant;

g. Agree to work with the *Academies* to accept course credits earned by students.

XII. Multiple Counterparts and Facsimile

This Memorandum of Understanding may be executed in separate or multiple counterparts by the parties, each of which shall be deemed to be an original. All of such counterparts shall be considered as one and the same instrument notwithstanding the fact that various counterparts are signed by only one of the parties, and all such copies shall be considered as one and the same Memorandum of Understanding. In addition, any true and correct photocopy or facsimile copy of this Memorandum of Understanding together with any signatures on such documents transmitted by any of the parties shall be deemed to be originals and may be utilized by any party for any purpose whatsoever, including any proceedings relating to this Contract. Upon request by any party, any counterpart, photocopy or facsimile copy shall be substituted with the actual signed copy or be executed by the parties without affecting the effective date or actual execution dates.

WACO ISD:

By_____ Date_____

Dr. Tiffany Spicer, Superintendent

BRUCEVILLE-EDDY ISD:

By_____ Date_____

Richard Kilgore, Superintendent

CHILTON ISD:

By_____ Date_____

Dr. Brandon K. Hubbard, Superintendent

METHODIST CHILDREN'S HOME:

By_____ Date_____

Dorothy Phillips, Senior Director for Programs

MIDWAY ISD:

By_____ Date_____

Dr. Chris Allen, Superintendent

TROY ISD:

By_____ Date_____

Neil Jeter, Superintendent

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: **Sherry Smith**

RE: Amendment to the Interlocal Agreement between the McLennan County Juvenile Probation Department and Waco ISD for Child Nutrition Services for the 2025-2026 School Year

==========

Background Information:

The Waco ISD Child Nutrition Services provides meals to the youth and staff of the Bill Logue Juvenile Justice Detention Center (JDC) each day school is in session during the regular school year (to match Waco I.S.D. School calendar) and on weekdays during the summer months, as mutually agreed upon.

For these services, the JDC agrees to pay the district the minimum amount required by the Texas Department of Agriculture plus 5% per meal for each adult breakfast and lunch. This arrangement has proved successful and the District and JDC wish to enter into the same agreement for the 2025-2026 school year. A copy of the agreement is attached.

With the implementation of the Community Eligibility Provision (CEP), the district will no longer obtain free and reduced applications from students.

Fiscal Implications:

Because there will be no additional fixed costs for the district to prepare the meals, we anticipate that results of operations will result in a slight financial gain to the District.

Administrative Recommendation(s):

The Administration recommends the Board of Trustees approve the interlocal agreement with the McLennan County Juvenile Probation Department for child nutrition services, as presented.

INTERLOCAL AGREEMENT BETWEEN

MCLENNAN COUNTY JUVENILE PROBATION DEPARTMENT

and

WACO INDEPENDENT SCHOOL DISTRICT

FOR CHILD NUTRITION SERVICES

This Agreement for the 2025-2026 school year is entered into by and between The McLennan County Juvenile Probation Department (hereinafter called "Department"), 2601 Gholson Road, Waco, Texas, 76704, and the Waco Independent School District's Child Nutrition Services (hereinafter called "Service Provider", 2025 S. 19th Street, Waco, Texas 76706-3018, in consideration of the mutual terms and conditions set forth below:

I. Provisions of Services

1. The Service Provider shall provide the Services set out, which is incorporated by reference herein, to Juveniles who are referred to the Service Provider by the Department.

2. All breakfast and lunch meal components provided by the Service Provider shall conform to the minimum standards set forth by the United States Department of Agriculture (USDA) and the Texas Department of Agriculture (TDA) meal pattern requirements for all reimbursable meals prepared and provided. The Service Provider and the Department will comply with all applicable laws, ordinances, rules and regulation related to food service sanitation, safety and health.

3. The Service Provider shall adhere to all applicable federal and state laws and regulations in the provisions of services hereunder.

4. The Service Provider shall provide breakfast and lunch meals to the youth and staff of the Bill Logue Juvenile Justice Detention each day Waco I.S.D. school is in session during the regular school year (to match Waco ISD school calendar) and on weekdays during the summer months as mutually agreed upon.

5. Department will assist Service Provider with getting a 2025-2026 Waco I.S.D. Socioeconomic Information Form completed for each client on the day that said client arrives on the premises and is present for meal service.

6. Department will assist Service Provider with getting a daily roster of students, by full name, of who is on the premises for breakfast meal service and for lunch meal service to ensure Service Provider has documentation for TDA meal claim.

7. Department will assist Service Provider with a list of adults who receive breakfast and lunch meals each day for correct meal recording.

8. All withdrawn clients will be noted in writing and shared with Service Provider employee on date of departure.

9. The Department shall inform the Service Provider the afternoon prior to any changes in breakfast and lunch service, such as service time changes.

10. The Department and the Service Provider agree that federal, state, and local health and sanitation requirements will be met at all times. All existing health and sanitation problems will be corrected by The Department prior to breakfast and lunch being served. The Department must have on display at all times a current health department permit from the City of Waco Health Department and provide the Service Provider with a copy of these permits. The Department must insure that two health department inspections occur each twelve month period, per TDA regulations.

II. Compensation to Service Provider

1. For and in consideration of the above-mentioned services, the Department agrees to continue paying the Service Provider the minimum amount required by the Texas Department of Agriculture plus 5% for adult breakfast and lunch.

2. Billings for payment will be submitted to the Department no later than fifteen (15) days from the last day of the month for which payment is being requested. The Department will make payment no later than thirty (30) days after receipt of the billing for approved charges from the Service Provider.

3. Each billing shall contain the description of the services rendered, along with the number of meals for which payment is being requested by the Service Provider.

4. Billing will be submitted by:

   Waco I.S.D.
   Child Nutrition Services
   2025 S. 19th Street
   Waco, TX 76706-3018

5. Billing will be submitted to:

   McLennan County Juvenile Justice Center
   Attn: McLennan County Juvenile Probation
   2601 Gholson Road
   Waco, TX 76704

III. Examination of Program and Records

1. The Service Provider agrees that it will permit the Department to examine and evaluate its program of services provided under the terms of this Agreement.

IV. Fee Assessment

1. Neither clients nor their families shall be assessed fees for services by the Service Provider unless arrangements are specified by the court.

2. If client is eligible for fiscal support from another state agency or organization, the Service Provider shall ensure that the Department is not charged for such fiscal support for which the client is otherwise eligible.

V. Equal Opportunity

1. Service shall be provided by Service Provider in compliance with the Civil Rights Act of 1964. The Service Provider will not discriminate against any employee, applicant for employment, or client because of race, religion, color, sex, national origin, age or handicapped condition.

VI. Officials Not to Benefit

1. No officer, member, or employee of the McLennan County Juvenile Board or the McLennan County Juvenile Probation Department, and no member of its governing body, and no other public official of the governing body of the locality or localities in which the project is situated or being carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this project s hall participate in any decision related to this Agreement which affects his personal interest or have any personal or pecuniary interest, direct or indirect in this Agreement of the proceeds thereof.

VII. Default

1. The Department may, by written notice of default to the Service Provider, terminate this Agreement, in whole or in part, in any one of the following circumstances:

    a. If the Service Provider fails to perform the worked called for by this Agreement within the time specified herein or any extension thereof, or

    b. If the Service Provider fails to perform any of the other provisions of this Agreement, or fails to prosecute the work as to endanger performance of this Agreement in accordance with its terms, an in either of these two circumstances does not cure such failure within a period of ten (10) days (or such extension as authorized by Department in writing) after receiving notice of default.

2. Department may withhold payment to the Service Provider in any month that the Service Provider has not complied with its reporting requirements hereunder, and may withhold such funds until all such reporting requirements have been complied with in accordance with this Agreement.

VIII. Default

1. This Agreement may be terminated by either party by giving thirty (30) days written notice to the other party hereto of the intention to terminate.

IX. Law and Venue

1. In any legal action arising under this Agreement, the laws of Texas shall apply and venue shall be in McLennan County, Texas.

X. Other Terms and Conditions

1. This Agreement does not obligate the Department to assign a specific number of clients to the Service Provider's program.

2. Department, or its designated representative, shall have the right to conduct programmatic monitoring of the Service Provider to ensure performance of and compliance with this Agreement.

3. Attachment to include the Waco I.S.D. annual school calendar, approved each April. Included so both parties are clear on the service dates. The Summer Food Service Program (SFSP) calendar will be submitted in the Spring.

4. Service Provider is an independent organization, and is not intended to be, and shall not be, an employee, partner or joint venture of the Department for any purpose. Service Provider shall not be treated as an employee of the Department for purposes of tax withholding, insurance, retirement or other benefits. Service Provider is solely responsible for all taxes relating to payments of employee under this agreement, and indemnifies and holds harmless the Department from such claims. Service Provider shall have no authority to bind the Department to any obligation.

5. The Service Provider's menu plan shall be designed and evaluated based on the age range of the residents served at the facility to ensure dietary allowance are commensurate with the USDA's age specific requirements.

XI. Contract Period

1. This Agreement period will begin on August 1, 2025 and will terminate on July 31, 2026.

XII. Contract Period

In Witness Whereof, the parties hereto have caused this agreement to be executed by their duty authorized representatives as of the day and year written:

"Department"
McLennan County Juvenile Probation Department

By: _____

Title: _____

Signature: _____

Date: _____

Address: _____

Contact Telephone Number: _____

Contact Email Address: _____

“Service Provider”
Waco I.S.D. Child Nutrition Services

By: _____

Title: _____

Signature: _____

Date: _____

Address: _____

Contact Telephone Number: _____

Contact Email Address: _____

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Davis/S. Smith**

RE: Child Nutrition Services Adult Meal Pricing Increase for the 2025-2026 School Year

==========

Background Information:

The USDA Healthy, Hunger-Free Kids Act of 2010, which was signed by President Obama, implemented new provisions for Child Nutrition Programs across the nation.

Since the Program's express purpose is to safeguard the health and well-being of the nation's children, meals served to adults are not eligible for federal cash reimbursement— therefore, the reimbursements Contract Entities (CEs) receive for serving students must not be used to pay for adult meals. The charge for adult meals must, at a minimum, be greater than the amount of total reimbursement received for a free meal plus any other supplemental payments received by the CE plus per-meal value of USDA Foods (commodities) used for the meal service. Total reimbursement includes standard reimbursements for free, reduced-price, and paid meals as well as performance-based and severe need for breakfast or lunch reimbursements. Any time this is not met, the price of adult breakfasts and lunches must be increased to cover the cost. The Texas Department of Agriculture (TDA) annually releases the minimum rate for adult meal pricing; however, the TDA has not yet announced the minimum adult rate for the upcoming school year.

Waco I.S.D. currently charges $3.30 for an adult/non-student breakfast.
Waco I.S.D. currently charges $5.00 for an adult/non-student lunch.

In order to stay compliant with the TDA requirement of not charging less than the minimum rate for adult meals, Administration is recommending that the District's approved adult meal rate for 2025-2026 will be the minimum rate established by TDA, once that rate has been announced. Those rates will be published as soon as the information is made available from TDA.

Fiscal Implications:

The revenue increase will be utilized in developing the 2025-2026 Child Nutrition budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the adult meal rates for the 2025-2026 school year as the minimum amount required by the Texas Department of Agriculture.

Waco Independent School District

Board of Trustees Meeting Agenda

Date: July 24, 2025 **Contact Person**: Ed Love

RE: UIL Homeschool Student Participation

==========

Background Information:

The 89th Texas Legislature introduced Senate Bill 401 (SB 401), which changes the rules for homeschool student participation in University Interscholastic League (UIL) activities. Previously, school districts had the option to "opt in" to allow non-enrolled homeschool students to participate in UIL activities.

Under SB 401, school districts are now required to allow non-enrolled homeschool students who meet UIL eligibility standards the opportunity to participate in UIL activities on behalf of the school, in the same manner as enrolled students, unless the school board votes to opt out by September 1, 2025.

If a district allows participation, homeschool students may participate in UIL activities at:

- The school they would be eligible to attend based on their residential address, if that school allows homeschool participation.
- The closest school to their residence that allows homeschool participation, if their zoned school opts out.

Waco ISD administration recommends that the district opt out of allowing non-enrolled homeschool students to participate in UIL activities within Waco ISD.

Fiscal Implications:

None

Administrative Recommendation:

The administration recommends that the Board of Trustees approve to opt out of allowing homeschool students to participate in UIL activities as presented.

Waco Independent School District

Board of Trustees Meeting Agenda

Date: July 24, 2025 **Contact Person:** Dr. Ronnita Carridine

RE: School District Teaching Permit for Selected Teacher Candidates to Teach a Non-Core Academic CTE Course

==========

Background Information:

Since 1995, Texas law has allowed school districts to issue a school district permit to someone who does not hold a teaching certificate, subject to approval by the Commissioner of Education (Texas Education Code 21.055). For "non-core academic career and technical education (CTE) courses" only, state law allows the school district's Board of Trustees the authority to determine if a school district may issue a school district teaching permit without approval by the Commissioner of Education (House Bill 2205, 84th Regular Legislative Session).

In order for a non-core academic CTE teacher candidate to be qualified for a school district teaching permit, the individual must demonstrate subject matter expertise, such as:

- Professional work experience
- Formal training and education
- Relevant industry license, certification, or registration
- Any combination of work experience, training, and education, or industry credentials related to the subject matter he or she will be teaching

A bachelor's degree is not a requirement.

The administration requests that the following candidate be issued a school district teaching permit effective for the 2025-2026 school year.

Darrick Bledsoe - Technology Applications
Degree in Business Administration and decades of experience in corporate environments utilizing technology

Kristen Wallace - Culinary Arts
Has over a decade of work/industry experience and owns her catering company

Marquese Mason- Graphic Design
Degree in Digital Media and Communications, and has experience with local companies

Marquivion Williams- Business
Degree in Business Administration and has held various positions in corporate settings

Fiscal Implications:
Salary is included in the fiscal year budget for CTE.

Administrative Recommendation(s):
The Administration recommends that the Board of Trustees approve the named teacher candidate to be issued a school district teaching permit, which will allow them to teach assigned non-core academic career and technology courses for Waco ISD.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person: S. Smith**

RE: Change to Board Policy CFB(LOCAL) Accounting: Inventories

==========

Background Information:

The federal Office of Budget and Management (OMB) released changes to the federal Uniform Grant Guidance (UGG) that is incorporated into the Education Department General Administrative Regulations (EDGAR) last summer with an effective date of new grant awards issued by the federal government on or after October 1, 2024. For most LEAs this limited the implementation until July 1, 2025, for all its new formula grant awards.

One of the key changes regards the capitalization of assets. The definition of equipment has changed the initial purchase price from $5,000 per unit or local acquisition threshold, whichever is lower, to $10,000 per unit or local acquisition threshold, whichever is lower.

Our current CFB(LOCAL) policy defines our capitalization threshold for capital assets at $5,000. District administration recommend increasing the amount to $10,000 to align with federal regulations.

Since the purpose of this policy change is to align district policy with federal regulation which is effective July 1, our attorney has advised that the Board may dispense with normal practice of a first and a second reading for proposed policy amendments so that the Administration may begin to utilize the adjustment immediately, which will decrease the accounting and recording keeping requirements for purchases that are below the new higher threshold.

Fiscal Implications:

None

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees adopt the revised Board Policy CFB(LOCAL), as presented.

Capitalization Threshold

The capitalization threshold for purposes of classifying individual capital assets shall be ~~$5,000~~.$10,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

Waco Independent School District
Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: Jerry Allen

RE: Low Attendance Waivers

==========

Background Information
Districts and/or campuses can request a waiver to excuse instructional days from Average Daily Attendance (ADA) and Foundation School Program (FSP) funding calculations that have attendance at least ten percentage points below the last school year's (2023-2024) overall average attendance 91.28%, for the district or applicable campus, due to inclement weather, health, or safety-related issues.

Fiscal Implications
If TEA grants the waiver for a low attendance day, the district will not include the day as a day of membership or instruction. The day will be considered a non-school day in our district's student attendance accounting system and will not be reported as a school day in PEIMS reporting, increasing the district's ADA.

The Administration seeks to submit a waiver for the following days:

- January 22, 2025 – due to weather for Provident Heights Elementary. The campus's attendance rate was 81.73% compared to 94.59% for the overall attendance in the previous year (2023 – 2024).
- January 30, 2025– due to health related issues for Alta Vista Elementary. The campus's attendance rate was 84.16% compared to 94.36% for the overall attendance in the previous year (2023 – 2024).
- January 30, 2025 – due to health related issues for South Waco Elementary. The campus's attendance rate was 80.65% compared to 92.34% for the overall attendance in the previous year (2023 – 2024).
- January 30, 2025 – due to health related issues for West Avenue Elementary. The campus's attendance rate was 83.26% compared to 93.75% for the overall attendance in the previous year (2023 – 2024).
- February 3, 2025 due to health related issues. The district's attendance rate was 79.55% compared to 91.33% for the overall attendance in the previous year (2023 – 2024).
- February 4, 2025– due to heath related issues for Alta Vista Elementary. The campus's attendance rate was 83.83% compared to 94.36% for the overall attendance in the previous year (2023 – 2024).

- February 5, 2025– due to health related issues for Alta Vista Elementary. The campus's attendance rate was 83.94% compared to 94.36% for the overall attendance in the previous year (2023 – 2024).

Administrative Recommendation(s):
Approve the submittal of Low Attendance Waivers as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: Dr. Deena Cornblum

RE: Amendment to Optional Flexible School Day Program (OFSDP) Application

==========

Background Information:

At the June 18, 2025 board meeting, Trustees approved the Optional Flexible School Day application that included a face-to-face format for night school. Since that time, the district has researched a virtual model that would be more cost effective and offer more flexibility for students. The district will continue to offer the two face-to-face Optional Flexible School Day, morning and afternoon, options to students as presented in the previous application approved in June.

To better meet student needs while reducing operational expenses, the district proposes transitioning from the current face-to-face night school model to a virtual model through a partnership with Creative Climb Academy (CCA).
CCA provides Texas-certified teachers, virtual tutoring, Edmentum-based coursework, and comprehensive support services, including Special Education and Emergent Bilingual support. Students will continue to be enrolled in WISD and will receive access to all district wraparound services. The virtual night school model will include the following:

- Virtual Attendance: Students will log in Monday–Thursday for 4 hours per night through CCA's virtual platform.
- Instructional Support: CCA will provide personalized tutoring, progress monitoring, and CCMR preparation.
- Technology & Access: Students will receive Chromebooks and Wi-Fi support if needed.
- Attendance & Reporting: CCA will track attendance and provide weekly records to WISD for ADA reporting.
- Testing & Graduation: Coordination with WISD counselors for EOC, TSIA2, and IGC processes will ensure students remain on track to graduate.
- Cost Savings: The virtual model reduces district costs by replacing EDR staffing and security expenses with a $250 per student contract rate, yielding a more sustainable and cost-effective program.

Fiscal Implications:
The partnership with CCA will cost approximately $7,500 per campus (30 student placements), compared to the current operational costs of approximately $85,000 annually for night school staff and security. The virtual model is expected to recover ADA revenue, reduce dropout rates, and improve accountability measures. The program is funded through State Compensatory Education (SCE) allocations.

Administrative Recommendation(s):

Approve the attached amended application for the Optional Flexible School Day Program (OFSDP)

Texas Education Agency

APPLICATION

Updated May 2025

Optional Flexible School Day Program (OFSDP)

2025-2026 **School Year**

ELIGIBLE APPLICANTS: The Texas Education Agency (TEA) will make available to eligible school districts and open-enrollment charter schools an application form that must be completed and submitted annually to the TEA for approval.

Definition of Program Provisions

Eligible Students

A student in any grade level is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if the student is:

- at risk of dropping out of school, as defined by the TEC, §29.081,
- attending a campus implementing an approved innovative campus plan,
- attending a TEA-designated ECHS as defined by the TEC, §29.908, P-TECH, or ICIA,
- attending a community-based dropout recovery education program, as defined by the TEC, §29.081(e-1) or (e-2), or
- not meeting attendance requirements under the TEC, §25.092, resulting in denied credit for one or more classes in which the student has been enrolled.

AND

There must be an agreement in writing to the student's participation:

- by the student, if the student is over 18 years of age; or
- by the student and the student's parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

Board Approval

The board of trustees of a school district must include the OFSDP as an item on a regular agenda for a board meeting. The board of trustees of a school district must discuss the progress of the program before approving the program and applying to operate an OFSDP (see Appendix Two). Please note that, pursuant to TAC 129.1027, a progress report for OFSDP may be required to be included in subsequent annual applications starting the 2026-2027 school year.

Attendance Credit

A student attending an OFSDP under the TEC, §29.0822, may be counted in average daily attendance (ADA) for purposes of funding under the TEC, Chapters 46, 48, and 49, only for the actual number of contact hours the student receives, not to exceed 720 hours or 43,200 minutes per 12-month period. **Students enrolled in the traditional program for part of the year and the OFSDP program for part of the year may not earn more than one ADA.**

Assessment

The student must take the required state assessments specified under the TEC, §39.023, during the regularly scheduled assessment calendar.

Continuation or Revocation of Program Authorization

Applications are approved for a period of one (1) school year. Continuation of the approval for the OFSDP will be contingent on the demonstrated success of the program. Determination of success will include a review and analysis of data provided in the mandatory final progress report(s). The commissioner of education may revoke authorization for participation in the OFSDP after consideration of relevant factors, including performance of students participating in the program on assessment instruments required under the TEC, Chapter 39; the percentage of students participating in the program who graduate from high school; and other criteria agreed to in the application and adopted by the commissioner of education. A decision to revoke approval of the program by the commissioner of education is final and may not be appealed.

Reporting Requirements

Following approval of the application, the applicant may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. When requested, reports will require applicants to disclose the overall progress of the students in the program, the number of students enrolled in the program (disaggregated by ethnicity, age, gender, and socioeconomic status), the number of students graduating from high school (disaggregated by ethnicity, age, gender, and socioeconomic status), and additional criteria selected by the applicant and agreed to by the commissioner. The TEA will provide notice to applicants and additional instructions for completion of reports at least 45 days before the date a report is due, or as soon as possible, in order to give school districts and charter schools adequate time to prepare and submit the reports to the TEA. The TEA may request additional reports as necessary to monitor and assess the progress of students participating in the program.

Participation in University Interscholastic League (UIL)

A student enrolled in an OFSDP under the TEC, §29.0822, may participate in a competition or other activity sanctioned or conducted under the authority of the University Interscholastic League (UIL) only if he or she meets all UIL eligibility criteria.

Provisions of Agreement

Article I – Parties to Agreement

This agreement is entered into by and between the Texas Education Agency, an agency of the State of Texas, hereinafter referred to as the "TEA," and

Waco Independent School District
(Legal Name of School District or Open-Enrollment Charter School)

located at

501 Franklin Ave. Waco, TX 76701
(Physical Address)

hereinafter referred to as "district."

Article II – Period of Agreement

The period of the agreement, as detailed by participating campus in **Appendix Five**, is for a maximum of one (1) school year plus an additional thirty (30) school days if the district is applying for credit recovery. **Note that the agreement term is subject to annual renewal.**

Article III – Purpose of Agreement

The district must perform all the functions and duties set out in the agreement, the authorizing program statute, and applicable regulations.

Article IV – Reporting Requirements

The district may be required to submit progress reports based on criteria selected by the applicant and agreed to by the commissioner. The TEA may request additional reports as necessary to monitor and assess the progress of students participating in the program.

Article V – General and Special Provisions to the Agreement

Each provision marked with an "X" below is hereby attached and incorporated by reference as part of this document:

[☑] Appendix One, Assurances

[☑] Appendix Two, Board Approval

[☑] Appendix Three, Attendance and Compliance Procedures of Proposed Program (Attach PDF File)

[☑] Appendix Four, District Contacts

[☑] Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement (Attach Excel File)

Article VI – Application Process

- For questions or assistance regarding this application, email opflex@tea.texas.gov or call 512-463-8916.
- Applications should be submitted 30 days prior to the start of the program. Start date(s) on Appendix Five should be at least thirty (30) days after the application is submitted.
- Email the complete application and attachments to: opflex@tea.texas.gov.
- Email subject line should indicate: OFSDP Application - District Name, County District Number

Article VII – Agreement

AGREED and accepted on behalf of the school district or open-enrollment charter school to be effective on the earliest date written above by a person authorized to bind the district.

Typed Name Dr. Deena Cornblum

Deena Cornblum

Authorized Signature

Typed Title Assistant Superintendent for Curriculum and Instruction

Appendix One
Assurances

The definition of the terms of the application applies to Appendix One, Assurances. The school district or open-enrollment charter school, hereinafter called "district," does hereby certify and agree to the following conditions of the agreement.

Page limit: Submit no additional pages for Appendix One. All information requested must be included with this form.

The district agrees to enroll only eligible students to participate in an OFSDP authorized under this application. A student is eligible to participate in an OFSDP authorized under the TEC, §29.0822, if:

1. the student meets one of the following conditions:
   - the student is at risk of dropping out of school, as defined by the TEC, §29.081; or
   - the student is attending a campus implementing an approved innovative campus plan; or
   - the student is attending a community-based dropout recovery education program, as defined by the TEC, §29.081(e-1) or (e-2); or
   - the student is attending a campus with an approved early college high school program designation as defined by the TEC, §29.908; or
   - the student, as a result of attendance requirements under the TEC, §25.092, will be denied credit for one or more classes in which the student has been enrolled.

and

2. there is an agreement in writing to the student's participation
   - by the student, if the student is over 18 years of age; or
   - by the student and the student's parent or person standing in parental relation to the student, if the student is less than 18 years of age and not emancipated by marriage or court order.

The district agrees:

1. to administer mandatory assessment instruments during the regular assessment cycle to students enrolled in OFSDPs;

2. to ensure all instructional materials and facilities are comparable or exceed the required standards for students in similar programs;

3. that the students participating in an OFSDP will not be isolated from other academic and vocational programs of the school district and that all students will have access to school counselors for pre- and post-entry counseling, academic or personal counseling, and career counseling;

4. to provide faculty and administrators with baccalaureate or advanced degrees, highly qualified staff, and certified teachers as required by 19 Texas Administrative Code §129.1027 for the program;

5. to adopt a policy that does not penalize students participating in an OFSDP in accordance with the 90% rule (TEC, §25.092[a]) or the 75% to 90% rule for class credit (TEC, §25.092[a-1]);

6. to adopt a policy to require students to attend regularly scheduled instruction for the OFSDP with penalties for nonattendance, including filing truancy charges, if appropriate;

7. to track the number of minutes the student receives instruction each day and to comply with applicable sections of the Student Attendance Accounting Handbook.

8. to comply with all reporting requirements established by the TEA;

9. not to discriminate based on disability, race, color, national origin, religion, or sex; and

10. to prohibit a student participating in an OFSDP from participating in a competition or other activity sanctioned or conducted under the authority of the UIL unless the student meets all UIL eligibility requirements.

AGREED and accepted terms and conditions of Appendix One on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.

Jose Vidana, Waco ISD Board President, 254-755-9473

Name, Title, and Telephone Number of School Board President

Signature of School Board President Date

Dr. Tiffany Spicer, 254-342-2936

Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

Signature of Person Authorized to Bind the District or Charter School Date

Appendix Two
Board Approval

The definition of terms of the application applies to Appendix Two, Board Approval. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.

Page limit: Submit no additional pages for Appendix Two. All information requested must be included with this form.

1. The board of trustees of the school district or the governing board of the open-enrollment charter school **agrees to include the OFSDP as an item on the agenda** concerning the proposed application.

2. The board of trustees of the school district or the governing board of the open-enrollment charter school must discuss the progress of the program before applying to operate an OFSDP.

The proposed OFSDP application was on the agenda and discussed at the board meeting conducted on:

Month: July

Day: 24

Year: 2025

Time: 6:00 pm

Location: 501 Franklin Ave. Waco, TX 76701

Agreed and accepted on behalf of the school district or open-enrollment charter school by persons authorized to bind the district.

Jose Vidana, Waco ISD Board President, 254-755-9473

Name, Title, and Telephone Number of School Board President

Signature of School Board President — Date

Dr. Tiffany Spicer, 254-342-2936

Name, Title, and Telephone Number of District Superintendent or Charter School Chief Operations Officer

Signature of Person Authorized to Bind the District or Charter School — Date

Appendix Three
Attendance and Compliance Procedures of Proposed Program

The definition of terms of the application applies to Appendix Three, Attendance and Compliance Procedures of Proposed Program. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.

Page limit: Submit a separate PDF document to concisely provide the information below, labeled with the corresponding number, for Appendix Three. Only responses in the specified format will be accepted. Do not submit any other documents in place of Appendix Three. All information requested must be included with this form and should be reviewed by the District PEIMS Coordinator prior to submission. If a question does not apply, please indicate "N/A" next to its number.

1. Describe the program goals and objectives. ***Note:*** *Pursuant to TAC 129.1027, a progress report for OFSDP may be required to be included in subsequent annual applications starting the 2026-2027 school year.*

2. Indicate the proposed schedule offered to students participating in the OFSDP, including days of the week and times courses are available.

3. Provide an outline of staff positions and resource personnel (teachers, administrators, counselors, support staff, etc.) associated with the program. Include contact hours each staff position will be obligated to the program.

4. Describe the procedures for identifying students, including how the school confirms and documents student eligibility and obtains student and parental consent for OFSDP participation.

5. Indicate the estimated number of OFSDP students that will be served per teacher.

6. **If** the OFSDP program will offer special education, career and technology education, pregnancy-related services, or bilingual education, indicate how services will be provided, the teacher certification standards in each program area, and how services will comply with the Student Attendance Accounting Handbook.

7. OFSDP requires a teacher of record to record the actual number of students' instructional minutes on any given day. NOTE: Absences and days present do not exist in the OFSDP

   Explain the following:

   a. How the classroom teacher will verify the number of instructional minutes a student receives each day.
   b. How the district will ensure that minutes for students who did not attend a minimum of 45 minutes on a particular day are not reported for funding.
   c. How will the district ensure that students transferring from the traditional program (ADA Codes 0-6) to OFSDP (ADA Codes 7-8) will not generate more than one ADA in total for the school year and that students will not receive more than 10,800 minutes per course. ***Note:*** *It is recommended that the district apply the following formula to determine the maximum OFSDP*

minutes a student is eligible = (Calendar School Days - Traditional Days Present) x 240.

d. How the district will ensure that students are not coded in a traditional program on the same day that the student is accumulating OFSDP instructional minutes.

e. How the district will ensure that attendance practices and records comply with Sections 2.2.3 and 11.6 of the Student Attendance Accounting Handbook.

f. How Student Detail Audit reports for the OFSDP track will be reviewed and certified each six-week attendance reporting period.

8. If eligible OFSDP students participate in a credit recovery program offered in the summer, funding is limited to the attendance necessary for the student to recover class credit. Please describe how attendance will be monitored to ensure additional minutes are not reported for funding.

9. If students are attending a community-based dropout recovery education program as defined by TEC, §29.081 (e-1) or (e-2):

   a. Will the district operate the dropout recovery education program or utilize an education management organization? If services will be contracted, please provide the organization name, accreditation status, and the name of the accrediting agency.

   b. Indicate how students will be offered or provided referrals for mental health services.

10. If students are attending a dropout recovery program offered in a remote or hybrid setting, as defined by TEC, §29.081 (e-2):

    a. Describe the curriculum credentials, certifications, or other course offerings that relate directly to employment opportunities in the state.

    b. Describe the individual learning plan or process used to monitor each student's progress.

    c. Indicate how students will be served by an academic coach and local advocate.

    d. Indicate the date of the month that monthly student progress reports will be provided to the student's school district.

    e. Provide the location and a brief description of the in-person student engagement center.

Appendix Four
District Contacts

The definition of terms of the application applies to Appendix Four, Contact(s) Sheet. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.

Page limit: Submit no additional pages for Appendix Four. All information requested must be included with this form.

District Contacts for the Application

District/Charter School Superintendent:	Dr. Tiffany Spicer
Mailing Address:	501 Franklin Ave
City, State, Zip Code:	Waco, TX 76701
Telephone Number:	254-342-2936
Email Address:	tiffany.spicer@wacoisd.org

District PEIMS Coordinator:	Patrick Uptmore
Email Address:	patrick.uptmore@wacoisd.org

OFSDP Contact Name:	Dr. Deena Cornblum
Email Address:	deena.cornblum@wacoisd.org

OFSDP Contact Name:	Daphanie Latchison
Email Address:	daphanie.latchison@wacoisd.org

NOTE: Most of the contact for the approved OFSDP is done via email. Valid email address(es) must be submitted on this form. Provide the full name(s) of the person(s) who is (are) the email contact(s) to ensure that the TEA has accurate information.

Appendix Five
Participating Campuses, Student Eligibility, and Period of Agreement

The definition of terms of the application applies to Appendix Five, Participating Campuses, Student Eligibility, and Period of Agreement. The school district or open-enrollment charter school hereinafter called "district" does hereby certify and agree to the following conditions of the agreement.

Page limit: Submit no additional pages for Appendix Five. All information requested must be included with this template and submitted in a separate Excel file.

Download and complete Appendix 5, which can be found on the **OFSDP webpage** under the *Applications and Templates* section.

Once completed, email the following to OPFLEX@tea.texas.gov:

1. **The application (in PDF file format)**
2. **Appendix Three (in PDF file format)**
3. **Appendix Five (in MS Excel file format)**

***All file names should include the district/charter school's name**

Appendix Three

Amended Waco ISD 161914 OPLFEX (2025-2026)

Program Goals & Objectives:

For many years, Waco Independent School District offered a dropout prevention/credit recovery program through its AEA campus, Brazos High School. This campus closed after the 2023-2024 school year due to funding and efficiency. However, there was still a need to provide effective support to students who are at risk of dropping out of school. The Optional Flexible School Day Program (OFSDP) was proposed and approved as a strategy to meet the needs of our students and was implemented at both comprehensive high schools beginning the 2024-2025 school year.

With this model, students have the option of attending in 4-hour segments offered three times a day. The district seeks to sustain this model and continue to allow students to recover as well as earn credits toward graduation. The OFSDP will continue to target those students who are unable to attend school in a traditional "full-day" setting due to real-life situations and circumstances such as employment to support the household and/or childcare needs during a traditional day. Under traditional school models, these students who encounter these barriers might only be able to attend school on specific days or during specific times which is not an option in a traditional school day. The OFSDP provides flexible opportunities for students at the high school campuses who have special circumstances to still attend school and work around their life circumstances. Another goal of the OFSDP is to offer opportunities to recover credit when students are at risk of being denied credit for classes due to poor attendance or failure that occurred during the semester that is unrecoverable during normal school-day circumstances.

Beginning in the 2025-2026 school year, Waco ISD will introduce a virtual night school model for the evening session through a partnership with Creative Climb Academy (CCA). This virtual program supports students who need a remote learning option while continuing to meet credit recovery and CCMR goals. Students remain enrolled in WISD and have access to district wraparound services.

Schedule:

Students enrolled in OFSDP will be individually scheduled to attend their assigned campus location at either Waco High School or University High School. The student and the student's parent/guardian will agree in writing to participation in OFSDP if the student is less than 18 years of age and not emancipated by marriage or court order; or the student agrees in writing to participate if the student is 18 years of age or older, per Texas Administrative Code §129.1027 (b)(2). Assignment of students to OFSDP can occur during the year, but coding must start the day after acceptance into the program. Students returned to a traditional schedule must finish the six-week period they are in and be re-coded effective the first day of the next six weeks.

The 4:15 pm - 8:15 pm session will be delivered virtually through Edmentum and supported by live virtual tutoring and instruction from CCA teachers. Students are required to log in Monday

through Thursday for 4 hours of active instructional time. The two daytime sessions remain in-person at each high school campus.

School	Student Attendance Times
Waco High School	8:15am - 12:15pm or 12:00pm - 4:00pm
University High School	8:15am - 12:15pm or 12:00pm - 4:00pm
Virtual Night School	4:14pm - 8:15pm

In addition, students may attend previously approved Saturday School sessions to ensure they meet the state's requirement of 43,200 minutes of instruction for full ADA. The teacher of record will keep track of the number of minutes students attend each day and certify the student's minutes with their signature each day as well as recording them within our Student Information System.

Staff Positions and Resource Personnel:

The district uses the Edmentum online learning program that provides online instruction. Waco ISD is a one-to-one technology district ensuring that each student has their own device. The program will be led by the Director of Credit Recovery Systems who will oversee the program. Each campus will have a designated Credit Recovery Program Specialist/Counselor and 2-3 content area certified teachers (ELA, Math, Social Studies, and science) in order to support the more rigorous content. Further, a special education inclusion teacher will be provided at both campuses specifically assigned to the program. The target class size will be 25 students per teacher. Students requiring Special Education, Bilingual Services, Career and Technology Education, and/or Pregnancy Related Services will be evaluated on a case-by-case basis in consultation with district level departments and the campuses. If it is determined that the student would best be served within the OFSDP, then relevant personnel will be assigned to support said student.

For the virtual evening session, CCA will provide Texas-certified teachers who monitor student engagement, track attendance minutes, and provide tutoring and instructional support. CCA will coordinate with WISD special education and bilingual teams to ensure all required accommodations and inclusion services are delivered virtually. A WISD Credit Recovery Counselor will coordinate with CCA to ensure students meet instructional goals and to verify accurate attendance reporting.

State of Assessment Administration:

The Credit Recovery Program Specialist/Counselor will identify the appropriate state assessment for graduation. The assessment information is included in the application process for the current program. Test administrations are proctored by Texas certified teachers according to the timeline established by TEA during the district set days and times (during regular school hours 8:15 AM – 4:00 PM).

Appendix Three

Procedures for Identifying Students:

Students for the OFSDP are identified through campus credit recovery teams, counselors, and administrative staff. Students are selected based on risk factors such as failing credits, attendance issues, or risk of dropping out. The school confirms eligibility by reviewing academic and attendance records. For students under 18 years of age, parental consent is obtained through a signed participation agreement, while students 18 or older sign their own agreements.

For the virtual night school, the Director of Credit Recovery Systems coordinates referrals and ensures all required documentation, including parental/student consent, is completed. Students transitioning to the virtual night school will also complete an intake orientation to ensure they understand the expectations for online attendance and engagement.

Estimated Number of Students Per Teacher:

The target class size for the in-person OFSDP is approximately 25 students per teacher during the day sessions. For the virtual evening program, CCA teachers will oversee a maximum of 20-30 students per virtual classroom session to ensure effective support and progress monitoring.

Special Programs (SPED, CTE, PRS, Bilingual Education):

Students requiring Special Education, Career and Technology Education (CTE), Pregnancy Related Services (PRS), or bilingual education are evaluated individually. WISD ensures that all necessary supports, including inclusion services and certified staff, are provided for in-person day sessions.

For the virtual night school, CCA collaborates with WISD Special Education and staff to ensure appropriate accommodations are provided, including virtual inclusion and consult services. Bilingual and ESL supports are provided via virtual sessions and translated materials, ensuring compliance with the Student Attendance Accounting Handbook.

Attendance and Compliance:

The teacher of record for each session records the actual instructional minutes per student each day. Absences and days present do not apply under OFSDP. Students must meet a minimum of 45 daily minutes of instruction to be counted for funding.

For the virtual night school, attendance will be verified using Edmentum's time-on-task reports, supplemented by session log-in data and teacher monitoring. CCA teachers will verify daily instructional minutes and submit these to the WISD Director of Credit Recovery Systems, who will ensure that any student falling below the minimum 45 minutes is not reported for funding.

PEIMS staff will review attendance codes to ensure students do not exceed 10,800 minutes per course and that students are not coded in both traditional and OFSDP tracks on the same day. Student Detail Audit reports for OFSDP, including the virtual component, will be reviewed and certified each six-week reporting period.

Appendix Three

Summer Credit Recovery Attendance Monitoring:

If eligible OFSDP students participate in summer credit recovery, attendance is monitored by teachers of record to ensure that only the necessary minutes for credit recovery are reported. For virtual students, Edmentum logs and teacher session records will be used to confirm attendance and prevent over-reporting.

Remote or Hybrid Dropout Recovery Programs:

For the virtual night school, students are supported with individualized learning plans through Edmentum, which is aligned with TEKS standards. Curriculum credentials and certifications offered include TSIA2 prep and CCMR readiness courses, which relate directly to state employment and postsecondary opportunities.

Each student's progress is monitored weekly by a CCA academic coach in coordination with WISD counselors. Progress reports will be provided to the district according to the current three-week progress report schedule used in the district for all students to track student progress and advancement toward graduation requirements. While the primary program is virtual, students have access to in-person testing sessions and on-campus resources when needed.

Optional Flexible School Day Program (OFSDP) - Appendix 5

161914 WACO ISD School Year 2025-2026

Students may not be reported with more than one ADA in total on the 42400 Basic Attendance Collection 3 and 42500 Flex Attendance in collections 3 and 4

Eligibility Designation
1 = TEC §29.081 At-Risk Students
2 = TEC §25.092 Minimum Attendance
3 = TEC §29.908 Early College High School
4 = TEC §39A.107 Campus Turnaround Plan
5 = Credit Recovery**
6 = TEC §29.081(e-1) Campus Dropout Recovery
7 = TEC §29.081(e-2) Online Dropout Recovery

School Year Period of Agreement
Reported in TSDS PEIMS Summer Collection 3

Program start date must be 30 days after application submission.

Program end date must not exceed the last day of the regular school calendar.

Summer Period of Agreement
Reported in TSDS PEIMS Extended Collection 4

**Credit Recovery - Designation 5

Summer period of agreement should not exceed 30 days or extend past July 31st.

Nine Digit District and Campus Number	Campus Name	1	2	3	4	5	6	7	Estimated Students Participating	Program Start Date	Program End Date	Proposed Days: SUMTWTHFS	Minutes Offered Per Day	Summer Program Start Date	Summer Program End Date	Proposed Days: SUMTWTHFS	Minutes Offered Per Day
161914002	WACO H S	1							150	8/13/2025	5/22/2026	MTWTH	240				
161914003	UNIVERSITY H S	1							150	8/13/2025	5/22/2026	MTWTH	240				
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Possible errors to consider before submission

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Special Meeting, Tuesday, June 17, 2025 - 5:30 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT

Jose Vidana
Jeremy Davis
Jim Patton
Keith Guillory
Angelo Ochoa
Taylor Bledsoe

BOARD MEMBERS ABSENT

CALL TO ORDER

Jose Vidana, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 5:30 p.m. He stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

The board convened into closed session at 5:30 p.m.

The board reconvened at 10:25 p.m.

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION ON BOARD VACANCY

Jose Vidana, Board President, entertained a motion. Jeremy Davis made a motion to appoint Mr. Arash Abnoussi to fill the vacant seat (Place 2), seconded by Taylor Bledsoe. The motion passed unanimously (6-0).

ADJOURNMENT

The meeting adjourned at 10:27p.m.

_____
Board President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Regular Meeting, Thursday, June 18, 2025 - 6:00pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT

Jose Vidana
Jeremy Davis
Jim Patton
Keith Guillory
Angelo Ochoa
Taylor Bledsoe
Arash Abnoussi

BOARD MEMBERS ABSENT

CALL TO ORDER

Jose Vidana, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 6:01 p.m. He stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

PUBLIC COMMENTS ON AGENDA

None

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

Pledge Leaders

Adlen Davis and Arlo Davis, students from Brook Avenue Elementary, led the Pledge of Allegiance.

Texas Police Chiefs Association Accreditation

The Waco ISD Police Department received the Accredited Law Enforcement Agency designation from the Texas Police Chiefs Association. Waco ISD PD is one of 213 accredited law enforcement agencies out of over 2,800 agencies in Texas.

TASB Media Honor Roll

Local media reporters were honored for their fair and balanced coverage of Waco ISD and public education:

- Carl Hoover - Waco Tribune
- Bradley Vaughn, Jake Ward and Vincent Winter - KWTX-News 10
- Heather Healy and Dominique Leh - 25 News KXXV

Community Partner Award

Family of Faith Worship center was honored with the TASB Stand Up for Public Education Award as the June Waco ISD Community Partner of the Month.

SUPERINTENDENT'S REPORT

Adopt-A-School Awards
Dr. Spicer expressed gratitude to our outstanding Adopt-A-School partners for their exceptional support of students and staff. Honorees included Family of Faith Worship Center, Bush's Chicken, Peter Piper Pizza, Renew Church, Fish City Grill, Mighty Wash, Moldbreakers Church, Billings Family Find-A-Way Foundation, and volunteers from First Baptist Church and STAARS Book Club. In Addition, the District's Principal of the Year and Elementary and Secondary Teachers of the Year received checks from Richard Karr Motors and Sturdisteel in appreciation of their excellence.

Waco Bridge
Dr. Spicer was excited to introduce The Waco Bridge, a new media and community engagement partner. They are focused on sharing stories about education, economic growth, and key community issues. In addition to online content, they also host events to foster meaningful conversations within our community.

Introduction of Dean Highland Elementary Principal
Dr. Spicer introduced Janice Whiting as the new principal of Dean Highland Elementary. She brings over a decade of experience in education, a strong background in instructional leadership and a commitment to student success.

PUBLIC HEARING TO EVALUATE THE EFFECTIVENESS OF ACCELERATED INSTRUCTION/INTERVENTIONS
President Vidana opened the Public Hearing at 6:20 p.m. Kourtni Parnell, Executive Director of Interventions, provided the board with an update on the effectiveness of accelerated instruction/interventions. Waco ISD provides accelerated instruction in reading and math for students identified as at-risk. This includes students flagged through early reading screenings and those who did not meet standards on the STAAR assessment.

No public comments were made. The public meeting was closed at 7:20 p.m.

INFORMATION ITEMS/REPORTS
- Monthly and Quarterly Financial Reports for the Period Ended May 31, 2025
- School Health Advisory Council (SHAC) Annual Progress Report
- Intent to Apply for Federal Every Student Succeeds Act (ESSA) Funds
- Report on Gifts to Waco ISD

CONSENT AGENDA: CONSIDER AND TAKE APPROPRIATE ACTION
- Amendments to the 2024-2025 Budget
- Bid Award for Educational Consultants, Professional Development, and Other Student-Based Contracted Services
- Bid Award for Local Retailers' General Merchandise
- Bid Award for Maintenance Supplies, Equipment and Services
- Bid Award for Restaurant and Catering Services
- Bid Award for Career and Technology Supplies, Equipment and Services
- Bid Award for CNS Kitchen Equipment and Other Kitchen Related Equipment
- Bid Renewal for Courier Services
- Bid Award for Printing Services
- Bid Renewal for Security Patrol Services
- Purchases in Excess of $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service

- Optional Flexible School Day
- Delegated Hiring Authority
- Approve Corrective Action Plan: Out of School Suspensions Involving Students Experiencing Homelessness (SRDR2025-11-15)
- Acceptance of Gifts over $50,000
- Resolution Regarding Edward Byrne Memorial Justice Assistance Grant-School Violence Prevention Program
- Texas Child Health Access Through Telemedicine (TCHATT) Contract
- Board of Trustees Meeting Minutes
    - May 14, 2025 - Special Meeting
    - May 15, 2025 - Regular Meeting
    - May 27, 2025 - Workshop Meeting
    - May 27, 2025 - Special Meeting

Jeremy Davis made a motion to pull item *8.O Math Curriculum Recommendation,* seconded by Taylor Bledsoe. The motion passed unanimously.

President Vidana stated that he would entertain a motion to approve the consent agenda as presented except for item *8.O Math Curriculum Recommendation.* Mr. Guillory stated that he was recusing himself from voting on the consent agenda (due to item *8.D Bid Award for Maintenance Supplies, Equipment and Services*). Jeremy Davis made a motion, seconded by Taylor Bledsoe to approve the consent agenda except for item *8.O Math Curriculum Recommendation*. The motion passed unanimously (5-0, with Mr. Guillory recusing himself).

- Math Curriculum Recommendation

President Vidana stated he would entertain a motion to approve item *8.O Math Curriculum Recommendation.* Jeremy Davis made a motion, seconded by Taylor Bledsoe to approve item *8.O Math Curriculum Recommendation*. Trustee Jim Patton requested a roll-call vote. The results were as follows:

- **Yes:** Trustee Taylor Bledsoe, Vice President Jeremy Davis, President Jose Vidana, Trustee Keith Guillory, Secretary Jim Patton, Trustee Angelo Ochoa.
- **No:** None

The motion passed unanimously (6-0).

OATH OF OFFICE

The oath of office was administered to Trustee Arash Abnoussi.

REVIEW, DISCUSS, AND TAKE APPROPRIATE ACTION REGARDING THE DISTRICT'S MISSION, VISION, BELIEF STATEMENTS AND PRIORITIES

In accordance with Policy BQ (LOCAL), the Board shall approve and periodically review the District's mission, vision, belief statements, and strategic plan. Dr. Spicer presented the following updated information:

Mission: *The mission of Waco ISD is to cultivate WISDom, inspire growth, and pursue excellence in every student.*

Vision: *The vision of Waco ISD is Rooted in WISDom, Committed to Excellence*

Belief Statements:

- Students are empowered, equipped, and ready to lead with WISDom, wonder, and confidence.
- Parents are empowered to engage as active partners and bring WISDom to the shared journey of the child's growth and success.
- Faculty and Staff are highly skilled professionals who lead with WISDom, foster meaningful relationships, and support every student to achieve their personal best.
- Campus Administrators are present and accessible leaders, inspiring students and staff to achieve their best, as they model WISDom, encouragement, and understanding.
- Superintendent and Central Office Staff are driven by a commitment to high expectations, as they lead with WISDom and a strategic vision, inspiring excellence for all.
- Board of Trustees lead with strategic focus and WISDom, while working together as a unified team, in service and support to Waco ISD and its community.
- **Priority One - Students**
  Support student achievement
  - 1.1 Develop and implement plans, systems, and processes to support improved campus ratings and demonstrate accelerated student growth.
  - 1.2 Ensure academic success for all students in math, literacy, and CCMR, as required by HB 3.
  - 1.3 Create and sustain safe and supportive learning environments.
- **Priority Two – Staff**
  Recruit, develop, and retain high qualified teachers and staff
  - 2.1 Recruit highly qualified staff and a diverse workforce committed to serving all students.
  - 2.2 Train and develop all staff, in service to Waco ISD stakeholders.
  - 2.3 Retain highly qualified staff and a diverse workforce committed to serving all students.
- **Priority Three – Community**
  Engage families and the community
  - 3.1 Increase effective parent/family engagement opportunities to support student success and well-being.
  - 3.2 Foster strong partnerships with organizations, business/industry, and higher education institutions.
  - 3.3 Ensure district communication, marketing, & branding are strategic, targeted, and transparent to improve public perception of Waco ISD.
- **Priority Four – Financial and Operational Efficiencies**
  Evaluate, develop, and/or refine financial and operational processes and systems
  - 4.1. Ensure strategic allocation of resources to effectively address student/staff needs.
  - 4.2. Technology - Equip our educators, staff, and students with the technology and training needed to advance teaching, learning, and district effectiveness.
  - 4.3 Facilities/Operations - Ensure well-maintained, quality teaching/learning spaces and operational efficiencies.

President Jose Vidana entertained a motion to approve the District's Mission, Vision, Belief Statements and Priorities. Jeremy Davis made a motion, seconded by Taylor Bledsoe. The motion passed unanimously (7-0).

REVIEW AND DISCUSS PRELIMINARY SPRING 2025 STAAR TESTING RESULTS

Jessica Steele, Director of Accountability, reviewed and discussed the preliminary STAAR results of Waco ISD compared with the State of Texas. TEA is expected to release preliminary A-F accountability ratings on August 15, 2025.

REVIEW AND DISCUSS BUDGET

Sheryl Davis, Chief Financial Officer, presented an update on the 2025-2026 budget including the significant bills impacting school finance.

REVIEW AND DISCUSS THE SOUTH WACO ELEMENTARY SCHOOL CONSTRUCTION PROJECT AND OCCUPANCY PLAN

Gloria Barrera, Chief Officer of Facilities and Maintenance, along with representatives from Mazanec Construction and O'Connell Robertson presented a status update on the South Waco Elementary additions and renovations. The project is nearing completion and the occupancy is underway.

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE APPROVAL OF CHANGE ORDER #5 FOR ADDITIONAL SECURITY FEATURES AND OTHER ITEMS FOR THE NEW WACO HIGH SCHOOL

The board reviewed and approved Change Order #5 for the Waco High School construction project, which began in June 2022. This change order included additional safety and security features identified during a spring 2025 walkthrough. Items related to cameras and projectors were previously initiated by administration under CCD #9 and #10. The total cost of Change Order #5 is $289,087 and will be covered within the existing project budget. All work will be completed before schools starts on August 13, 2025.

OATH OF OFFICE

The oath of office was administered to Trustee Arash Abnoussi.

ANNOUNCEMENTS

Elizabeth Cox, Chief of Staff, shared the following announcements:

- 2025-2026 online registration is now open
- July 21, 2025 - Campus assisted, in-person, registration begins
- June 19, 2025 - District Closed for Juneteenth Holiday
- June 30-July 4, 2025 - District Closed for Fourth of July Holiday
- July 24, 2025 - next regular board meeting

REVIEW AND DISCUSS POTENTIAL CONTRACTS ON REAL PROPERTY

The board convened into closed session at 9:32 p.m.

The board reconvened at 11:22 p.m.

REVIEW AND DISCUSS SAFETY AND SECURITY (HOUSE BILL 3 REQUIREMENTS)

CONSIDERATION OF PERSONNEL

- Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
- Hear a Complaint or Charge Against an Officer or Employee

ADJOURNMENT

The meeting adjourned at 11:25 p.m.

_____
Board President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Special Meeting, Tuesday, June 24, 2025 - 5:30 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Jose Vidana
Angelo Ochoa
Taylor Bledsoe
Arash Abnoussi

BOARD MEMBERS ABSENT
Jeremy Davis
Jim Patton
Keith Guillory

CALL TO ORDER
Jose Vidana, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 5:30 p.m. He stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

PUBLIC COMMENTS ON AGENDA ITEMS
None

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING THE SOUTH WACO ELEMENTARY TURNAROUND PLAN
Karmen Logan, Executive Director of Elementary Education, outlined strategies that will be used to address academic underperformance and support long-term success. President Jose Vidana entertained a motion to approve the South Waco Elementary Turnaround Plan. Angelo Ochoa made a motion, seconded by Taylor Bledsoe. The motion passed unanimously (4-0).

ADJOURNMENT

The meeting adjourned at 5:41 p.m.

_____
Board President

_____
Board Secretary

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: **July 24, 2025** **Contact Person:** **Sheryl Davis**

RE: Review and Discuss Budget Update

==========

Background Information:

The administration will present an update on the 2025-2026 budget including the preliminary general fund budget, revenue estimates, and cost increases.

Fiscal Implications:

None.

Administrative Recommendation(s):

The report is presented for information, only.

WACO INDEPENDENT SCHOOL DISTRICT

Budget Update

July 24, 2025

Wisdom works wonders.

Agenda

- Enrollment and Average Daily Attendance
- Preliminary 2025-2026 General Fund Budget
  - Revenue Estimates
  - Base Appropriations
  - Cost Drivers and Rate Increases
  - Cost of Proposed Salary Increases
  - Health Insurance Plan
- Budget Calendar

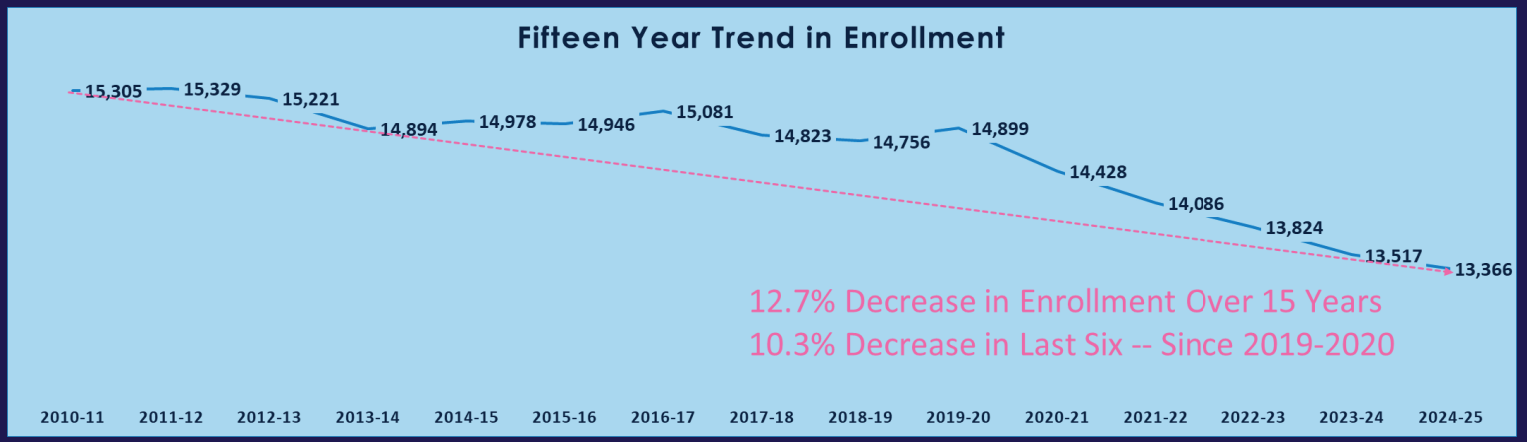
Enrollment & Average Daily Attendance

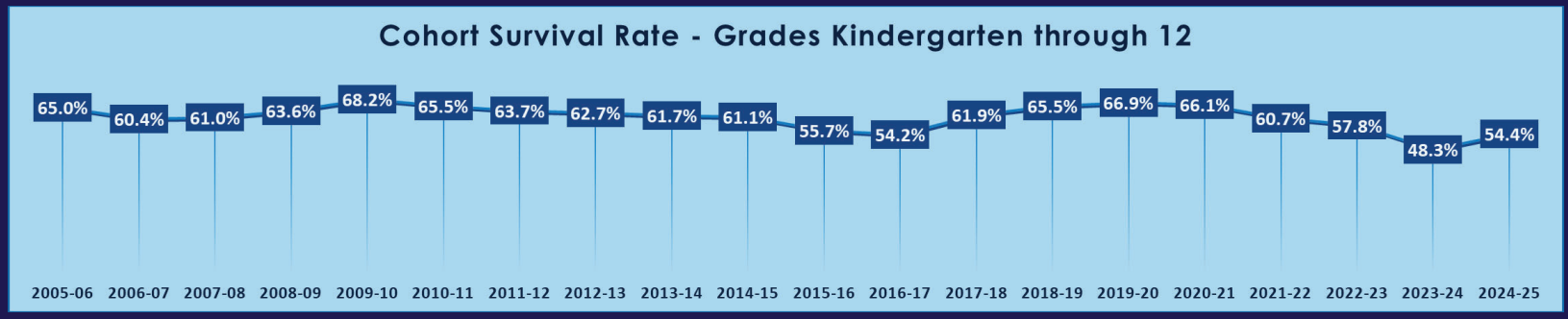
School Year	Fall PEIMS Enrollment	Total ADA per PEIMS Submission	Final ADA as a Percent of Fall PEIMS	TEA Summary of Finances ADA *with Hold Harmless	ADA Utilized for Budget Purposes	*State Hold Harmless Provisions
2018-2019	14,758	13,334	90.4%		13,301	
2019-2020	14,796	11,329	76.6%	13,354*	13,257	First 4 six weeks actual ADA with last two based on 2017-2018 ADA patterns
2020-2021	14,428	12,925	89.6%	13,188*	13,241	Received funding based on 2019-2020 ADA with 3-year trend of 100.4%, 13,537.681, difference came from ESSER funds
2021-2022	14,086	11,756	84.6%	12,503*	13,261	First 4 six weeks based on target percentage attendance rate from 2019-2020, 5th & 6th actual ADA
2022-2023	13,823	11,909	86.2%		12,461	
2023-2024	13,517	11,758	87.0%		11,816	
2024-2025	13,366	11,666	87.3%		11,645	
2025-2026	***13,179***	***11,502***	***87.3%***		***11,502***	***Projected average daily attendance loss of 143***

Projected enrollment loss of 187

Wisdom works wonders.

Enrollment & Average Daily Attendance





Preliminary 2025-2026 General Fund Budget

	2023-2024	2024-2025		2025-2026
	Audited Actual	Adopted Budget	Projected Actual	Preliminary Budget
Local & intermediate source	$ 70,095,466	71,253,694	72,382,482	67,222,565
State programs	86,576,697	79,872,689	84,501,868	91,960,423
Federal programs	5,186,729	3,718,789	4,553,364	3,069,400
Total revenues	**$ 161,858,892**	**154,845,172**	**161,437,714**	**162,252,388**
Instruction & instructional related services	90,868,987	92,816,944	94,072,556	99,725,355
Instructional & school leadership	13,986,921	12,935,054	12,836,389	12,780,291
Student support services	15,421,642	19,711,689	20,465,754	19,748,624
Administrative support services	6,835,568	6,124,396	6,460,034	6,152,476
Non-student based support services	24,898,880	27,436,821	31,411,759	28,108,061
Community services	511,826	1,039,707	1,011,357	191,715
Debt service	567,344	318,000	407,624	480,710
Intergovernmental charges	1,760,806	1,965,000	1,945,811	2,118,546
Total expenditures	**$ 154,851,974**	**162,347,611**	**168,611,284**	**169,305,778**
Other sources (uses)	145,989	(535,000)	(330,916)	(553,000)
Net change in fund balance	**$ 7,152,907**	**(8,037,439)**	**(7,504,486)**	**(7,606,390)**
Beginning fund balance	57,995,364	65,148,271	65,148,271	57,643,785
Ending fund balance	**$ 65,148,271**	**57,110,832**	**57,643,785**	**50,037,395**

2025-2026 General Fund Local Revenues

	2024-2025		2025-2026	Increase/(Decrease)
	Adopted Budget	Projected Actual	Preliminary Budget	From Projected Actual
Local property taxes	$ 67,283,414	65,515,348	62,783,265	(2,732,083)
Fiscal agent fees	77,000	83,215	75,000	(8,215)
Tuition	150,000	182,576	130,000	(52,576)
Investment income	2,500,000	4,520,511	3,000,000	(1,520,511)
Rentals	218,300	291,255	148,400	(142,855)
Insurance recoveries	0	570,908	0	(570,908)
Extracurricular activities	320,400	501,309	484,900	(16,409)
Other local revenues	323,580	315,793	258,400	(57,393)
Intermediate source	381,000	401,567	342,600	(58,967)
Total local & intermediate source revenues	**$ 71,253,694**	**72,382,482**	**67,222,565**	**(5,159,917)**

2025-2026 General Fund State Revenues

	2024-2025		2025-2026	Increase/ (Decrease)	
	Adopted Budget	Projected Actual	Preliminary Budget	Major Changes in Allotments	From Projected Actual
Foundation School Program & Available School Fund	$ 72,132,619	76,660,706	83,938,102		7,277,396
Allotments netted for revenue losses due to decline in average daily attendance – estimated at $2,071,537					
Special Education Adjusted Allotment & Special Education Evaluations				2,415,156	
Early Education Allotment & Early Literacy Intervention Allotment				737,095	
Other program allotments				(210,921)	
Teacher Incentive Allotment				(2,622,245)	
New Instructional Facilities Allotment				(894,607)	
Teacher Retention Allotment				3,297,500	
Support Staff Retention Allotment				430,989	
School Safety Allotment increase				499,176	
Allotment for Basic Costs				1,396,974	
Reduction in local share for increases in homestead exemptions				2,228,279	
Teacher Retirement On-behalf Payments	7,740,070	7,841,162	8,022,321		181,159
Total state program revenues	**$ 79,872,689**	**84,501,868**	**91,960,423**		**7,458,555**

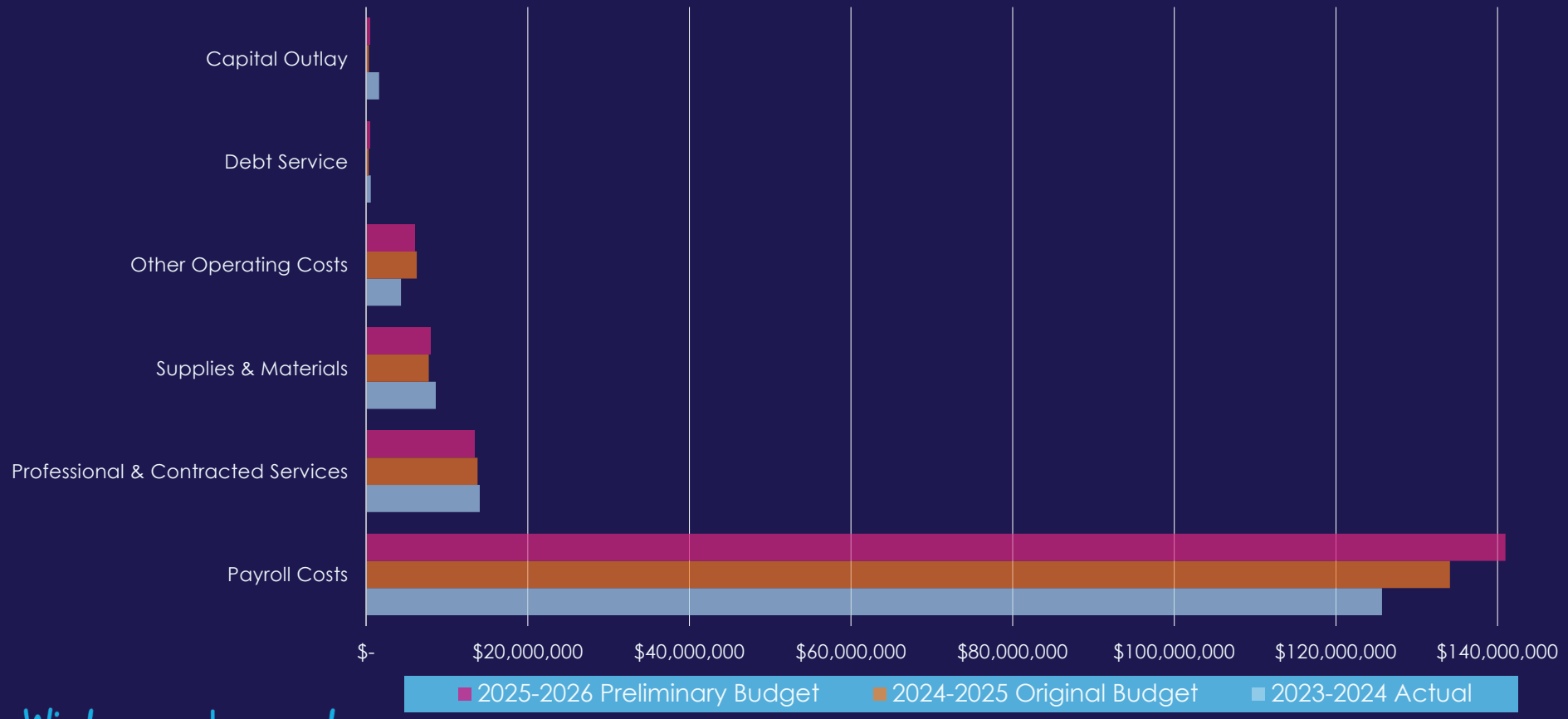
2025-2026 General Fund Federal Revenues

	2024-2025		2025-2026	Increase/(Decrease)
	Adopted Budget	Projected Actual	Preliminary Budget	From Projected Actual
Indirect cost recoveries	$ 1,803,000	1,804,856	1,620,000	(184,856)
School Health & Related Services (SHARS)	1,462,789	1,563,844	1,100,000	(463,844)
Medicaid Administrative Claiming (MAC)	217,300	169,892	123,800	(46,092)
Direct program revenue	235,700	1,134,680	225,600	(909,080)
Total federal program revenues	**$ 3,718,789**	**4,553,364**	**3,069,400**	**(1,483,964)**

On June 30th, the Department of Education (USDE) notified TEA that the agency would not be issuing grant awards notifications obligating funds for a number of grants funded under ESSA. 2024-2025 grants end September 30th and any carryover remaining at that point should be available for expenditure. The future of this funding is uncertain.

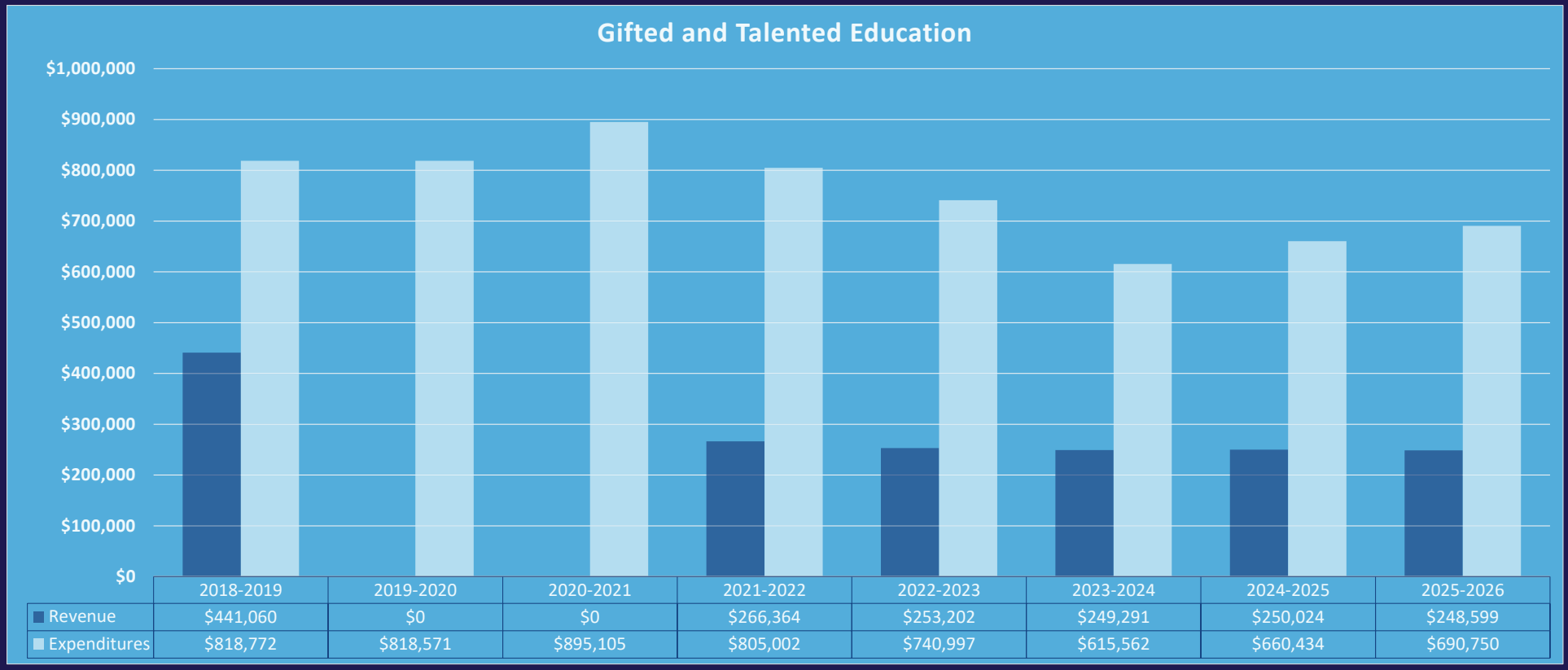
	2024-2025			2025-2026
	Entitlement	Carryover	Total Available	Planning Estimate
Title II, Part A – Supporting Effective Instruction	$ 872,221	675,247	1,547,468	909,002
Title III, Part A – English Language Acquisition	310,838	103,377	414,215	321,086
Title III, Part A - Immigrant	23,178	16,678	39,856	28,171
Title IV, Part A – Student Support	505,791	527,690	1,033,481	503,284
Total federal program revenues	**$ 1,712,028**	**1,322,992**	**3,035,020**	**1,761,543**

2025-2026 Expenditures



Wisdom works wonders.

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$441,060	$0	$0	$266,364	$253,202	$249,291	$250,024	$248,599
Expenditures	$818,772	$818,571	$895,105	$805,002	$740,997	$615,562	$660,434	$690,750

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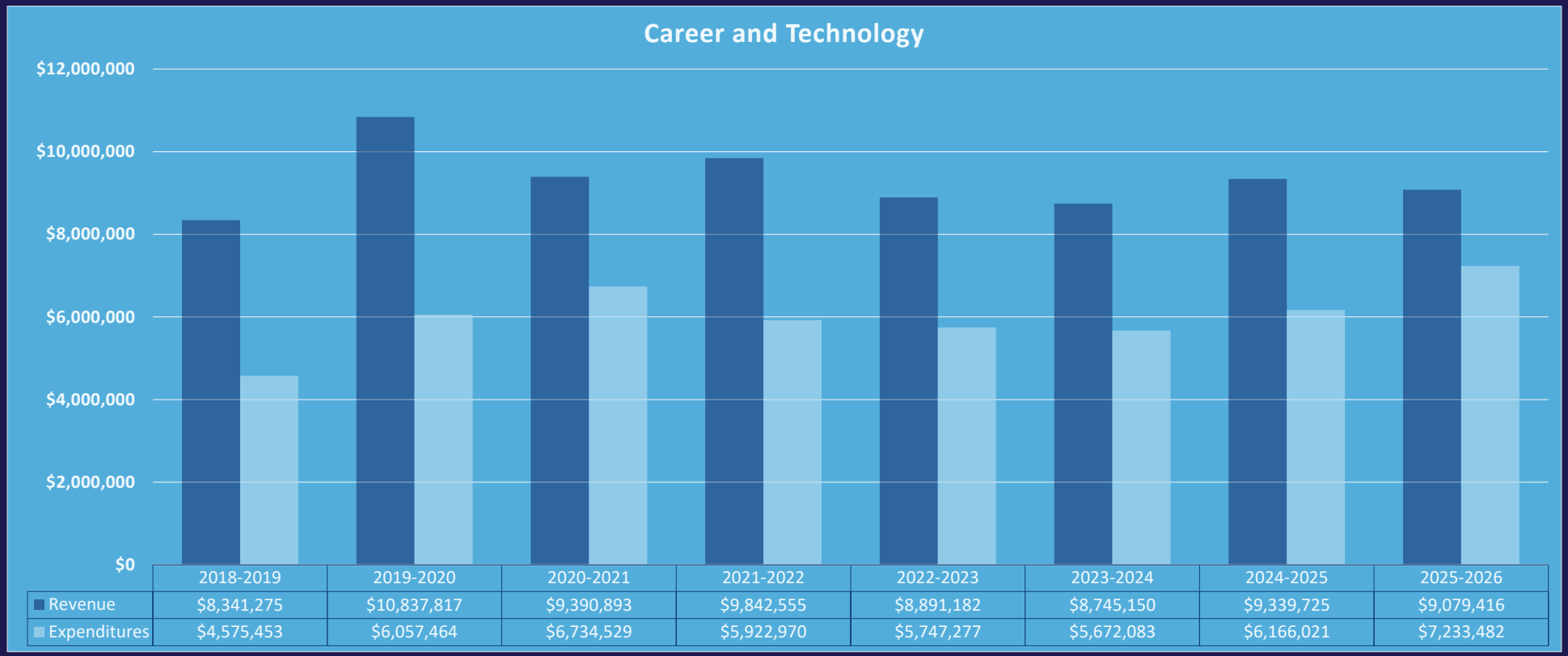
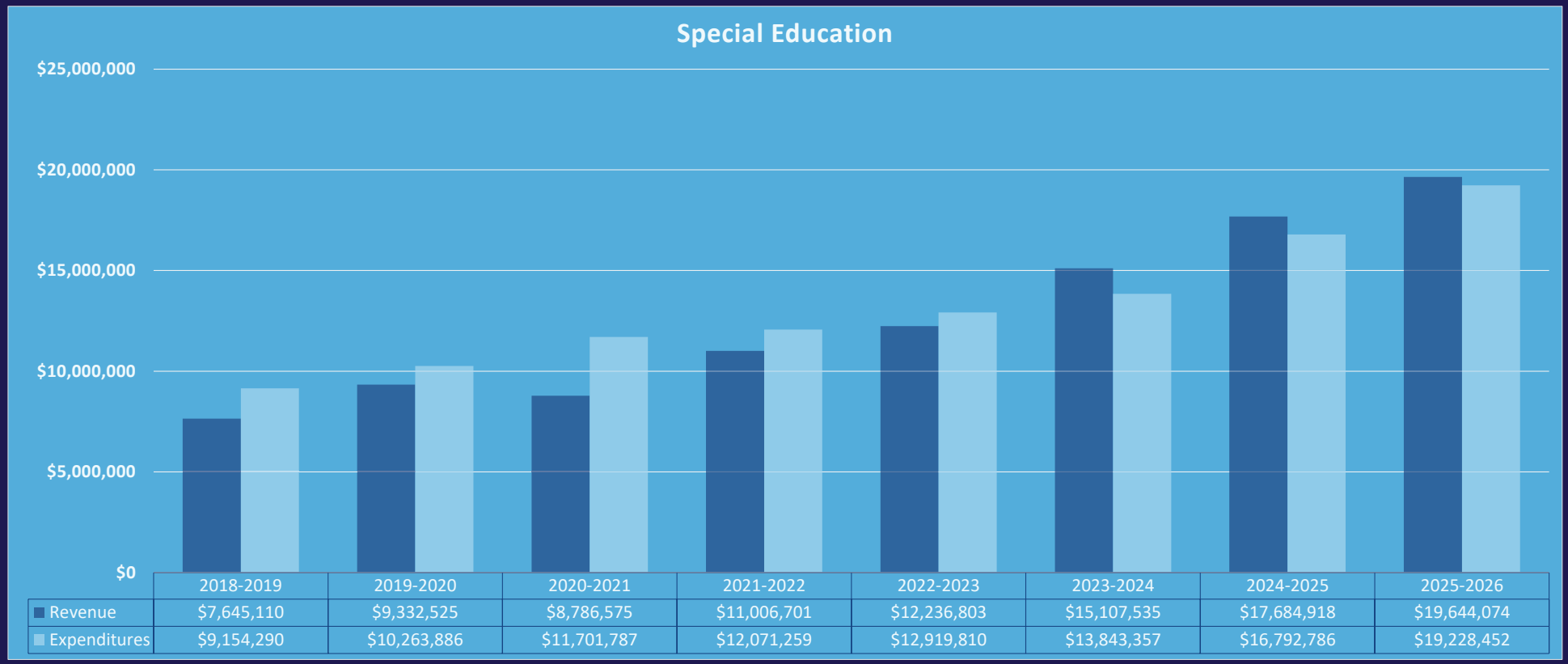
2025-2026 Program Revenue & Expenditures



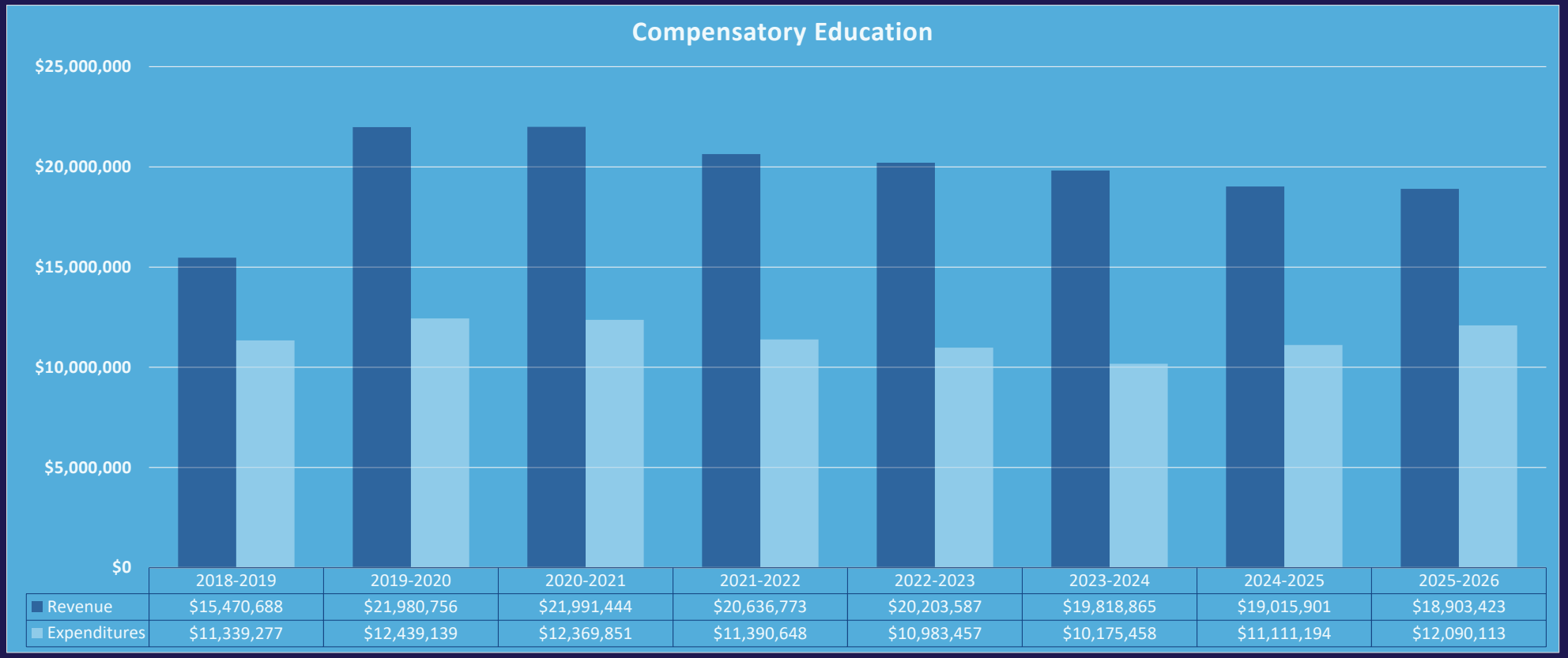
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$8,341,275	$10,837,817	$9,390,893	$9,842,555	$8,891,182	$8,745,150	$9,339,725	$9,079,416
Expenditures	$4,575,453	$6,057,464	$6,734,529	$5,922,970	$5,747,277	$5,672,083	$6,166,021	$7,233,482

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$7,645,110	$9,332,525	$8,786,575	$11,006,701	$12,236,803	$15,107,535	$17,684,918	$19,644,074
Expenditures	$9,154,290	$10,263,886	$11,701,787	$12,071,259	$12,919,810	$13,843,357	$16,792,786	$19,228,452

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$15,470,688	$21,980,756	$21,991,444	$20,636,773	$20,203,587	$19,818,865	$19,015,901	$18,903,423
Expenditures	$11,339,277	$12,439,139	$12,369,851	$11,390,648	$10,983,457	$10,175,458	$11,111,194	$12,090,113

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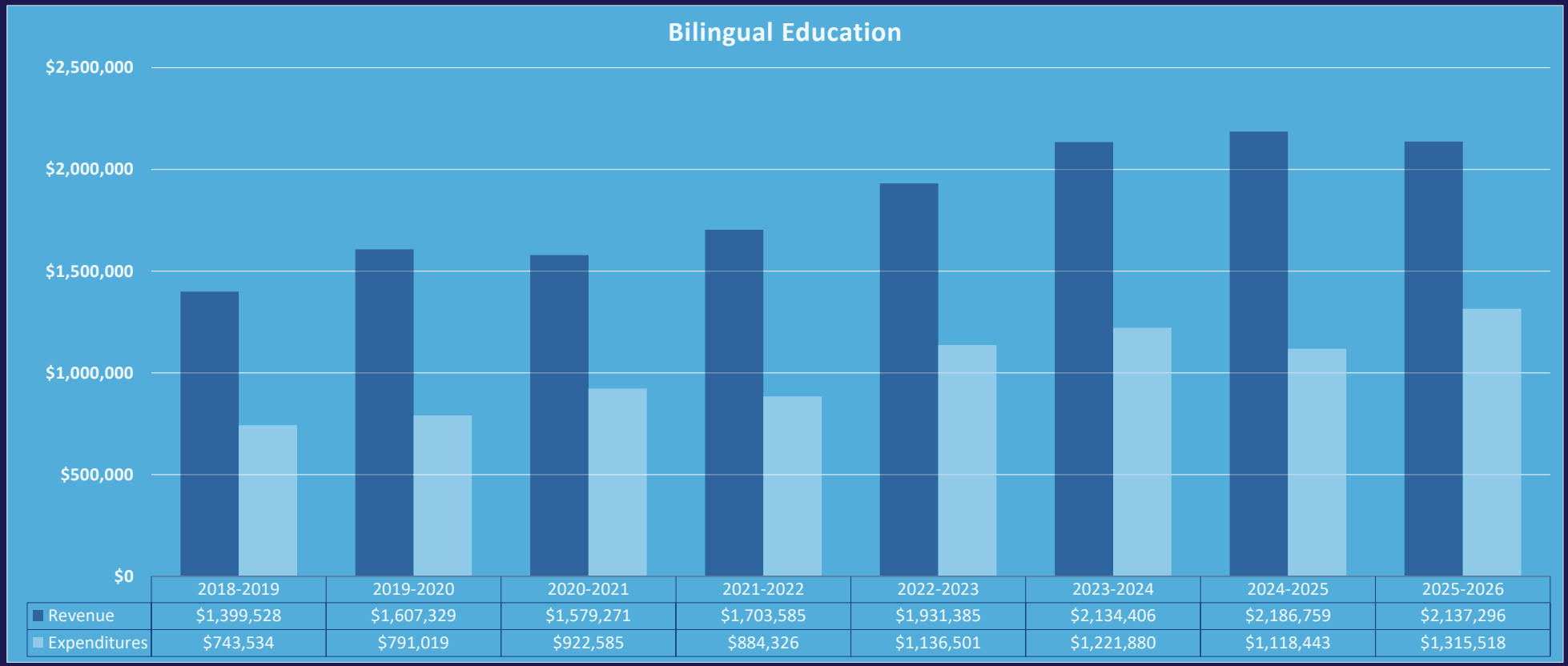
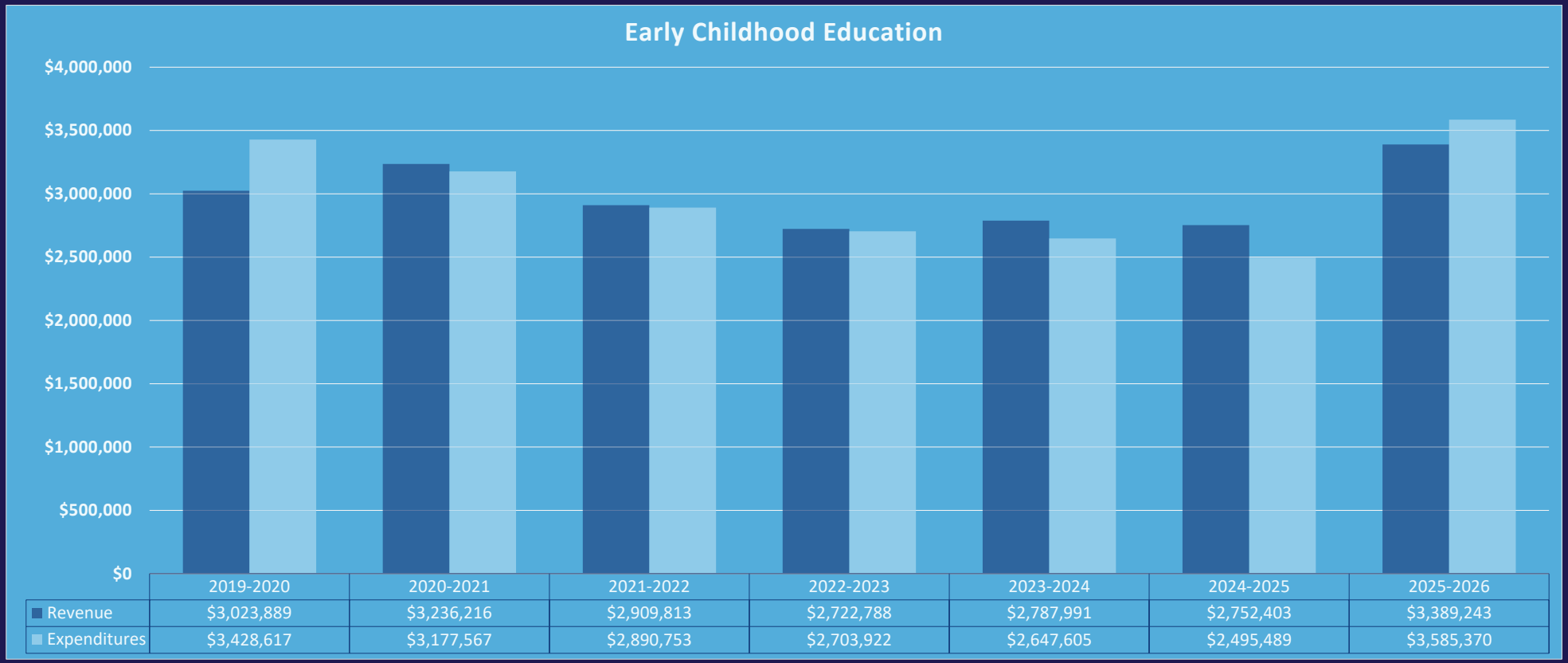
2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$1,399,528	$1,607,329	$1,579,271	$1,703,585	$1,931,385	$2,134,406	$2,186,759	$2,137,296
Expenditures	$743,534	$791,019	$922,585	$884,326	$1,136,501	$1,221,880	$1,118,443	$1,315,518

2025-2026 Program Revenue & Expenditures



	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$3,023,889	$3,236,216	$2,909,813	$2,722,788	$2,787,991	$2,752,403	$3,389,243
Expenditures	$3,428,617	$3,177,567	$2,890,753	$2,703,922	$2,647,605	$2,495,489	$3,585,370

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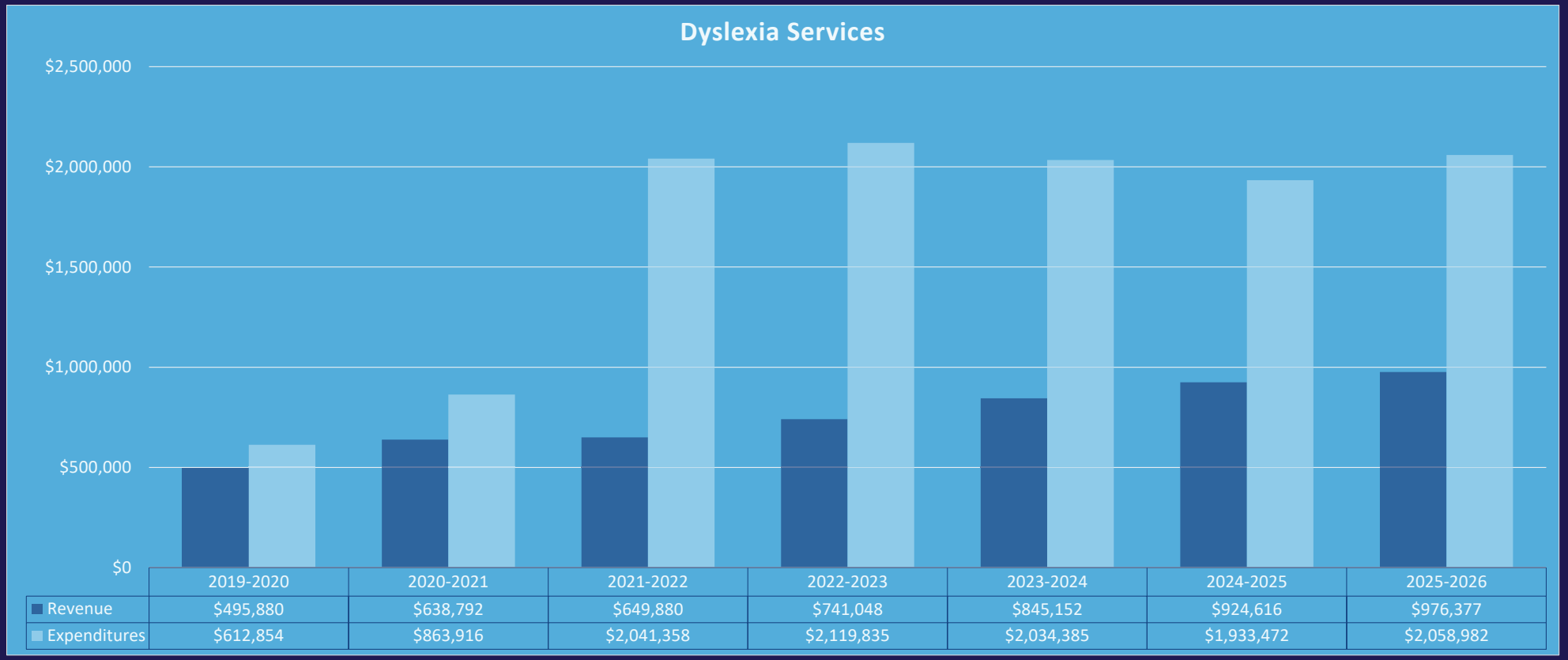
2025-2026 Program Revenue & Expenditures



	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$495,880	$638,792	$649,880	$741,048	$845,152	$924,616	$976,377
Expenditures	$612,854	$863,916	$2,041,358	$2,119,835	$2,034,385	$1,933,472	$2,058,982

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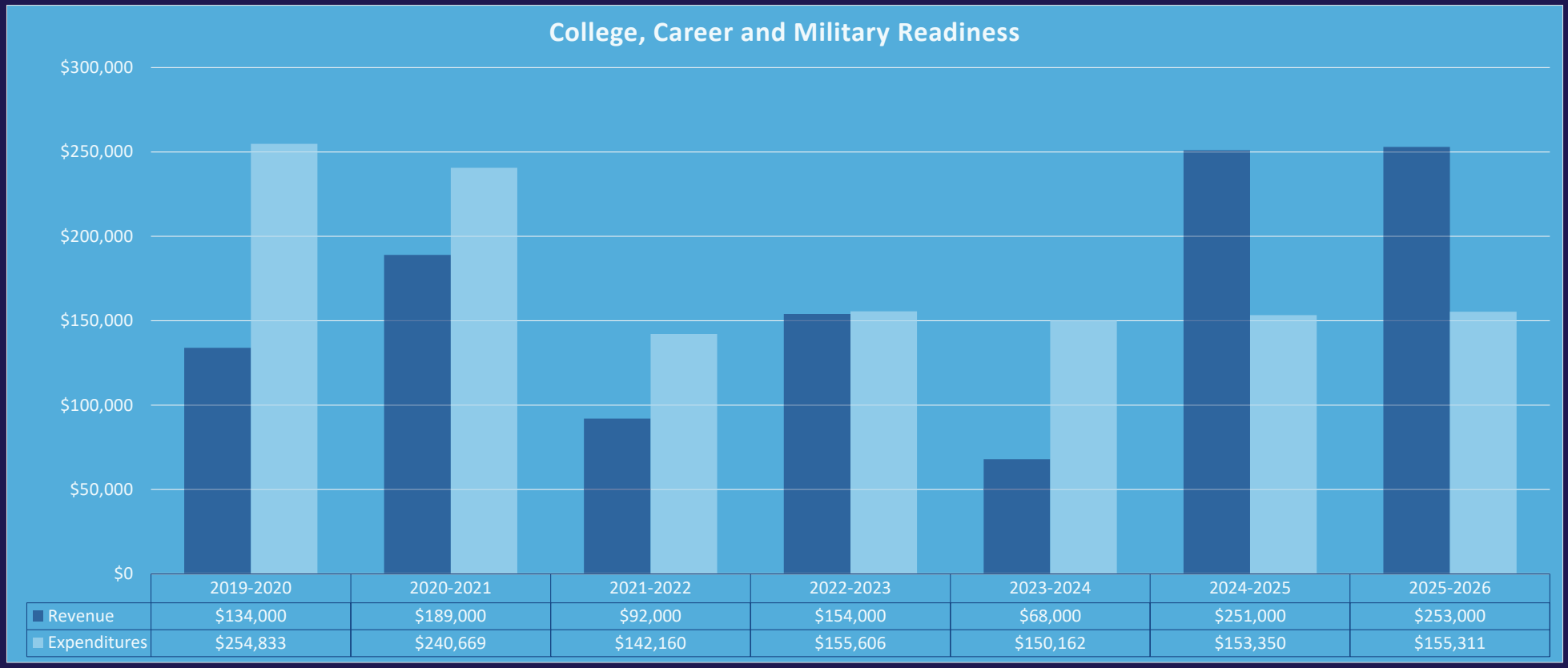
2025-2026 Program Revenue & Expenditures



	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$134,000	$189,000	$92,000	$154,000	$68,000	$251,000	$253,000
Expenditures	$254,833	$240,669	$142,160	$155,606	$150,162	$153,350	$155,311

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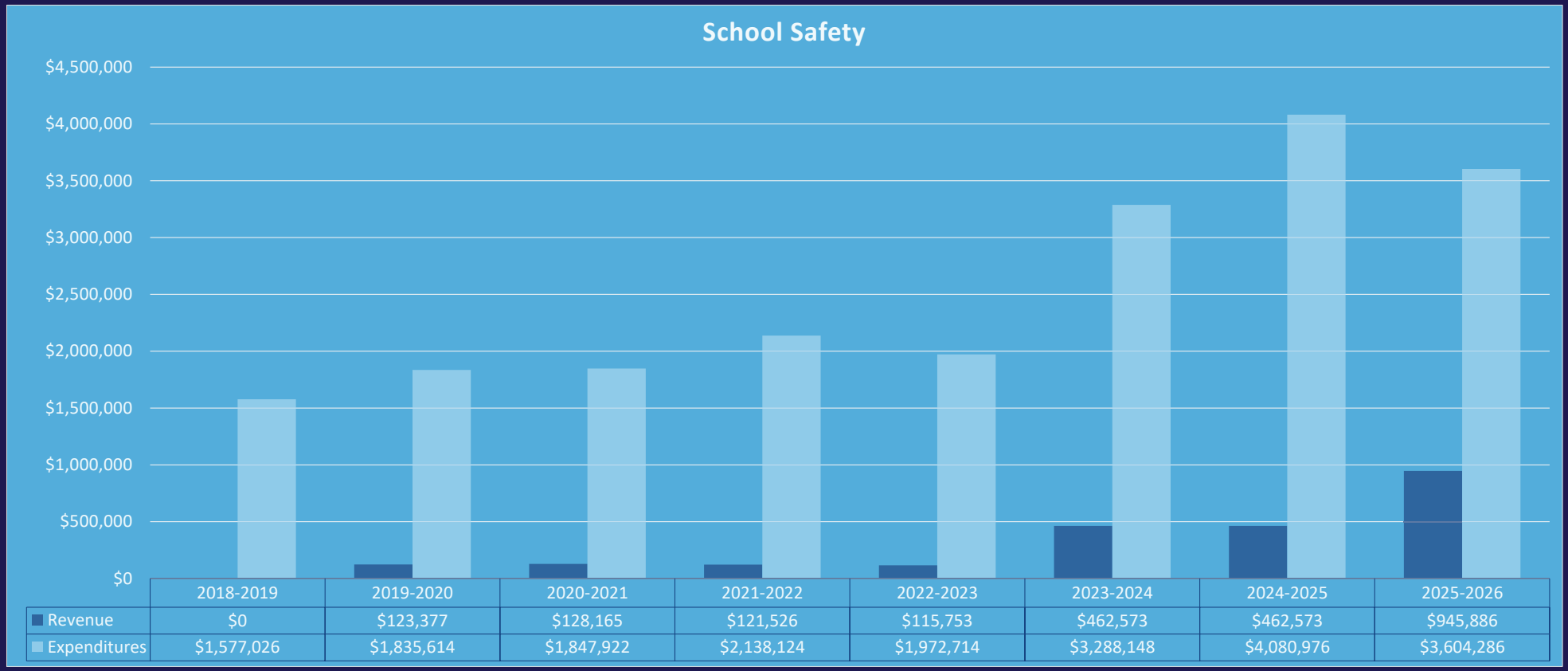
2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$0	$123,377	$128,165	$121,526	$115,753	$462,573	$462,573	$945,886
Expenditures	$1,577,026	$1,835,614	$1,847,922	$2,138,124	$1,972,714	$3,288,148	$4,080,976	$3,604,286

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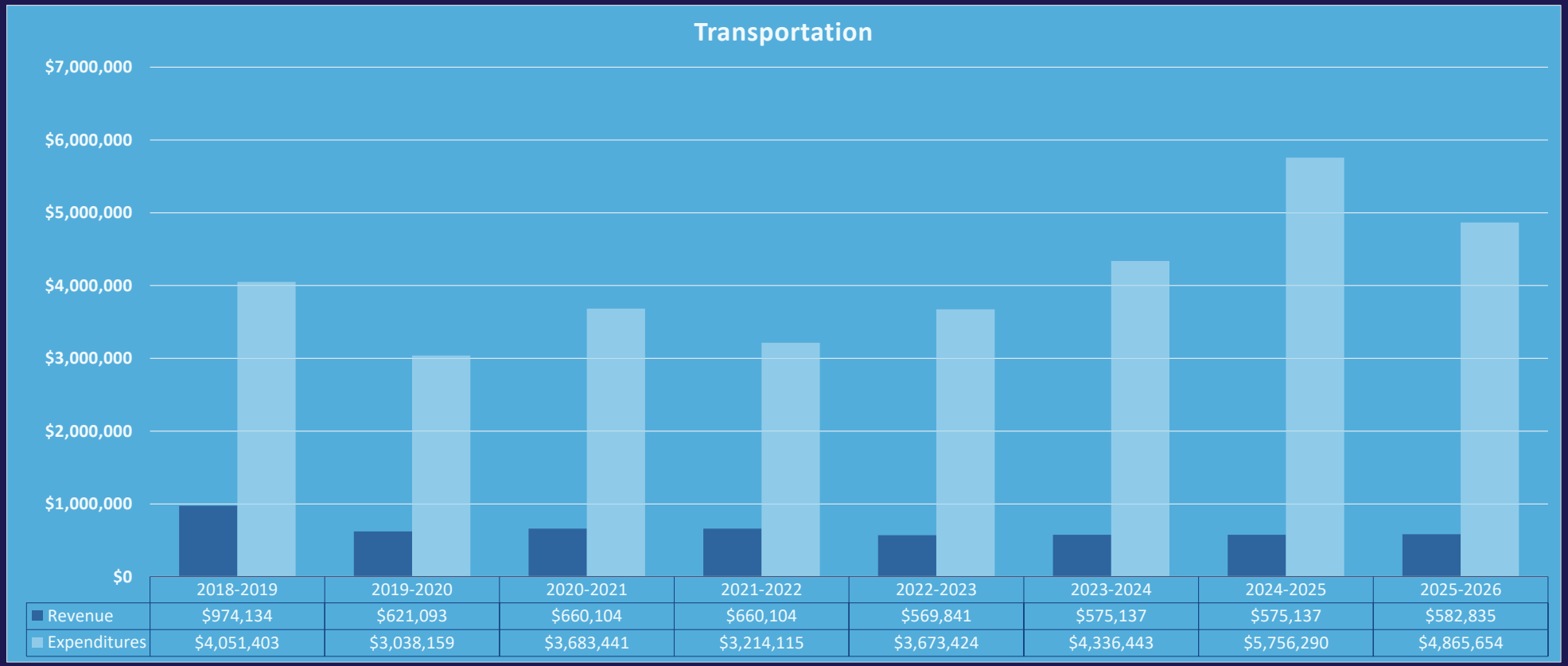
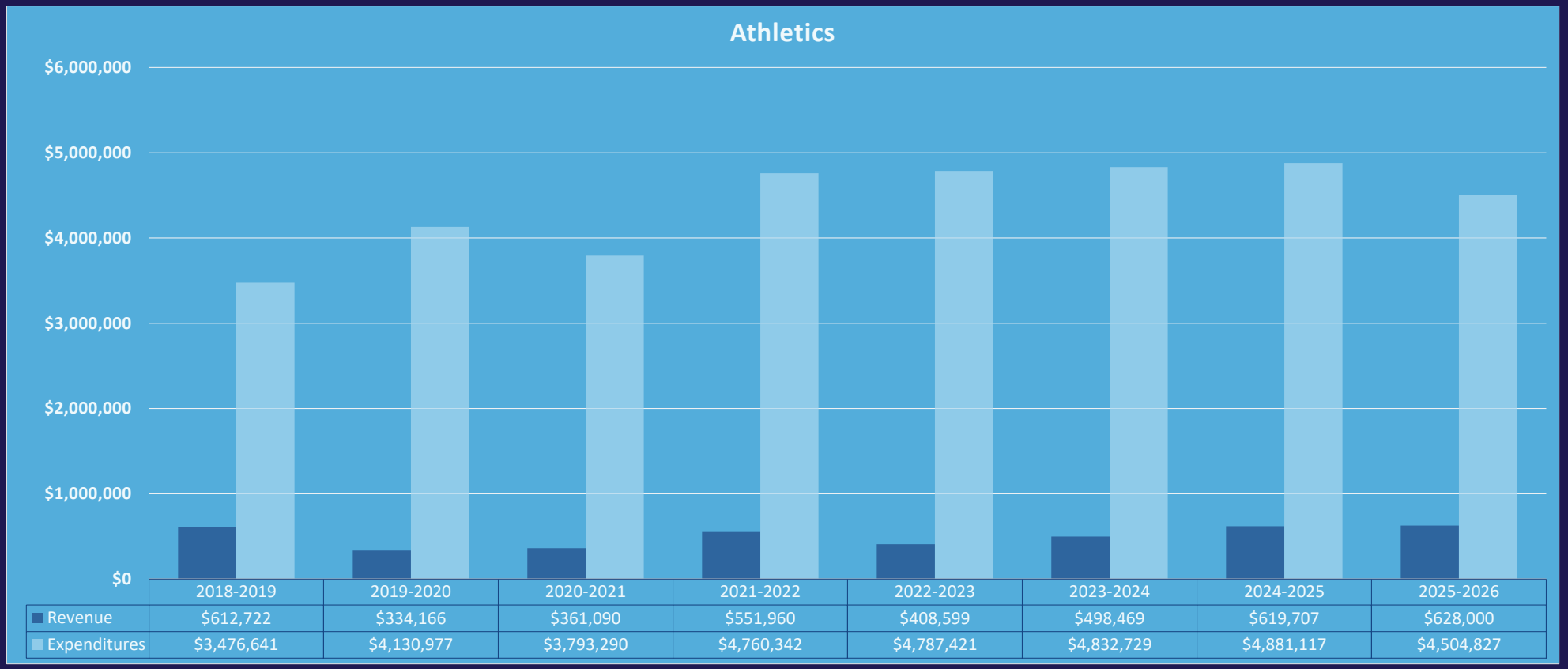
2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$974,134	$621,093	$660,104	$660,104	$569,841	$575,137	$575,137	$582,835
Expenditures	$4,051,403	$3,038,159	$3,683,441	$3,214,115	$3,673,424	$4,336,443	$5,756,290	$4,865,654

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$612,722	$334,166	$361,090	$551,960	$408,599	$498,469	$619,707	$628,000
Expenditures	$3,476,641	$4,130,977	$3,793,290	$4,760,342	$4,787,421	$4,832,729	$4,881,117	$4,504,827

Allotment for Basic Costs (ABC)

Inflationary Costs in Waco ISD

% Increase in Costs for Waco ISD between Fiscal Years 2020 to 2024

Vehicle Fuel	Utilities	Health Insurance	Property Insurance	Safety & Security	Cost of Living
+49.5%	+10.2%	+33.6%	+89.5%	+47.0%	+22.5%

During the same period State Foundation School Program & Local Property Tax Revenues have increased just 2.3%

88.1% of the District's General Fund Revenues come from these two sources

Waco ISD adopted a $8.1 million budget deficit for the 2024-2025 fiscal year and has since increased it by $5.3 million to address critical needs

Salary & Benefit Increases

	2026 Count	Base Amount	0-2 Year Teachers
Administrator/Supervisory	119	$ 11,048,029	
Aide, Instructional	306	7,375,766	
Auxiliary	405	11,983,549	
Paraprofessional Support Staff	179	6,206,504	
Professional Support Staff	328	20,094,705	
Teacher	999	59,128,251	$ 14,688,235
Transportation, Non-Driver	35	956,935	
Transportation, Bus Driver	43	1,351,523	
Total	2,414	$ 118,145,263	
Total staff costs excluding Teachers w 3+ years of experience & Administrator/Supervisory			$ 62,657,218
Support Staff Retention Allotment			430,437
Percentage increase available through HB2			**0.69%**

Salary & Benefit Increases

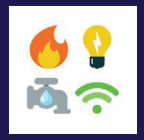
	1%	2%	3%
Non-teacher/administrator/supervisory	$ 479,690	$ 959,380	$ 1,439,069
Teachers with 0-2 years experience	146,882	293,765	440,647
Administrator/supervisory	110,480	220,961	331,441
Total cost of salary increases excl teachers with 3+ years exp	$ 737,052	$ 1,474,105	$ 2,211,157
Cost of salary increase for teachers with 3+ years experience	3,297,500	3,297,500	3,297,500
Cost of related employee benefits	472,226	558,461	644,696
Total cost of salary & benefit increases	$ 4,506,778	$ 5,330,066	$ 6,153,353
Revenue estimated to be generated under HB2	(3,742,183)	(3,742,183)	(3,742,183)
Net impact of salary increases	$ 764,595	$ 1,587,883	$ 2,411,170

Note: HB2 required increase for teachers with 3+ years of experience averages 8%, or 4.6% for 3-4 year experience and 8.3% for 5+ years experience, based on salary rates

Salary & Benefit Increases

	Raise	Cost of Increase
Classroom Teachers		$ 3,656,578
5 & more years experience	$ 5,000	
3-4 years experience	2,500	
1-2 years experience	1,500	
0 years experience (starting salary increased from $53,000 to $54,000)	1,000	
Other Employee Groups:		
Administrative & Professional		639,459
Auxiliary		324,885
Clerical & Paraprofessional		288,184
Total Salary Increases		$ 4,909,106
Cost of related employee benefits		589,093
Total cost of salary & benefit increases		$ 5,498,199
Revenue estimated to be generated under HB2		(3,728,489)
Net impact of salary increases		$ 1,769,710

Other Cost Increases for 2025-2026

	Utilities – Should remain flat overall, increases in water and gas should be offset by the savings under the new bid for telephone service	$ 16,133
	Property and casualty insurance – TASB is working on projections but has told us that the increase for next year will be modest, increase in property is due to the new construction of Waco High & Kendrick Elementary	200,282
	U.S. Energy Information Administration is currently projecting a decrease in both gasoline and diesel prices for 2026, as much as 6%	38,094
	The health fund, after nine months, is currently in the black with only five months of increased contributions, we are working on projections, TRS Active-Care is increasing 14% in Region 12, we are estimating 10%	1,354,653
	An increase in state funding for Special Education makes up most of the FSP gains, $2.7 million (amount is net of salary & benefit increases)	2,319,703
	Other increases include tax collection fees of $96,000, tuition costs for the JJAEP of $155,000 and the Advanced Academies of $308,000	559,000

Group Health Plan Performance

Financials

$754.18 PEPM vs $646.43 in 2024
$375.97 Medical vs $503.95 in 2024
$316.20 Pharmacy vs $260.96 in 2024

Large Claims Threshold @ $75k

12 members YTD 2025 @ $1,387,831
10 members 2024 @ 2,837,719

Stop Loss $150,000 ISL

1 ISL Hit
$59,141 YTD in reimbursements

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Group Health Plan Performance

	May 2024	May 2025	YTD 2024	YTD 2025
Total Plan	116%	128%	106%	107%
High Deductible $4,000	56%	83%	84%	84%
Nexus $3,500	122%	129%	111%	111%
EPO $2,500	141%	176%	183%	187%

Group Health Plan Contribution Increases

	Monthly Contribution Rates			
	2024	2025	Increase	Percent
Employer Contribution	$558.60	$608.40	$49.80	9%
Employee, only	$0 - $202.52	$0 - $222.93	$0 - $20.41	0% - 12.2%
Employee + Spouse	$630.20 - $1,079.42	$690.07 - $1,180.73	$59.87 - $101.31	9.4% - 9.5%
Employee + Child(ren)	$353.74 - $708.41	$388.10 - $775.49	$34.36 - $67.08	9.5% - 9.7%
Employee + Family	$956.83 - $$1,517.81	$1,046.83 - $1,659.56	$90.00 - $141.75	9.3% - 9.4%

2025-2026 Budget Calendar

	Date
Budget update	7/24/2025
Chief Appraiser certifies 2025 property values	7/25/2025
Meeting to present the proposed budget and tax rate	8/14/2025
Notice of Budget and Tax Rate Meeting – must be 10-30 days before the date of the Public Meeting	8/15/2025
Budget and Tax Rate Public Meeting	8/28/2025
Meeting to adopt the Budget and Tax Rate (budget must be adopted before the approval of the tax rate for the year in which the fiscal year covered by the budget	8/28/2025
First day of 2025-2026 fiscal year	9/1/2025

WACO INDEPENDENT SCHOOL DISTRICT

Budget Update

July 24, 2025

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Agenda

- Enrollment and Average Daily Attendance
- Preliminary 2025-2026 General Fund Budget
  - Revenue Estimates
  - Base Appropriations
  - Cost Drivers and Rate Increases
  - Cost of Proposed Salary Increases
  - Health Insurance Plan
- Budget Calendar

Enrollment & Average Daily Attendance

School Year	Fall PEIMS Enrollment	Total ADA per PEIMS Submission	Final ADA as a Percent of Fall PEIMS	TEA Summary of Finances ADA *with Hold Harmless	ADA Utilized for Budget Purposes	*State Hold Harmless Provisions
2018-2019	14,758	13,334	90.4%		13,301	
2019-2020	14,796	11,329	76.6%	13,354*	13,257	First 4 six weeks actual ADA with last two based on 2017-2018 ADA patterns
2020-2021	14,428	12,925	89.6%	13,188*	13,241	Received funding based on 2019-2020 ADA with 3-year trend of 100.4%, 13,537.681, difference came from ESSER funds
2021-2022	14,086	11,756	84.6%	12,503*	13,261	First 4 six weeks based on target percentage attendance rate from 2019-2020, 5th & 6th actual ADA
2022-2023	13,823	11,909	86.2%		12,461	
2023-2024	13,517	11,758	87.0%		11,816	
2024-2025	13,366	11,666	87.3%		11,645	
2025-2026	***13,179***	***11,502***	***87.3%***		***11,502***	***Projected average daily attendance loss of 143***

Projected enrollment loss of 187

1062

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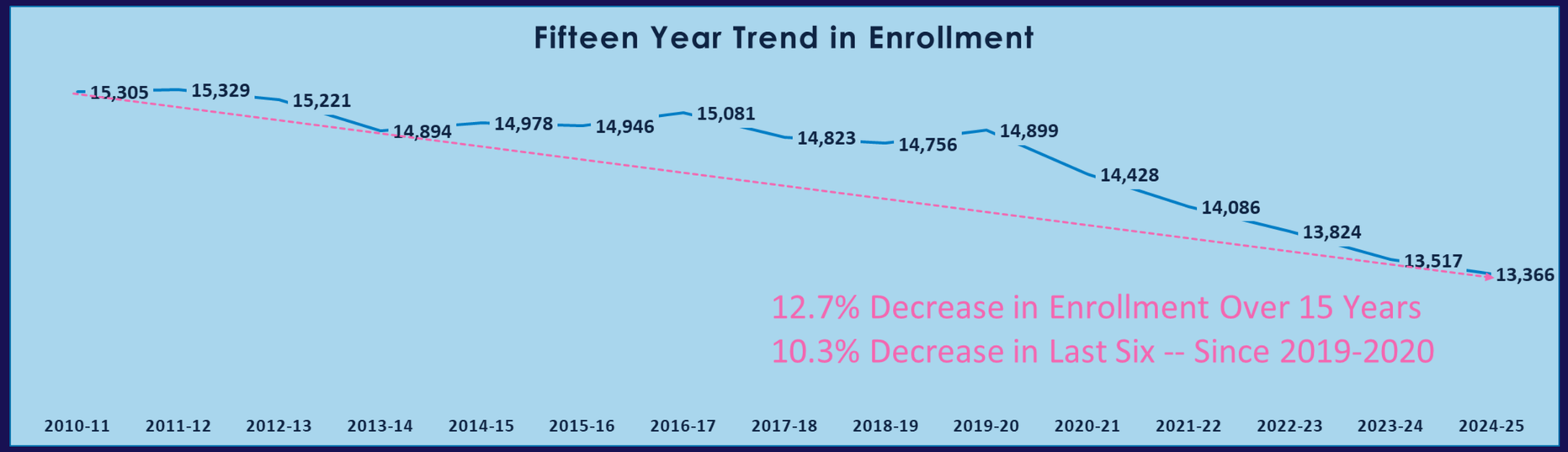
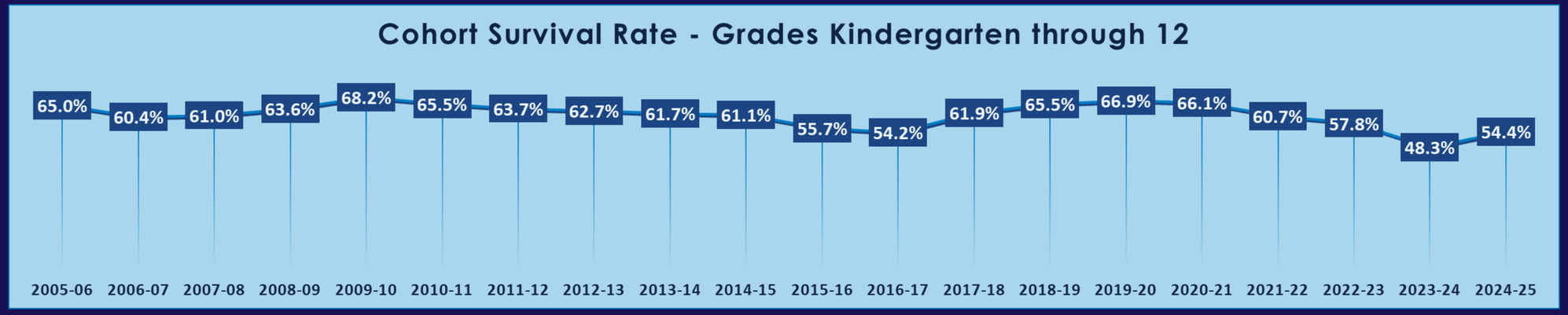
Enrollment & Average Daily Attendance





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1063

Preliminary 2025-2026 General Fund Budget

	2023-2024	2024-2025		2025-2026
	Audited Actual	Adopted Budget	Projected Actual	Preliminary Budget
Local & intermediate source	$ 70,095,466	71,253,694	72,382,482	67,222,565
State programs	86,576,697	79,872,689	84,501,868	91,960,423
Federal programs	5,186,729	3,718,789	4,553,364	3,069,400
Total revenues	**$ 161,858,892**	**154,845,172**	**161,437,714**	**162,252,388**
Instruction & instructional related services	90,868,987	92,816,944	94,072,556	99,725,355
Instructional & school leadership	13,986,921	12,935,054	12,836,389	12,780,291
Student support services	15,421,642	19,711,689	20,465,754	19,748,624
Administrative support services	6,835,568	6,124,396	6,460,034	6,152,476
Non-student based support services	24,898,880	27,436,821	31,411,759	28,108,061
Community services	511,826	1,039,707	1,011,357	191,715
Debt service	567,344	318,000	407,624	480,710
Intergovernmental charges	1,760,806	1,965,000	1,945,811	2,118,546
Total expenditures	**$ 154,851,974**	**162,347,611**	**168,611,284**	**169,305,778**
Other sources (uses)	145,989	(535,000)	(330,916)	(553,000)
Net change in fund balance	**$ 7,152,907**	**(8,037,439)**	**(7,504,486)**	**(7,606,390)**
Beginning fund balance	57,995,364	65,148,271	65,148,271	57,643,785
Ending fund balance	**$ 65,148,271**	**57,110,832**	**57,643,785**	**50,037,395**

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2025-2026 General Fund Local Revenues

	2024-2025		2025-2026	Increase/(Decrease)
	Adopted Budget	Projected Actual	Preliminary Budget	From Projected Actual
Local property taxes	$ 67,283,414	65,515,348	62,783,265	(2,732,083)
Fiscal agent fees	77,000	83,215	75,000	(8,215)
Tuition	150,000	182,576	130,000	(52,576)
Investment income	2,500,000	4,520,511	3,000,000	(1,520,511)
Rentals	218,300	291,255	148,400	(142,855)
Insurance recoveries	0	570,908	0	(570,908)
Extracurricular activities	320,400	501,309	484,900	(16,409)
Other local revenues	323,580	315,793	258,400	(57,393)
Intermediate source	381,000	401,567	342,600	(58,967)
Total local & intermediate source revenues	**$ 71,253,694**	**72,382,482**	**67,222,565**	**(5,159,917)**

2025-2026 General Fund State Revenues

	2024-2025		2025-2026	Increase/ (Decrease)	
	Adopted Budget	Projected Actual	Preliminary Budget	Major Changes in Allotments	From Projected Actual
Foundation School Program & Available School Fund	$ 72,132,619	76,660,706	83,938,102		7,277,396
Allotments netted for revenue losses due to decline in average daily attendance – estimated at $2,071,537					
Special Education Adjusted Allotment & Special Education Evaluations				2,415,156	
Early Education Allotment & Early Literacy Intervention Allotment				737,095	
Other program allotments				(210,921)	
Teacher Incentive Allotment				(2,622,245)	
New Instructional Facilities Allotment				(894,607)	
Teacher Retention Allotment				3,297,500	
Support Staff Retention Allotment				430,989	
School Safety Allotment increase				499,176	
Allotment for Basic Costs				1,396,974	
Reduction in local share for increases in homestead exemptions				2,228,279	
Teacher Retirement On-behalf Payments	7,740,070	7,841,162	8,022,321		181,159
Total state program revenues	**$ 79,872,689**	**84,501,868**	**91,960,423**		**7,458,555**

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1066

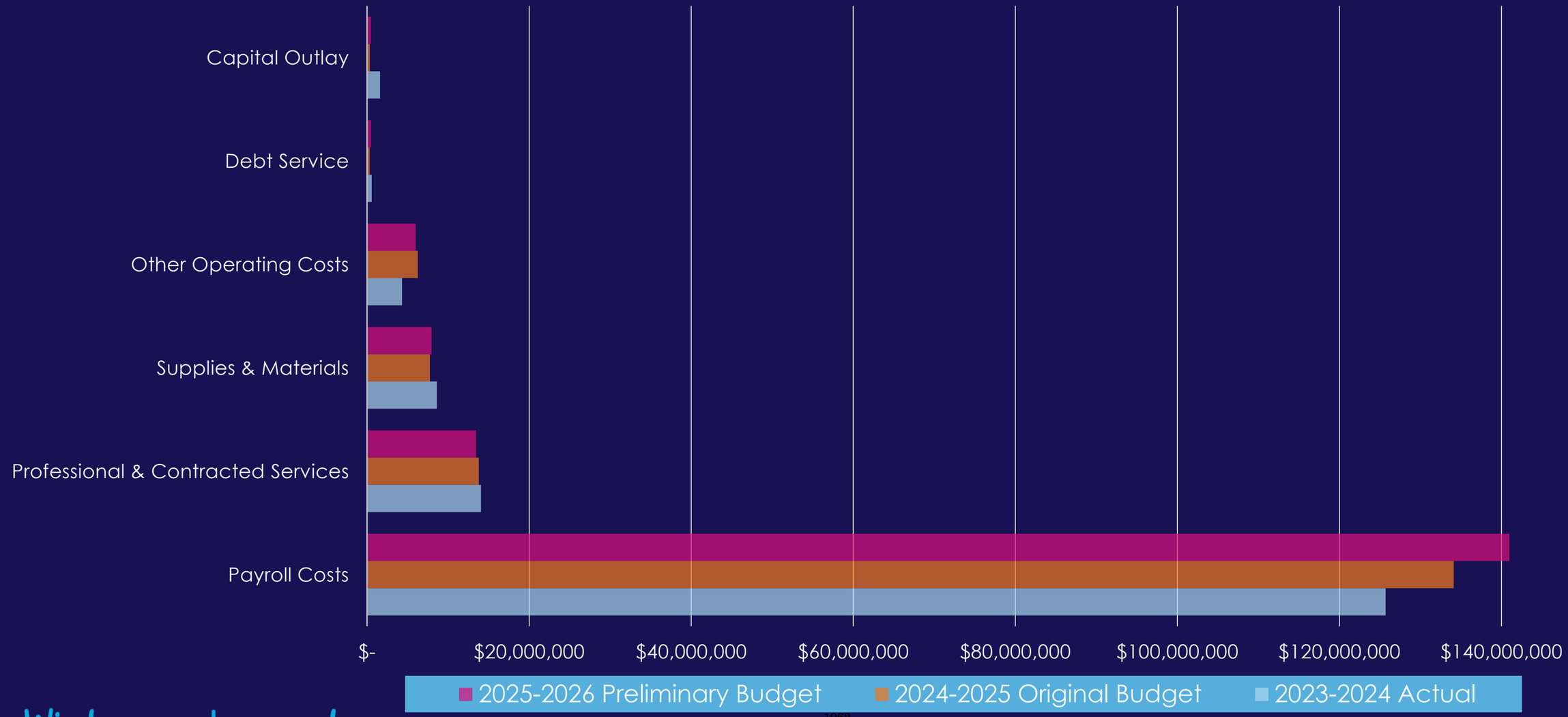
2025-2026 General Fund Federal Revenues

	2024-2025		2025-2026	Increase/(Decrease)
	Adopted Budget	Projected Actual	Preliminary Budget	From Projected Actual
Indirect cost recoveries	$ 1,803,000	1,804,856	1,620,000	(184,856)
School Health & Related Services (SHARS)	1,462,789	1,563,844	1,100,000	(463,844)
Medicaid Administrative Claiming (MAC)	217,300	169,892	123,800	(46,092)
Direct program revenue	235,700	1,134,680	225,600	(909,080)
Total federal program revenues	**$ 3,718,789**	**4,553,364**	**3,069,400**	**(1,483,964)**

On June 30th, the Department of Education (USDE) notified TEA that the agency would not be issuing grant awards notifications obligating funds for a number of grants funded under ESSA. 2024-2025 grants end September 30th and any carryover remaining at that point should be available for expenditure. The future of this funding is uncertain.

	2024-2025			2025-2026
	Entitlement	Carryover	Total Available	Planning Estimate
Title II, Part A – Supporting Effective Instruction	$ 872,221	675,247	1,547,468	909,002
Title III, Part A – English Language Acquisition	310,838	103,377	414,215	321,086
Title III, Part A - Immigrant	23,178	16,678	39,856	28,171
Title IV, Part A – Student Support	505,791	527,690	1,033,481	503,284
Total federal program revenues	**$ 1,712,028**	**1,322,992**	**3,035,020**	**1,761,543**

2025-2026 Expenditures



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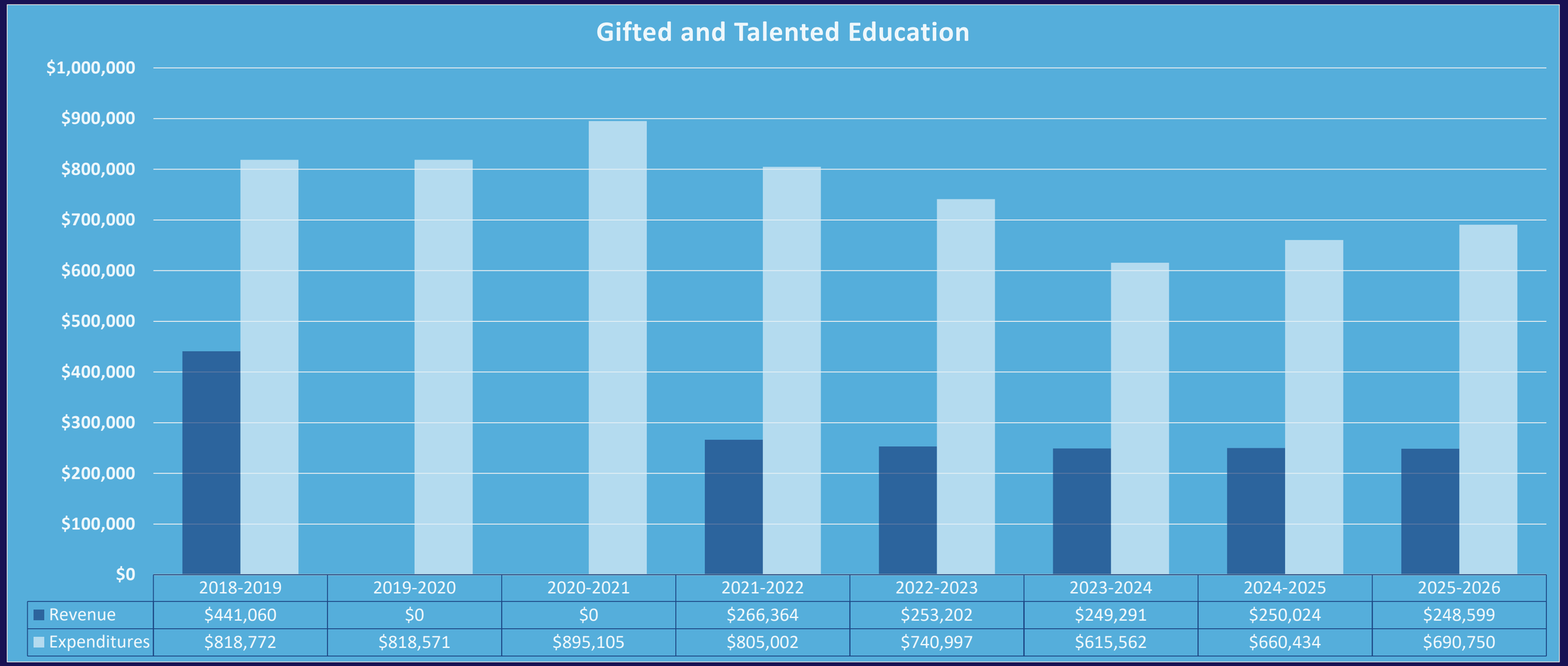
1068

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$441,060	$0	$0	$266,364	$253,202	$249,291	$250,024	$248,599
Expenditures	$818,772	$818,571	$895,105	$805,002	$740,997	$615,562	$660,434	$690,750

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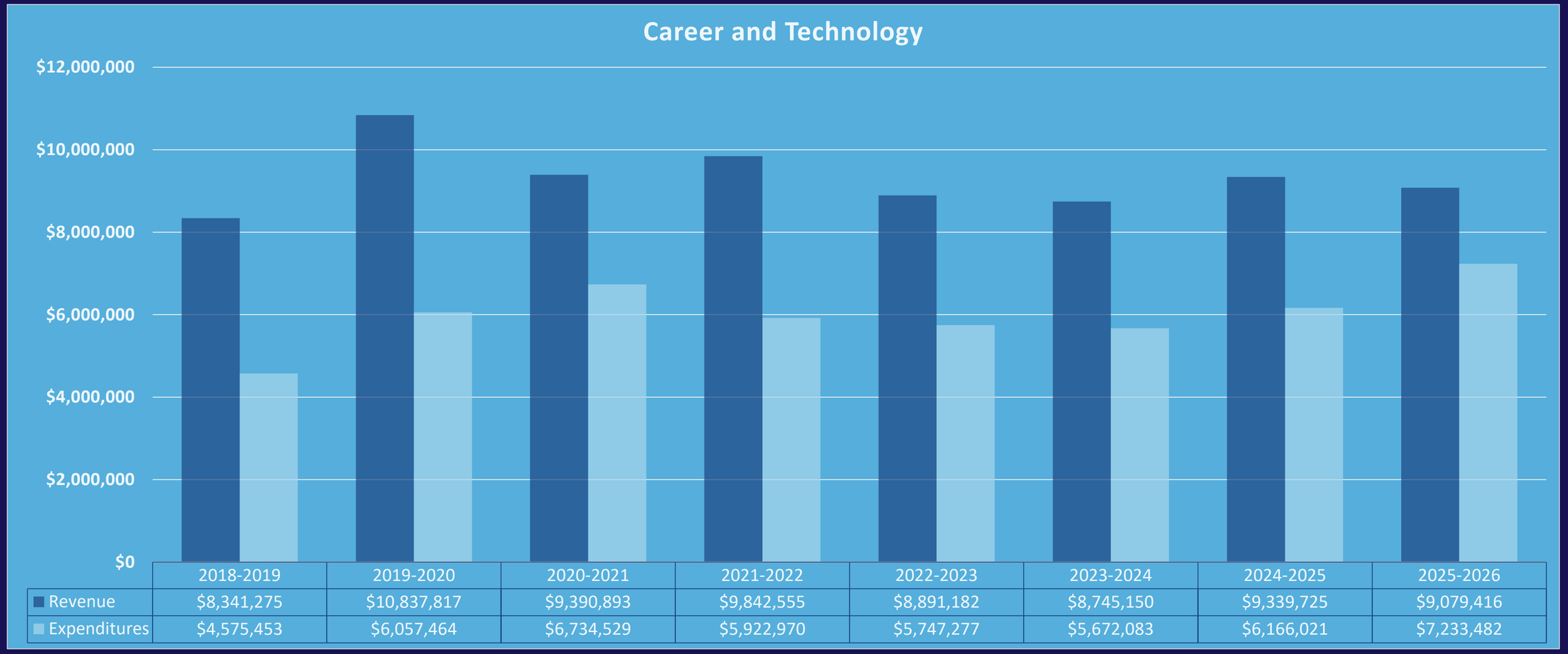
1069

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$8,341,275	$10,837,817	$9,390,893	$9,842,555	$8,891,182	$8,745,150	$9,339,725	$9,079,416
Expenditures	$4,575,453	$6,057,464	$6,734,529	$5,922,970	$5,747,277	$5,672,083	$6,166,021	$7,233,482

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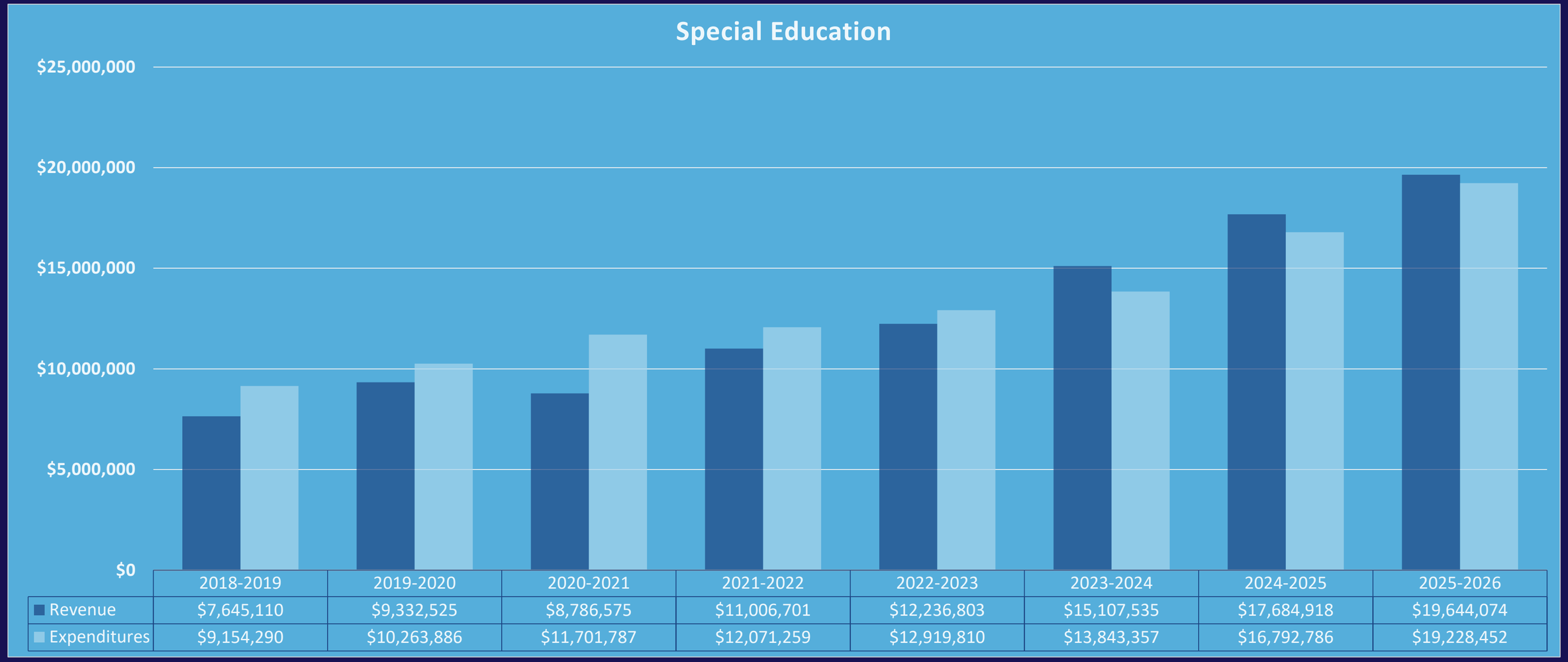
1070

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$7,645,110	$9,332,525	$8,786,575	$11,006,701	$12,236,803	$15,107,535	$17,684,918	$19,644,074
Expenditures	$9,154,290	$10,263,886	$11,701,787	$12,071,259	$12,919,810	$13,843,357	$16,792,786	$19,228,452

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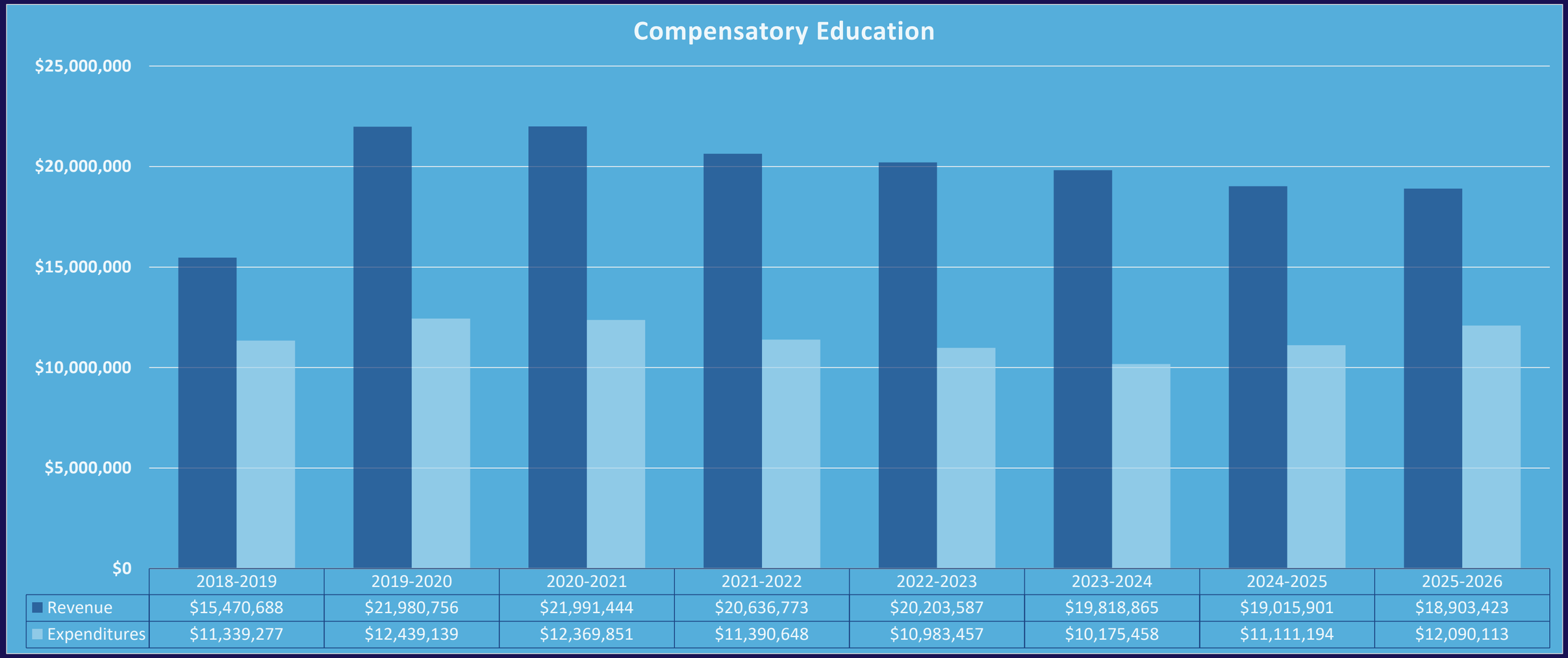
1071

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$15,470,688	$21,980,756	$21,991,444	$20,636,773	$20,203,587	$19,818,865	$19,015,901	$18,903,423
Expenditures	$11,339,277	$12,439,139	$12,369,851	$11,390,648	$10,983,457	$10,175,458	$11,111,194	$12,090,113

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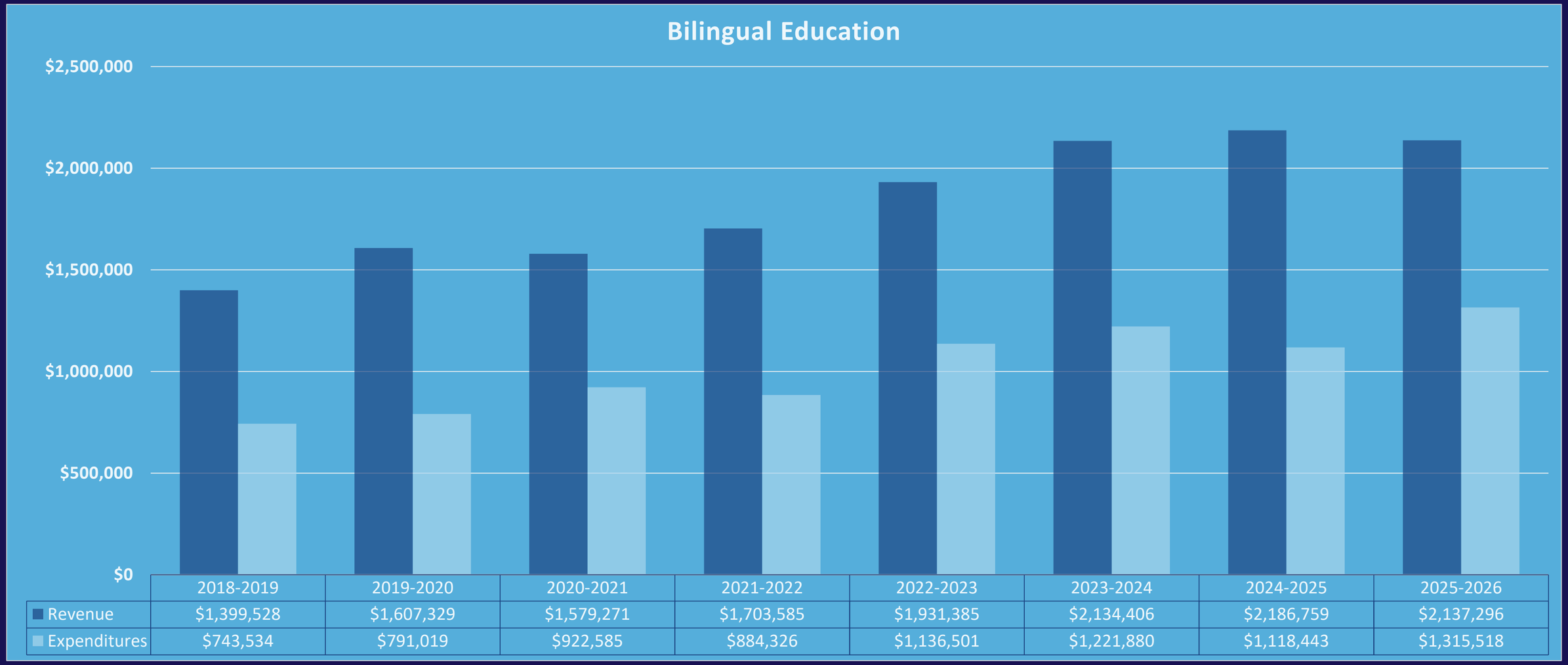
1072

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$1,399,528	$1,607,329	$1,579,271	$1,703,585	$1,931,385	$2,134,406	$2,186,759	$2,137,296
Expenditures	$743,534	$791,019	$922,585	$884,326	$1,136,501	$1,221,880	$1,118,443	$1,315,518

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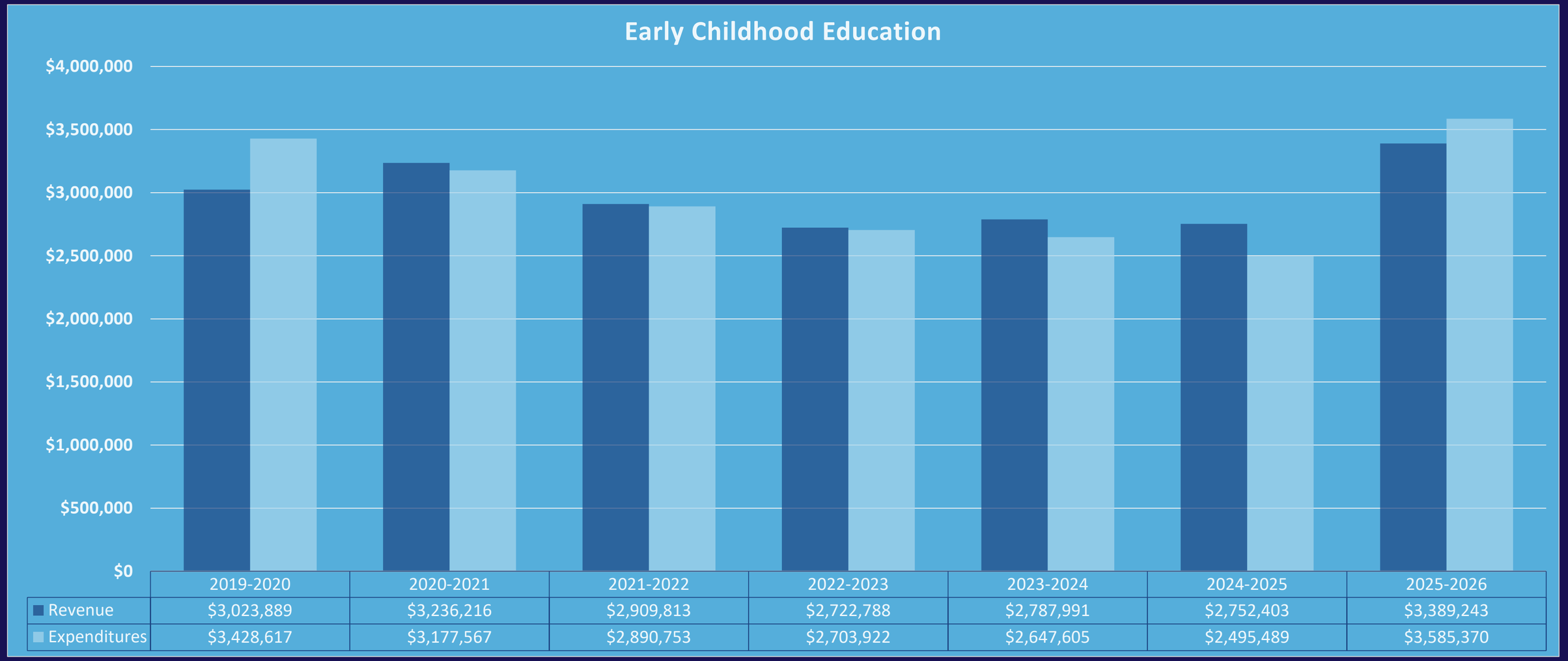
1073

2025-2026 Program Revenue & Expenditures



	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$3,023,889	$3,236,216	$2,909,813	$2,722,788	$2,787,991	$2,752,403	$3,389,243
Expenditures	$3,428,617	$3,177,567	$2,890,753	$2,703,922	$2,647,605	$2,495,489	$3,585,370

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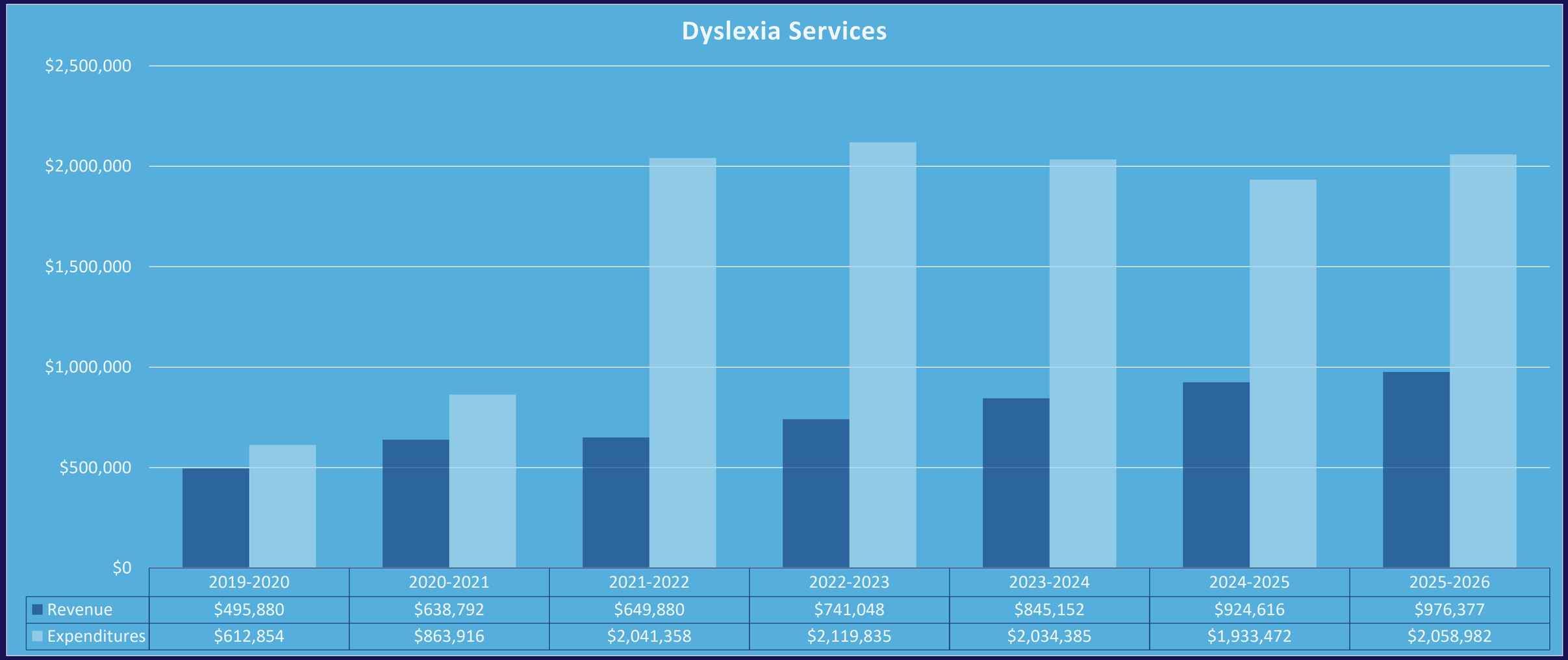
1074

2025-2026 Program Revenue & Expenditures



	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$495,880	$638,792	$649,880	$741,048	$845,152	$924,616	$976,377
Expenditures	$612,854	$863,916	$2,041,358	$2,119,835	$2,034,385	$1,933,472	$2,058,982

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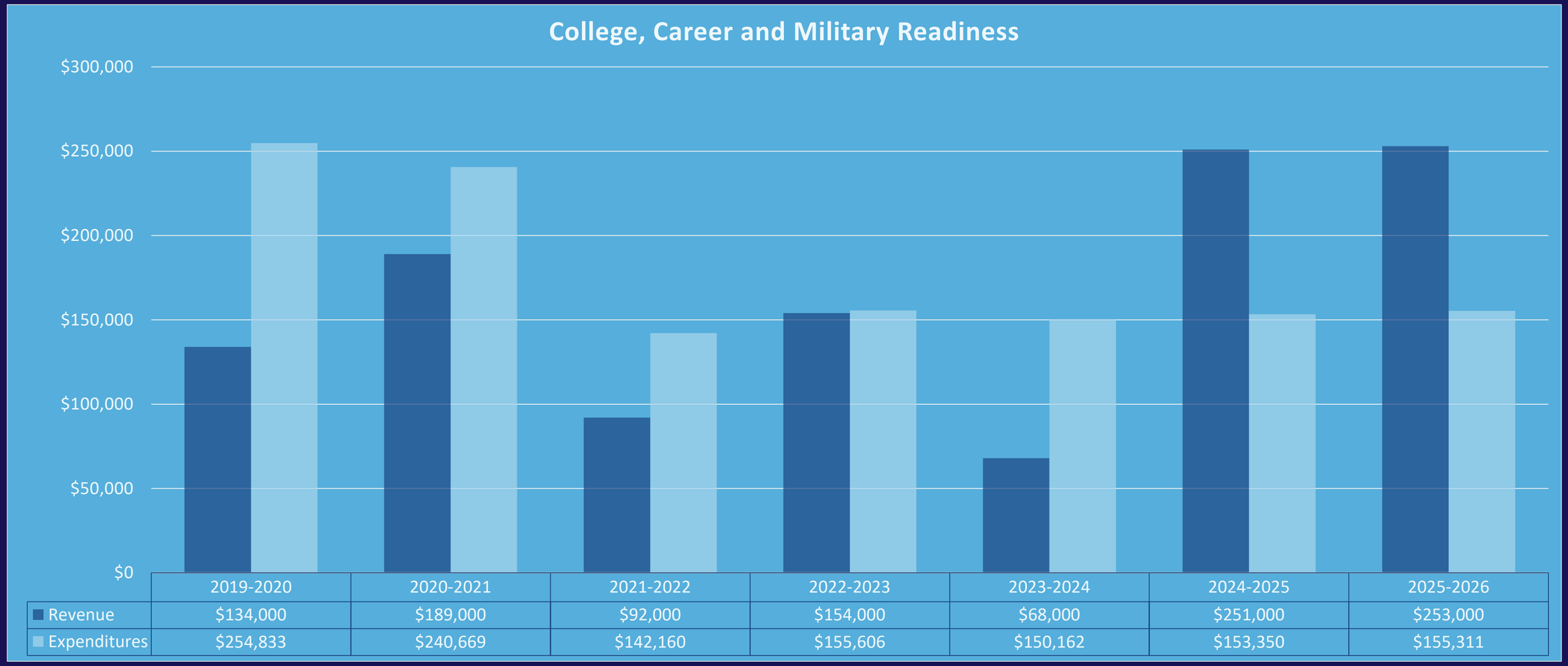
1075

2025-2026 Program Revenue & Expenditures



	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$134,000	$189,000	$92,000	$154,000	$68,000	$251,000	$253,000
Expenditures	$254,833	$240,669	$142,160	$155,606	$150,162	$153,350	$155,311

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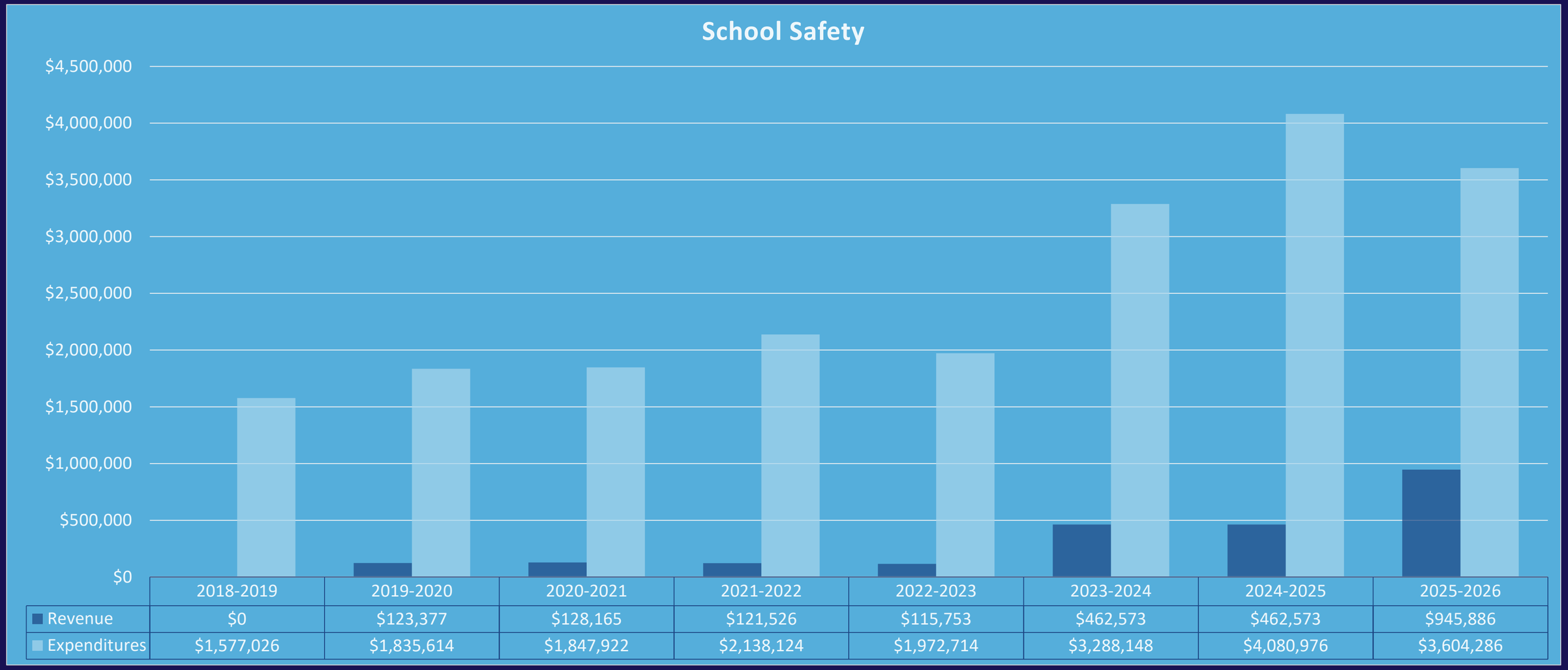
2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$0	$123,377	$128,165	$121,526	$115,753	$462,573	$462,573	$945,886
Expenditures	$1,577,026	$1,835,614	$1,847,922	$2,138,124	$1,972,714	$3,288,148	$4,080,976	$3,604,286

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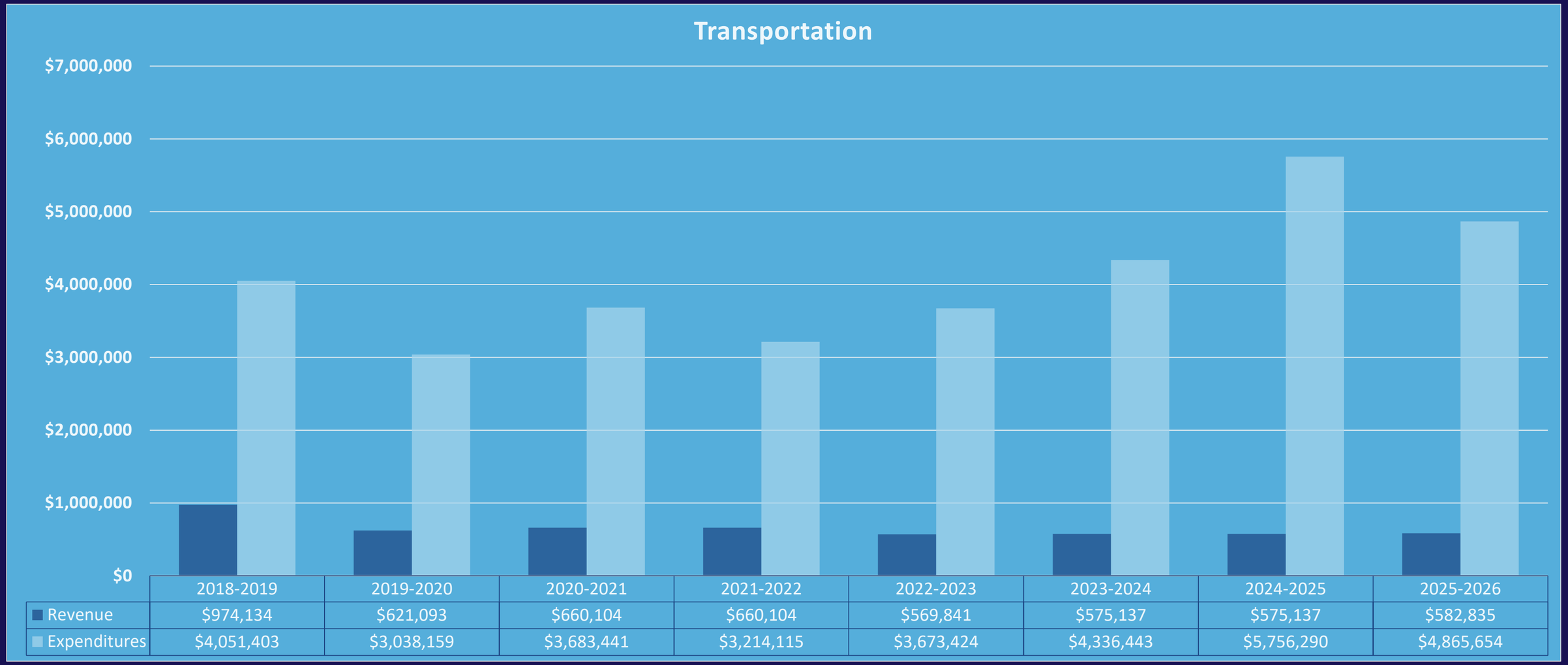
1077

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$974,134	$621,093	$660,104	$660,104	$569,841	$575,137	$575,137	$582,835
Expenditures	$4,051,403	$3,038,159	$3,683,441	$3,214,115	$3,673,424	$4,336,443	$5,756,290	$4,865,654

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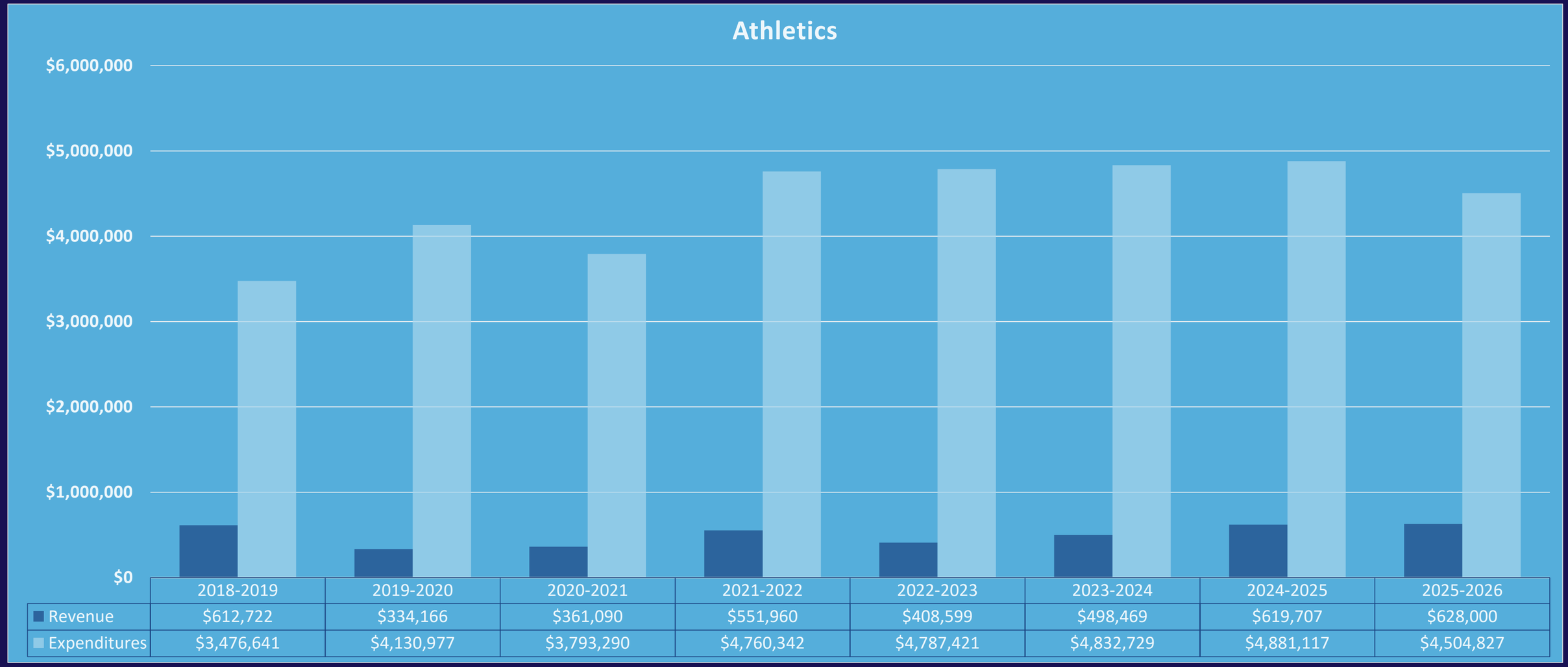
1078

2025-2026 Program Revenue & Expenditures



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026
Revenue	$612,722	$334,166	$361,090	$551,960	$408,599	$498,469	$619,707	$628,000
Expenditures	$3,476,641	$4,130,977	$3,793,290	$4,760,342	$4,787,421	$4,832,729	$4,881,117	$4,504,827

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1079

Allotment for Basic Costs (ABC)

Inflationary Costs in Waco ISD

% Increase in Costs for Waco ISD between Fiscal Years 2020 to 2024

Vehicle Fuel	Utilities	Health Insurance	Property Insurance	Safety & Security	Cost of Living
+49.5%	+10.2%	+33.6%	+89.5%	+47.0%	+22.5%

During the same period State Foundation School Program & Local Property Tax Revenues have increased just ***2.3%***

88.1% of the District's General Fund Revenues come from these two sources

Waco ISD adopted a $8.1 million budget deficit for the 2024-2025 fiscal year and has since increased it by $5.3 million to address critical needs

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1080

Salary & Benefit Increases

	2026 Count	Base Amount	0-2 Year Teachers
Administrator/Supervisory	119	$ 11,048,029	
Aide, Instructional	306	7,375,766	
Auxiliary	405	11,983,549	
Paraprofessional Support Staff	179	6,206,504	
Professional Support Staff	328	20,094,705	
Teacher	999	59,128,251	$ 14,688,235
Transportation, Non-Driver	35	956,935	
Transportation, Bus Driver	43	1,351,523	
Total	2,414	$ 118,145,263	
Total staff costs excluding Teachers w 3+ years of experience & Administrator/Supervisory			$ 62,657,218
Support Staff Retention Allotment			430,437
Percentage increase available through HB2			**0.69%**

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1081

Salary & Benefit Increases

	1%	2%	3%
Non-teacher/administrator/supervisory	$ 479,690	$ 959,380	$ 1,439,069
Teachers with 0-2 years experience	146,882	293,765	440,647
Administrator/supervisory	110,480	220,961	331,441
Total cost of salary increases excl teachers with 3+ years exp	$ 737,052	$ 1,474,105	$ 2,211,157
Cost of salary increase for teachers with 3+ years experience	3,297,500	3,297,500	3,297,500
Cost of related employee benefits	472,226	558,461	644,696
Total cost of salary & benefit increases	$ 4,506,778	$ 5,330,066	$ 6,153,353
Revenue estimated to be generated under HB2	(3,742,183)	(3,742,183)	(3,742,183)
Net impact of salary increases	$ 764,595	$ 1,587,883	$ 2,411,170

Note: HB2 required increase for teachers with 3+ years of experience averages 8%, or 4.6% for 3-4 year experience and 8.3% for 5+ years experience, based on salary rates

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1082

Salary & Benefit Increases

	Raise	Cost of Increase
Classroom Teachers		$ 3,656,578
5 & more years experience	$ 5,000	
3-4 years experience	2,500	
1-2 years experience	1,500	
0 years experience (starting salary increased from $53,000 to $54,000)	1,000	
Other Employee Groups:		
Administrative & Professional		639,459
Auxiliary		324,885
Clerical & Paraprofessional		288,184
Total Salary Increases		$ 4,909,106
Cost of related employee benefits		589,093
Total cost of salary & benefit increases		$ 5,498,199
Revenue estimated to be generated under HB2		(3,728,489)
Net impact of salary increases		$ 1,769,710

Other Cost Increases for 2025-2026

	Utilities – Should remain flat overall, increases in water and gas should be offset by the savings under the new bid for telephone service	$ 16,133
	Property and casualty insurance – TASB is working on projections but has told us that the increase for next year will be modest, increase in property is due to the new construction of Waco High & Kendrick Elementary	200,282
	U.S. Energy Information Administration is currently projecting a decrease in both gasoline and diesel prices for 2026, as much as 6%	38,094
	The health fund, after nine months, is currently in the black with only five months of increased contributions, we are working on projections, TRS Active-Care is increasing 14% in Region 12, we are estimating 10%	1,354,653
	An increase in state funding for Special Education makes up most of the FSP gains, $2.7 million (amount is net of salary & benefit increases)	2,319,703
	Other increases include tax collection fees of $96,000, tuition costs for the JJAEP of $155,000 and the Advanced Academies of $308,000	559,000

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1084

Group Health Plan Performance

Financials

$754.18 PEPM vs $646.43 in 2024
$375.97 Medical vs $503.95 in 2024
$316.20 Pharmacy vs $260.96 in 2024

Large Claims Threshold @ $75k

12 members YTD 2025 @ $1,387,831
10 members 2024 @ 2,837,719

Stop Loss $150,000 ISL

1 ISL Hit
$59,141 YTD in reimbursements

1085

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Group Health Plan Performance

	May 2024	May 2025	YTD 2024	YTD 2025
Total Plan	116%	128%	106%	107%
High Deductible $4,000	56%	83%	84%	84%
Nexus $3,500	122%	129%	111%	111%
EPO $2,500	141%	176%	183%	187%

Group Health Plan Contribution Increases

	Monthly Contribution Rates			
	2024	2025	Increase	Percent
Employer Contribution	$558.60	$608.40	$49.80	9%
Employee, only	$0 - $202.52	$0 - $222.93	$0 - $20.41	0% - 12.2%
Employee + Spouse	$630.20 - $1,079.42	$690.07 - $1,180.73	$59.87 - $101.31	9.4% - 9.5%
Employee + Child(ren)	$353.74 - $708.41	$388.10 - $775.49	$34.36 - $67.08	9.5% - 9.7%
Employee + Family	$956.83 - $$1,517.81	$1,046.83 - $1,659.56	$90.00 - $141.75	9.3% - 9.4%

2025-2026 Budget Calendar

	Date
Budget update	7/24/2025
Chief Appraiser certifies 2025 property values	7/25/2025
Meeting to present the proposed budget and tax rate	8/14/2025
Notice of Budget and Tax Rate Meeting – must be 10-30 days before the date of the Public Meeting	8/15/2025
Budget and Tax Rate Public Meeting	8/28/2025
Meeting to adopt the Budget and Tax Rate (budget must be adopted before the approval of the tax rate for the year in which the fiscal year covered by the budget	8/28/2025
First day of 2025-2026 fiscal year	9/1/2025

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: Dr. Ronnita Carridine

RE: Review, Discuss, and Take Appropriate Action Regarding Annual Compensation Plan

==========

Background Information:

In accordance with Board Policy DEA (LOCAL), the Superintendent is required to present an annual compensation plan for all district employees to the Board of Trustees. This plan may include adjustments to salary schedules, stipends, benefits, and incentive structures.

Teacher Compensation (House Bill 2):
Under House Bill 2, school districts with over 5,000 students must provide the following retention stipends:

- $2,500 for teachers with 3–4 years of experience
- $5,000 for teachers with 5 or more years of experience

A "Classroom Teacher" is defined as an educator who teaches a minimum of four hours per day in an academic or career/technology instructional setting.

Proposed Salary Adjustments for 2025–2026:

- Zero-year teacher salary increases from $53,000 to $54,000
- 1–2 year teachers receive a $1,500 increase to maintain salary progression
- 3–4 year teachers receive a $2,500 increase
- 5+ year teachers receive a $5,000 increase

General Pay Increases (GPI):

- All Administrative/Professional, Paraprofessional, and Auxiliary staff will receive a 2% GPI based on the midpoint of their pay grade
- Pay grade reclassifications include:
    - Police Officers: 310 → 311
    - HVAC Technicians: 308 → 309
      Administrative Assistants (Athletics/Police): 207 → 208
      (reclassified as Executive Administrative Assistants)
    - Routing Supervisor: 101 → 102

Extra Duty Pay Increases/Additions:

- Counselor: $30 → $35
- Library Media Specialist: $25 → $30
- Librarian: $30 → $35
- RVN: $30 → $35
- Instructional Specialist: $30 → $35
- Professional (non-instructional): $25 → $30
- Office Clerk/Receptionist: $12.85 → $16.00
- Administrative Assistant (Central Office): $15.50 → $20.00
- Videographer (WISD TV): $20.00 → $22.00
- PAC Manager (both high schools): $7,500 → $6,750
- Safety & Security Help: $156.00 - Flat Rate

Stipends (added):

- Inclusion/Resource Dyslexia Teacher (with case management duties): $2,000
- Lead Dyslexia Teacher: $2,000
- MCL III: $18,000
- PE Lead Teacher: $6,000

Relocation Reimbursement:

- Teachers relocating 250–499 miles: up to $750 (increased from $500)
- Teachers relocating 500+ miles: up to $1,000 (increased from $750)

Benefits/Insurance:

- District contribution for employee health insurance increases from $556 to $608/month
- Continued $500 annual contribution to a flexible spending account for employees who waive health insurance

Fiscal Implications:
The proposed compensation plan is estimated to cost approximately $4.9 million and will be included in the 2025–2026 proposed budget.

Administrative Recommendation:
Approve the 2025–2026 compensation plan as presented.

WACO INDEPENDENT SCHOOL DISTRICT

2025-2026 Compensation Plan

Presented By: Dr. Ronnita Carridine

July 24, 2025

Overview

- Annual compensation plan presented per DEA (LOCAL)

- Includes salary adjustments, stipends, benefits, and incentives

- Supports recruitment, retention, and employee well-being

House Bill 2 – Teacher Retention Allotment

- $2,500: Teachers with 3–4 years of experience
- $5,000: Teachers with 5+ years of experience
- *Classroom Teacher: ≥ 4 hrs/day in academic or CTE setting*

Proposed Teacher Salary Adjustments

- Zero-Year: $53,000 → $54,000
- 1–2 Years: $1,500 increase
- 3–4 Years: $2,500 increase
- 5–27+ Years: $5,000 increase

General Pay Increase (GPI)

- 2% of midpoint for:
  - Administrative/Professional
  - Paraprofessional
  - Auxiliary Staff

Relocation Reimbursement

- 250–499 miles: Up to $750 (from $500)
- 500+ miles: Up to $1,000 (from $750)

Pay Grade Reclassifications

- Admin. Assistants (Athletics/Police): 207 → 208
  - *Reclassified as Executive Admin. Assistants*
- HVAC Technicians: 308 → 309
- Mechanics: 309 → 310
- Police Officers: 310 → 311

Stipend & Extra Duty Pay Increases (1 of 2)

- Counselor: $30 → $35
- Library Media Specialist: $25 → $30
- Librarian: $30 → $35
- RVN: $30 → $35
- Instructional Specialist: $30 → $35
- Non-Instructional Professional: $25 → $30

Stipend & Extra Duty Pay Increases (2 of 2)

- Office Clerk/Receptionist: $12.85 → $16.00
- Admin. Asst. – Central Office: $15.50 → $20.00
- Videographer: $20.00 → $22.00
- PAC Manager: $7,500 → $6,750

New Stipends

- Inclusion/Resource Dyslexia Teacher: $2,000
- Lead Dyslexia Teacher: $2,000
- PE Lead Teacher: $6,000
- MCL III: $18,000

Benefits & Insurance Enhancements

- Health insurance contribution: $556 → $608/month
- FSA for waived coverage: $500/year ($41.667/month)

Fiscal Impact

- Estimated cost: $4.9 million
- Included in 2025–2026 proposed budget

Recommendation

- Administration Recommends:
  - Approval of the 2025–2026 Compensation Plan as presented

WACO INDEPENDENT SCHOOL DISTRICT

Thank You!

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HUMAN RESOURCES DEPARTMENT

2025 - 2026

COMPENSATION MANUAL

Compensation Manual Contents

WISD Teacher Placement Scale..... 3
Administrative Professional Pay Plan.....4
Clerical/Paraprofessional Pay Plan..... 9
Clerical/Paraprofessional Placement Scale..... 12
Auxiliary Pay Plan.....13
Auxiliary Placement Scale..... 16
Supplemental Pay Duties and Terms..... 17
Recruiting Stipends & Incentives..... 17
Teacher Incentive Allotment (TIA)..... 18
Guest Educator..... 20
2025-2026 Stipends..... 21
Athletics..... 21
Miscellaneous Athletics..... 22
Bilingual - Certified Only..... 23
ESL - Certified Only..... 23
Content/Critical Shortage..... 23
Fine Arts..... 24
Special Education.....25
District Various Level Position..... 26
Campus Various Level Position..... 27
Campus Various Specific.....28
High School Specific.....29
Middle School Specific..... 29
Opportunity Culture..... 29
Extra Duty & Temporary Worker.....30
Athletics/Transportation - Temporary Worker..... 30
Campus - Temporary Worker..... 31
Centralized Services - Temporary Worker.....32
Tutors - Temporary Worker..... 32
Extra Duty Positions..... 33
Summer School.....33

WISD Teacher Placement Scale

Hiring Placement Scale	
10-Month Hiring Range Minimum	$54,000
10-Month Hiring Range Maximum	$70,175

- Continuing Teachers 1-2 years received an increase of $1,500.00
- Continuing Teachers 3-4 years received an increase of $2,500.00
- Continuing Teachers 5-27+ years received an increase of $5,000.00

The salaries listed above are based on 10-month employment for the 2025-2026 school year. The salary placement scale is determined annually, and salary advancement is not guaranteed. Pay increases are based on the annual pay raise budget approved by the Board of Trustees.

Salaries are determined individually, taking into account job-related experience and credentials.

The salary ranges in this placement scale do not reflect any statutorily required salary allotments enacted by the Texas Legislature in the 88th Session or subsequent special sessions. The district reserves the right to adjust salary amounts for the 2025-26 school year in response to legislative changes. Impacted district employees will receive written notice of salary adjustments, if any, before the penalty-free resignation deadline for the 2025-26 school year.

Years of Experience	Placement Scale Salary
0	$54,000
1	$55,075
2	$55,425
3	$56,775
4	$57,225
5	$60,175
6	$60,675
7	$61,175
8	$61,675
9	$62,175
10	$62,675
11	$63,175
12	$63,575
13	$63,975
14	$64,375
15	$64,775
16	$65,175
17	$65,575
18	$66,075
19	$66,575
20	$67,075
21	$67,575
22	$68,075
23	$68,575
24	$68,975
25	$69,375
26	$69,775
27+	$70,175

Administrative/Professional Pay Plan

Pay Grade	Job Title	Calendars			Base		
100			**Daily**		**$235.29**		
	Grow Our Own - Teacher Intern	187	**187**	**Days**	44,000		

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
101			**Daily**		**$244.70**	**$293.76**	**$342.82**
	Accountant - Professional	226	**196**	**Days**	47,961	57,577	67,193
	Coordinator - PDS Site	153	**202**	**Days**	49,429	59,340	69,250
	Manager - Athletic Scheduling & Equipment	226	**226**	**Days**	55,302	66,390	77,478
	Senior Buyer	226					
	Special Assistant to the Superintendent	226					
	Specialist - Campus Parent/ Community Involvement	212, 226					
	Specialist - Child Nutrition Services	226					
	Specialist - Deaf Ed Interpreter Services	196					
	Specialist - Multimedia Content	226					
	Specialist - Records Management	226					
	Strength & Conditioning Coach	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
102			**Daily**		**$269.17**	**$323.14**	**$377.10**
	Accountant - Operations	226	**187**	**Days**	50,334	60,426	70,518
	Accountant - Senior	226	**188**	**Days**	50,604	60,750	70,896
	Analyst - Human Resources Systems	226	**207**	**Days**	55,718	66,889	78,061
	Analyst - Information Support System Program	226	**212**	**Days**	57,064	68,505	79,946
	Library Media Specialist PK-8	188	**226**	**Days**	60,832	73,029	85,226
	Manager - Energy	226	**240**	**Days**	64,600	77,553	90,505
	Manager - Television Production	226					
	Manager - Transportation Operations	226					
	Network Infrastructure Engineer	226					
	Specialist - At-Risk Students	212					
	Specialist - Campus Support	207					
	Specialist - Campus Testing	187					
	Specialist - College Career Military Readiness	212					
	Specialist - Homeless Student Population	187					
	Speech Pathologist - Asst	187					
	Supervisor - Facilities & Preventive Maintenance	240					
	Supervisor - Maintenance & Hazardous Materials	240					

Supervisor - Routing	226	
Supervisor - Warehouse	240	
Systems Engineer	226	

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
103			**Daily**		**$290.70**	**$348.98**	**$407.27**
	Administrator In Residence	207	**187**	**Days**	54,361	65,260	76,159
	Athletic Trainer	202	**188**	**Days**	54,652	65,609	76,566
	Coordinator - Custodial & IPM	240	**190**	**Days**	55,233	66,307	77,380
	Counselor - ES	190	**193**	**Days**	56,105	67,354	78,602
	Counselor - MS	203	**202**	**Days**	58,721	70,495	82,268
	Counselor - Special Education	190	**203**	**Days**	59,012	70,844	82,675
	Counselor - Targeted Support	190	**207**	**Days**	60,175	72,239	84,304
	District Behavior Coach	212	**212**	**Days**	61,628	73,984	86,340
	ESL Strategist/ Interventionist	187	**226**	**Days**	65,698	78,870	92,042
	ESL Strategist/ Interventionist - HS	187	**240**	**Days**	69,768	83,756	97,744
	Facilitator - ARD	202					
	Instructional Coach - Early Childhood	207					
	Instructional Specialist - Campus	202					
	Instructional Specialist - RDSPD	202					
	Instructional Specialist - Special Programs	202					
	Instructional Specialist - Supplemental Instruction	212					
	Instructional Specialist - Technology	202					
	Librarian - ES. MS	188					
	Librarian - HS	193					
	Manager - Benefits	226					
	Manager - Transportation Fleet	226					
	Nurse - RN	187					
	Specialist - Data	207					
	Specialist - Social Emotional Learning (SEL)	203					
	Specialist - Transition	202					
	Strategic Reading Specialist	212					
	Supervisor - Highly Mobile Student Services	203					
	Supervisor - Payroll	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
104			**Daily**		**$313.96**	**$376.90**	**$439.84**
	Asst Principal - ES	207	**187**	**Days**	58,710	70,480	82,251
	Asst Project Manager - Operations (Bond funded)	226	**190**	**Days**	59,652	71,611	83,570
	Behavior Analyst - BCBA	212	**196**	**Days**	61,535	73,872	86,210
	Coordinator - Emergency Preparedness & Security	226	**202**	**Days**	63,419	76,134	88,849

Counselor - Challenge Academy	190	**203**	**Days**	63,733	76,511	89,288
Counselor - GWAMA/GWAHCA	212	**207**	**Days**	64,989	78,018	91,048
Counselor - HS	203	**212**	**Days**	66,559	79,903	93,247
Counselor - HS Lead	226	**226**	**Days**	70,954	85,179	99,405
Diagnostician	202					
School Psychologist	202					
Occupational Therapist	190					
School Social Worker - Clinical	226					
Speech Language Pathologist	187, 196					
Supervisor - Police/Field Service	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
105				**Daily**	**$329.66**	**$395.75**	**$461.84**
	Asst Principal - DAEP	207	**207**	**Days**	68,240	81,920	95,600
	Asst Principal - MS	207	**226**	**Days**	74,504	89,439	104,375
	Coordinator - Advanced Academics	226					
	Coordinator - C&I	226					
	Coordinator - Communications	207					
	Coordinator - Counseling & SEL	226					
	Coordinator - Cybersecurity	226					
	Coordinator - District Reading	226					
	Coordinator - Future Educators Academy	226					
	Coordinator - Grants Accounting	226					
	Coordinator - GWAMA	226					
	Coordinator - HST Curriculum & Certifications	226					
	Coordinator - Human Resources	226					
	Coordinator - Instructional Technology	226					
	Coordinator - Special Education	226					
	Coordinator - Student Management	226					
	Coordinator - Talent Management & Development	226					
	Coordinator - Technology Support Services	226					
	Coordinator - Testing & Assessments	226					
	Coordinator- Compliance & Response To Intervention	226					
	District Specialist - Bilingual Education	207					
	District Specialist - Emergent Bilingual	207					
	Senior Systems Engineer	226					
	Supervisor - Police/Administrative Services	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
106				**Daily**	**$372.51**	**$447.20**	**$521.88**
	Assoc Principal - HS	226	**207**	**Days**	77,110	92,570	108,030
	Asst Director - Athletics	226	**226**	**Days**	84,188	101,067	117,946
	Asst Director - Construction	226					
	Asst Director - CTE	226					
	Asst Principal - HS	207					
	Dean - GWAHCA/GWAMA	226					
	Director - Accountability & Data Analysis	226					
	Director - Accounting	226					
	Director - Advanced Academics	226					
	Director - Credit Recovery Systems	226					
	Director - Early Childhood Education	226					
	Director - Multi-Tiered System of Support	226					
	Director - Network Systems	226					
	Director - PEIMS/Attendance/Data Analytics	226					
	Director - PD/OC	226					
	Director - Purchasing/ Warehouse/ Distribution Services	226					
	Director - Safety and Security	226					
	Director - Strategic Evaluation Systems and Support	226					
	Principal - ES	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
107				**Daily**	**$409.46**	**$487.45**	**$565.44**
	Athletic Sector Coordinator - Head Football Coach	226	**226**	**Days**	92,538	110,163	127,789
	Director - Bilingual/ ESL	226					
	Director - Career & Technology Education	226					
	Director - Challenge Academy	226					
	Director - Facilities & Maintenance	226					
	Director - Fine Arts	226					
	Director - Health Services	226					
	Director - Human Resources	226					
	Director - School Improvement	226					
	Director - Special Education	226					
	Director - Transportation	226					
	Principal - MS	226					
	Principal - Secondary DAEP	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
108				**Daily**	**$458.59**	**$545.94**	**$633.30**
	Chief of Police	226	**226**	**Days**	103,642	123,384	143,125
	Director - Athletics	226					
	Exec Director - Communications	226					
	Exec Director - Curriculum & Professional Development	226					
	Exec Director - Elementary Education	226					
	Exec Director - Finance	226					
	Exec Director - Interventions nd State and Fed. Programs	226					
	Exec Director - Secondary Education	226					
	Exec Director - Special Education	226					
	Exec Director - Student Services	226					
	Exec Director - Student Support	226					
	Principal - HS	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
109				**Daily**	**$568.66**	**$676.97**	**$785.29**
	Asst Superintendent - C&I	226	**226**	**Days**	128,517	152,996	177,475
	Asst Superintendent - Human Resources	226					
	Asst Superintendent - Student Services & Support	226					
	Chief Officer of Facilities & Operations	226					
	Chief Financial Officer	226					
	Chief Technology Officer	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
110				**Daily**	**$653.96**	**$778.53**	**$903.09**
	Chief of Staff	226	**226**	**Days**	147,796	175,947	204,098
	Deputy Superintendent	226					

Clerical/Paraprofessional Pay Plan

Annual amounts are based on 8 hours per day.

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
201				**Hourly**	**$12.75**	**$15.36**	**$17.97**
	201	Receptionist - Campus	193	**193 Days**	19,686	23,718	27,749
	201	Clerk - Operations (Bond Funded)	226	**226 Days**	23,052	27,773	32,494

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
202				**Hourly**	**$14.28**	**$17.21**	**$20.13**
	202	Aide - Bilingual Instructional	187	**187 Days**	21,363	25,742	30,122
	202	Aide - Campus Support (ISS)	187	**188 Days**	21,477	25,880	30,283
	202	Aide - Instructional	187				
	202	Aide - Instructional (Supplemental Instruction)	187				
	202	Aide - Instructional Math	187				
	202	Aide - Library	187, 188				
	202	Aide - PE	187				
	202	Aide - Pre-K	187				
	202	Aide - Pre-K/ Bilingual	187				
	202	Aide - Pre-K/Kindergarten	187				
	202	Aide - Primary Literacy	187				
	202	Aide - Reach Associate	187				
	202	Aide - Teacher Resident	187				
	202	Nurse - CNA	187				

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
203				**Hourly**	**$15.30**	**$18.43**	**$21.56**
	203	Aide - Sped	187	**187 Days**	22,889	27,573	32,258
	203	Aide - Sped - 18-21 Transition	187	**193 Days**	23,623	28,458	33,293
	203	Aide - Sped - Achieve	187	**202 Days**	24,725	29,785	34,845
	203	Aide - Sped - Aspire	187	**212 Days**	25,949	31,260	36,571
	203	Aide - Sped - Deaf Ed	187	**226 Days**	27,662	33,324	38,986
	203	Aide - Sped - ECSE	187				
	203	Aide - Sped - Inclusion	187				
	203	Aide - Sped - Resource/Inclusion	187				
	203	Aide - Sped - Sail	187				
	203	Bilingual Asst - Sped	202				
	203	Clerk - Athletic	212				
	203	Clerk - Campus Office	193				
	203	Clerk - English Learners Dept Testing	1113 226				

	203	Clerk - Sped	202				
	203	Clerk - HR	226				

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
204				**Hourly**	**$16.22**	**$19.54**	**$22.87**
	204	Liaison - Parent Campus	193	**193 Days**	25,041	30,175	35,309
	204	Receptionist - Admin	226	**196 Days**	25,430	30,644	35,858
	204	Secretary-Principal ES	226	**202 Days**	26,208	31,582	36,955
	204	Specialist - Parent Involvement	202	**226 Days**	29,322	35,334	41,346
	204	Specialist - PEIMS ES	196				
	204	Specialist - PEIMS HS	196				
	204	Specialist - PEIMS MS	196				

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
205				**Hourly**	**$17.54**	**$21.13**	**$24.72**
	205	Registrar II - Para	226	**226 Days**	31,720	38,211	44,702
	205	Secretary-Principal Challenge	226				
	205	Secretary-Principal DAEP	226				
	205	Secretary-Principal GWAHCA	226				
	205	Secretary-Principal GWAMA	226				
	205	Secretary-Principal MS	226				

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
206				**Hourly**	**$18.77**	**$22.61**	**$26.46**
	206	Bookkeeper - HS	226	**187 Days**	28,077	33,830	39,582
	206	Interpreter - Sign Language Noncertified	187	**226 Days**	33,933	40,885	47,838
	206	Secretary-Principal HS	226				
	206	Specialist - Police Support Services	226				
	206	Specialist - Warehouse	226				

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
207				**Hourly**	**$20.30**	**$24.45**	**$28.60**
	207	Admin Asst - Bilingual	226	**187 Days**	30,366	36,576	42,787
	207	Admin Asst - Career & Technology Education	226	**226 Days**	36,699	44,205	51,710
	207	Admin Asst - CNS	226				
	207	Admin Asst - Construction (Bond Funded)	226				
	207	Admin Asst - Custodial Services	226				
	207	Admin Asst - Fine Arts	226				
	207	Admin Asst - Highly Mobile Students	187				
	207	Admin Asst - Maintenance	226				

207	Admin Asst - Student Management	226					
207	Admin Asst - Transportation	226					
207	Bookkeeper - Athletics	226					
207	Nurse - LVN	187					
207	Specialist - Accounting Revenue	226					
207	Specialist - Accounts Payable	226					
207	Specialist - Bilingual Assessor	226					
207	Specialist - HR Personnel Services	226					
207	Specialist - HR Risk Mgmt, Benefits & Leave	226					
207	Specialist - HR Substitute Mgmt	226					
207	Specialist - Maintenance Business	226					
207	Specialist - Payroll	226					
207	Specialist - Purchasing II	226					
207	Specialist - Special Ed - PEIMS	226					
207	Technician - Technology	226					
207	Admin Asst - Bilingual	226					

Pay Grade	Current Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
208				**Hourly**		**$22.95**	**$27.65**	**$32.35**
	208	Ex Admin Asst - Athletics	226	**187**	**Days**	34,333	41,368	48,402
	208	Ex Admin Asst - Business & Financial Services	226	**207**	**Days**	38,005	45,792	53,579
	208	Ex Admin Asst - C&I	226	**226**	**Days**	41,494	49,995	58,497
	208	Ex Admin Asst - Communications	226					
	208	Ex Admin Asst - Deputy Superintendent	226					
	208	Ex Admin Asst - HR	226					
	208	Ex Admin Asst - Police	226					
	208	Ex Admin Asst - Sped	226					
	208	Ex Admin Asst - Student Services	226					
	208	Ex Admin Asst - Technology Services	226					
	208	Interpreter - Sign Language Certified	187					
	208	Specialist - Admin Budget	226					
	208	Specialist - PEIMS Interface	226					
	208	Specialist - Special Ed - PEIMS	207					

Pay Grade	Current Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
209				**Hourly**		**$26.83**	**$32.32**	**$37.82**
	209	Occupational Therapist Assistant	187	**187**	**Days**	40,132	48,356	56,581
	209	Specialist - Budget	226	**226**	**Days**	48,501	58,441	68,381
	209	Specialist - PEIMS Interface Student Services	226					
	207	Technician - Network Services	226					
	209	Technician - Communication Systems	1115 226					

Clerical/Paraprofessional Placement Scale

Placement scales are used to establish a minimum rate for new hires based on experience approved by the district. Current employees may be paid above this placement scale. This scale is for the placement of new hires only. Future wage increases are determined annually and are not guaranteed.

Range Position	2025-2026 Total Exp	Pay Grades								
		301	302	303	304	305	306	307	308	309
Minimum	0	$12.75	$14.28	$15.30	$16.22	$17.54	$18.77	$20.30	$22.95	$26.83
	1	$12.88	$14.42	$15.45	$16.38	$17.72	$18.96	$20.50	$23.18	$27.10
	2	$13.01	$14.57	$15.61	$16.54	$17.89	$19.15	$20.71	$23.41	$27.37
	3	$13.13	$14.71	$15.76	$16.71	$18.07	$19.33	$20.91	$23.64	$27.63
	4	$13.26	$14.85	$15.91	$16.87	$18.24	$19.52	$21.11	$24.10	$28.17
	5	$13.39	$14.99	$16.07	$17.03	$18.42	$19.71	$21.32	$24.10	$28.17
	6	$13.52	$15.14	$16.22	$17.19	$18.59	$19.90	$21.52	$24.33	$28.44
	7	$13.64	$15.28	$16.37	$17.36	$18.77	$20.08	$21.72	$24.56	$28.71
	8	$13.77	$15.42	$16.52	$17.52	$18.94	$20.27	$21.92	$24.79	$28.98
	9	$13.90	$15.57	$16.68	$17.68	$19.12	$20.46	$22.13	$25.02	$29.24
	10	$14.03	$15.71	$16.83	$17.84	$19.29	$20.65	$22.33	$25.25	$29.51
	11	$14.15	$15.85	$16.98	$18.00	$19.47	$20.83	$22.53	$25.47	$29.78
	12	$14.28	$15.99	$17.14	$18.17	$19.64	$21.02	$22.74	$25.70	$30.05
	13	$14.41	$16.14	$17.29	$18.33	$19.82	$21.21	$22.94	$25.93	$30.32
	14	$14.54	$16.28	$17.44	$18.49	$20.00	$21.40	$23.14	$26.16	$30.59
	15	$14.66	$16.42	$17.60	$18.65	$20.17	$21.59	$23.35	$26.39	$30.85
	16	$14.79	$16.56	$17.75	$18.82	$20.35	$21.77	$23.55	$26.62	$31.12
	17	$14.92	$16.71	$17.90	$18.98	$20.52	$21.96	$23.75	$26.85	$31.39
	18	$15.05	$16.85	$18.05	$19.14	$20.70	$22.15	$23.95	$27.08	$31.66
Midpoint	19	$15.17	$16.99	$18.21	$19.30	$20.87	$22.34	$24.16	$27.31	$31.93

Auxiliary Pay Plan

Annual amounts are based on 8 hours per day.

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
301			**Hourly**		**$12.75**	**$14.40**	**$16.56**
	Crosswalk Guard	178	**178**	**Days**	18,156	20,509	23,588
	Temporary - Cafeteria Worker	180	**180**	**Days**	18,360	20,739	23,853
	Temporary - Custodian	240	**240**	**Days**	24,480	27,653	31,804
	Temporary - Student Worker	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
302			**Hourly**		**$14.28**	**$17.21**	**$20.13**
	Cafeteria	180	**180**	**Days**	20,563	24,779	28,994
	Custodian	240	**240**	**Days**	27,418	33,038	38,659
	$1 differential pay for Custodian - Evening						

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
303			**Hourly**		**$14.99**	**$18.06**	**$21.13**
	Cafeteria - Lead	184	**175**	**Days**	20,992	25,290	29,588
	Bus Monitor*	175	**180**	**Days**	21,585	26,006	30,427
	Barista	180	**184**	**Days**	22,071	26,591	31,110
	Custodian - Lead	240	**240**	**Days**	28,788	34,683	40,578
	Fuelers	175					
	Utility Worker	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
304			**Hourly**		**$15.76**	**$18.98**	**$22.21**
	Cafeteria - Lead Trainee	184	**184**	**Days**	23,197	27,942	32,686
	General Maintenance I	240	**240**	**Days**	30,257	36,446	42,634
	Groundskeeper	240					
	Utility Worker - Lead	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
305			**Hourly**		**$16.88**	**$20.34**	**$23.80**
	Cafeteria Manager - ES	184	**184**	**Days**	24,849	29,939	35,029
	CNS Warehouse - Worker	226	**207**	**Days**	27,955	33,681	39,407
	Custodian - Head ES	240	**226**	**Days**	30,521	36,773	43,024
	General Maintenance II	240	**240**	**Days**	32,412	39,050	45,689
	Groundskeeper - Equipment Operator	240					

	Campus Safety Guard	207					
	Technician - Pest Control	240					
	Utility Worker - WISD Stadium	240					
	Warehouse - Worker	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
306			**Hourly**		**$18.41**	**$22.19**	**$25.96**
	Cafeteria Manager - MS	184	**184**	**Days**	27,101	32,656	38,212
	Custodian - Head MS	240	**240**	**Days**	35,349	42,595	49,841
	Groundskeeper - Irrigation	240					
	Groundskeeper - Lead	240					
	Warehouse Worker - Senior	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
307			**Hourly**		**$20.07**	**$24.18**	**$28.29**
	Cafeteria Manager - HS	184	**184**	**Days**	29,548	35,599	41,650
	Carpenter	240	**240**	**Days**	38,541	46,434	54,326
	Custodian - Head Administration	240					
	Custodian - Head DAEP	240					
	Custodian - Head HS	240					
	HVAC - Apprentice	240					
	Locksmith	240					
	Painter	240					
	Plumber (non-licensed)	240					
	Roofer	240					
	Specialist - Warehouse Receiving	240					
	Technician - Fire and PA Systems	240					
	Welder	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
308			**Hourly**		**$22.29**	**$26.86**	**$31.43**
	Electrician	240	**212**	**Days**	37,799	45,549	53,299
	Field Trip Coordinator	212	**240**	**Days**	42,791	51,565	60,338
	Pest Control - Lead	240					
	Plumber	240					
	Router - Transportation	212					
	Technician - Asbestos	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
309			**Hourly**		**$24.08**	**$29.01**	**$33.94**
	Asst Custodial Supervisor - PM	240	**212**	**Days**	40,843	49,199	57,554
	Dispatcher - Transportation	212	**226**	**Days**	43,541	52,448	61,355
	Mechanic	240	**240**	**Days**	46,238	55,697	65,156
	Specialist - HVAC Chiller	240					
	Technician - HVAC	240					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
310			**Hourly**		**$26.01**	**$31.33**	**$36.66**
	Electrician - Lead	240	**207**	**Days**	43,073	51,890	60,707
	Manager - CNS Warehouse	226	**226**	**Days**	47,026	56,653	66,279
	Plumber - Lead		**240**	**Days**	49,939	60,162	70,385
	Supervisor - CNS Compliance & Employee Relations						
	Preventive Maintenance - Lead						
	Supervisor - CNS Dev & Ops						
	Supervisor - Area Cafeteria						
	Technician - HVAC Lead						

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
311			**Hourly**		**$29.91**	**$36.04**	**$42.17**
	Lead Asst Supervisor - Custodial	240	**207**	**Days**	49,530	59,682	72,243
	Foreman - Grounds	240	**226**	**Days**	54,071	65,154	76,238
	Mechanic - Lead	240	**240**	**Days**	57,420	69,190	80,960
	Police Officer	207, 226					
	Supervisor - Safety and Training	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
BD			**Hourly**		**$27.00**	**$36.04**	**$42.17**
	Bus Drivers*	175	**175**	**Days**	37,800	50,451	59,034

Auxiliary Placement Scale

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Range Position	2025-2026 Total Exp	Pay Grades										
		301	302	303	304	305	306	307	308	309	310	311
Minimum	0	$12.75	$14.28	$14.99	$15.76	$16.88	$18.41	$20.07	$22.29	$24.08	$26.01	$29.91
	1	$12.88	$14.42	$15.14	$15.92	$17.05	$18.59	$20.27	$22.51	$24.32	$26.27	$30.21
	2	$13.01	$14.57	$15.29	$16.08	$17.22	$18.78	$20.47	$22.74	$24.56	$26.53	$30.51
	3	$13.13	$14.71	$15.44	$16.23	$17.39	$18.96	$20.67	$22.96	$24.80	$26.79	$30.81
	4	$13.26	$14.85	$15.59	$16.39	$17.56	$19.15	$20.87	$23.40	$25.28	$27.05	$31.11
	5	$13.39	$14.99	$15.74	$16.55	$17.72	$19.33	$21.07	$23.40	$25.28	$27.31	$31.41
	6	$13.52	$15.14	$15.89	$16.71	$17.89	$19.51	$21.27	$23.63	$25.52	$27.57	$31.70
	7	$13.64	$15.28	$16.04	$16.86	$18.06	$19.70	$21.47	$23.85	$25.77	$27.83	$32.00
	8	$13.77	$15.42	$16.19	$17.02	$18.23	$19.88	$21.68	$24.07	$26.01	$28.09	$32.30
	9	$13.90	$15.57	$16.34	$17.18	$18.40	$20.07	$21.88	$24.30	$26.25	$28.35	$32.60
	10	$14.03	$15.71	$16.49	$17.34	$18.57	$20.25	$22.08	$24.52	$26.49	$28.61	$32.90
	11	$14.15	$15.85	$16.64	$17.49	$18.74	$20.44	$22.28	$24.74	$26.73	$28.87	$33.20
	12	$14.28	$15.99	$16.79	$17.65	$18.91	$20.62	$22.48	$24.96	$26.97	$29.13	$33.50
	13	$14.41	$16.14	$16.94	$17.81	$19.07	$20.80	$22.68	$25.19	$27.21	$29.39	$33.80
	14	$14.54	$16.28	$17.09	$17.97	$19.24	$20.99	$22.88	$25.41	$27.45	$29.65	$34.10
	15	$14.66	$16.42	$17.24	$18.12	$19.41	$21.17	$23.08	$25.63	$27.69	$29.91	$34.40
	16	$14.79	$16.56	$17.39	$18.28	$19.58	$21.36	$23.28	$25.86	$27.93	$30.17	$34.70
	17	$14.92	$16.71	$17.54	$18.44	$19.75	$21.54	$23.48	$26.08	$28.17	$30.43	$34.99
	18	$15.05	$16.85	$17.69	$18.60	$19.92	$21.72	$23.68	$26.30	$28.41	$30.69	$35.29
	19	$15.17	$16.99	$17.84	$18.75	$20.09	$21.91	$23.88	$26.53	$28.66	$30.95	$35.59
Midpoint	20	$15.30	$17.14	$17.99	$18.91	$20.26	$22.09	$24.08	$26.75	$28.90	$31.21	$35.89

Supplemental Pay Duties and Terms

A stipend form must be completed and submitted to Human Resources by the appropriate principal or district administrator. All stipends are subject to certification and schedule verification. Stipends are prorated based on the number of sections taught in the subject/content area. Unless otherwise noted, most annual stipends are paid over 24 paychecks for the year.

- Assignment to any supplemental duty and receipt of compensation is separate from your employment contract and from any compensation for which you may earn under your employment contract with Waco ISD.
- Any supplemental duty assigned or volunteered for does not create a property right in the duty or the compensation for the duty.
- Any supplemental duty assignment does not create any future right to assignment of any supplemental duty.
- Assignment of any supplemental duty for any school year will not guarantee that any supplemental duties will be assigned in subsequent school years.
- You or the District may change the supplemental duty at any time.
- If you or the district changes a supplemental duty, you will receive compensation for only the actual supplemental duties performed.
- Any supplemental pay received will be treated this way now and for future school years unless and until the employee is notified otherwise.
- Only stipends listed in the Employee Compensation Plan are eligible for issuance. No other stipends may be created or offered by any campus/department supervisor.

Recruiting Stipends & Incentives

Baylor/Tarleton New Teacher Recruitment and Retention Incentive - $500.00

- A recent graduate of Baylor or Tarleton State Universities, newly hired as a zero-year teacher who has served at least one semester in the past two (2) years as an intern, teacher assistant, resident assistant, etc., on a Waco ISD campus. A teacher is eligible for a $500 retention incentive when returning for the following school year. (Both are a one-time stipend paid out in the August 31st check.) HR will review and submit for payment.

Relocation Reimbursement Assistance - $750.00 - $1000.00

- Newly hired teachers relocating to Waco from 250-499 miles may be approved for reimbursement of up to $750; those greater than 500 miles may be approved for reimbursement of up to $1000. The request must be made in advance and approved by Human Resources (a limited number are available). Receipts are required when submitting payment requests.

Teacher Incentive Allotment (TIA)

Recognized	Exemplary	Master
Top 30% in the state	*Top 20% in the state*	*Top 5% in the state*
$2,500-$3,000	**$5,200-$17,500**	**$11,000-$31,000**

For any funds received by Waco ISD for a designated teacher under the Teacher Incentive Allotment (TIA), 90%, less the TRS deduction (both employee and district), and any other applicable payroll taxes or deductions, will be paid to the designated teacher. The remaining 10% will be collected at the district level and used for training and support of the system, expansion, administrative expenses, and professional development.

TIA compensation stipends will be eligible for use when calculating retirement benefits for TRS-eligible staff. **Employees are responsible for paying both the employee and employer benefits and tax costs in excess of what TIA funding covers.** Actual TIA compensation amounts distributed will include deductions for federal income tax, Medicare tax, and TRS contributions as part of an employee's annual wages reported to the state and federal governments, as well as the Teacher Retirement System.

If a teacher moves campuses within the district, allotment values are tied to the teacher's level of designation and campus(es) of employment as of the last Friday in February.

Allotment Payout and Calculation:

The allotment amount generated for a designated teacher is determined by TEA based on the campus location of the Teacher of Record (TOR/ST) at Winter Class Roster submission in February. TEA generates the amount according to the TIA funding website at https://tiatexas.org/funding/#.

Example of allotment:

Employee ID	Employee Name	Designation Amount minus 10%	Medicare Tax 1.45%	Workers Comp Tax 0.2595%	Unemployment Tax 0.0321%	TRS Contributions 10.9%	Total Benefits	Gross Pay to Employee
12345678	DLO	$23,339.70	338.43	60.57	7.49	2,544.03	2,950.51	$20,389.19

The amount shown on the employee's pay stub will be titled Incentive Pay-Teacher. Personal employee taxes are then deducted based on the Gross Pay to the employee amount highlighted in green above.

Employees who resign or retire:

All compensation for TIA will be paid in August.

- If a TIA designated teacher retires from Waco ISD after the Class Roster Winter Submission, the teacher will receive one payout and receive the funding amount allocated to them based on the TIA funding approved by TEA. These funds will be paid before August 31. The retired teacher needs to notify the HR and TIA Director in writing by May 15.
- If a TIA designated teacher resigns from Waco ISD for reasons other than retirement, the generated allotment/ funds will be redistributed to other high-performing teachers who do not qualify for TIA.

According to Texas Education Code (TEC) Section 48.112(i)(1)(A)(B), a District shall annually certify that funds received under this section were used as follows: At least 90% of each allotment received was used for the compensation of teachers employed on the campus at which the teacher for whom the District received the allotment is employed and any other funds received under this section were used for costs associated with implementing the TIA Designation System including efforts to support teachers in obtaining designations.

Guest Educator

Position/Degree	
Aide or Paraprofessional Positions (instructional aide, office/clerical worker, or secretary) High School Diploma or GED	$80 per day
Paraprofessional/Aide/Clerical (Long Term)- after 10th consecutive day in the same assignment (long term rate starts on day 11)	$85 per day
Teacher – 30+ College Hours (previously 40+)	$100 per day
Teacher (Long Term) – Non-Certified with 30+ College Hours – after 10th consecutive day in the same assignment (long term rate starts on day 11)	$115 per day
Teacher (Long Term) – Non-Certified with bachelor's degree – after 10th consecutive day in the same assignment (long term rate starts on day 11)	$125 per day
Teacher with Teacher Certification (Long Term) – after 10th consecutive day in the same assignment (long term rate starts on day 11)	$150 per day
Substitute Teacher – Bachelor's Degree	$100 per day
Substitute Teacher – Texas or Out of State Certification	$125 per day
Guest Educator Nurse – LVN or RN	$150 per day
Guest Educator Professional (Non-Teacher Campus Role) – Counselor, Instructional Specialist, Behavior Interventionist, etc. – Must have appropriate credentials and be approved by Human Resources	$150 per day
Guest Educator Principal or Assistant Principal – Must have appropriate certification (Principal or Mid-Management), previous experience as a Principal or AP, and be approved by Human Resources	Rate set by HR
Guest Educator Central Office Administrator or Professional – Must have appropriate credentials	Rate set by HR

- Guest Educators with less than 30 college hours, a high school diploma, or a GED are only allowed to substitute in paraprofessional/clerical positions.
- Guest Educator working as a teacher or aide in a special education classroom earns an additional $5 per day.
- Guest Educators working on Mondays and Fridays earn an additional $5 per day.
- Guest Educators earn incremental pay.
    - $10 per day in addition to the daily rate after working 30 cumulative days (beginning on the 31st day)
    - $20 per day in addition to the daily rate after working 60 cumulative days (beginning on the 61st day)

2025-2026 Stipends

APPROVED STIPENDS ARE ISSUED FOR ONE YEAR ONLY AND ARE SUPPLEMENTAL PAY.

Athletics	
HS Campus Athletic Coordinator (1 Boys, 1 Girls Per Campus)	$7,000
Baseball - Head Coach	$8,000
Basketball - Girls Head Coach	$9,000
Basketball - Boys Head Coach	$9,000
Cross Country - Head Coach	$7,000
Golf - Head Coach	$6,000
Powerlifting - Head Coach	$3,000
Soccer - Head Coach	$8,000
Softball - Head Coach	$8,000
Tennis - Head Coach	$7,500
Track - Head Coach	$7,000
Volleyball - Head Coach	$8,000
Football - Offensive Coordinator	$8,500
Football - Defensive Coordinator	$8,500
Baseball - Varsity Assistant	$5,000
Baseball - JV/9th	$4,000
Basketball - Varsity Assistant	$5,000
Basketball - JV/9th	$4,000
* Football - Varsity Assistant	$6,500
** Football - JV/9th	$5,500
Powerlifting - Varsity Assistant	$2,000
Soccer - Varsity Assistant	$5,000
Soccer - JV/9th	$4,000
Softball - Varsity Assistant	$5,000
Softball - JV	$4,000
Tennis - Assistant	$3,500
Track - Assistant	$3,000
Cross Country - Assistant	$3,000

1125

Volleyball - Varsity Assistant	$5,000
Volleyball - JV/9th	$4,000
After-school Single Sport Assistant (except football)	$2,000
Athletic Coordinator - Middle School (1 Boys, 1 Girls per school)	$2,000
Basketball - Middle School	$2,000
Cross Country - Middle School	$2,000
Football - Middle School	$2,000
Golf - Middle School	$2,000
Head Football - Middle School	$3,500
Soccer - Middle School	$1,600
Tennis - Middle School	$2,000
Track - Middle School	$2,000
Volleyball - Middle School	$2,000
Single Sport After School - Middle School	$1,200
Off-Season Coordinator - Middle School	$1,600
*Includes $1,000 for football-related responsibilities: 15 days report before the first day for teachers.	
**Includes $500 for football-related responsibilities: 15 days early report (if applicable).	
Miscellaneous Athletics	
Audio - Athletic Support	$7,000
Visual - Athletic Support	$7,000
Photographer - Athletic Support	$3,000
Tournament Coordination - Athletic Support	$700

Bilingual - Certified Only	
Elementary Bilingual Teacher	$6,000

ESL - Certified Only	
Elementary - 1 to 6 Students or up to 25% of Students Assigned	$500
Elementary - 7-12 Students or 26 to 50% of Students Assigned	$1,000
Elementary - 13-18 Students or 51 to 75% of Students Assigned	$1,500
Elementary - 19-23+ Students or 76% to 100% of Students Assigned	$2,000
Secondary - 1% to 25% Students Served	$500
Secondary - 26% to 50% Students Served	$1,000
Secondary - 51% to 75% Students Served	$1,500
Secondary - 76% to 100% Students Served	$2,000

Content/Critical Shortage	
***Engineering High School (Funded out of CTE Budget)	$8,000
*English I and II High School (prorated per section)	$1,400
*Math / Physics High School Stipend (CERTIFIED ONLY)	$8,000
**Science High School Stipend (CERTIFIED ONLY)	$8,000
*Math Stipend Middle School (MATH CERTIFIED ONLY)	$6,000
*Science Middle School Stipend (SCIENCE CERTIFIED ONLY)	$6,000
*Math & Science Middle School (GENERALIST CERTIFIED)	$3,000
*Stipend amount will be prorated based on the number of sections taught in the content area, 50% of the content.	
**Includes Forensic Science and Forensic Psychology with Science Certification.	
*** Must teach Engineering classes and hold appropriate certification (Principles of Manufacturing not included).	

Fine Arts	
Color Guard/Flag Corps	$2,000
Fine Arts Event Coordinator	$3,000
Jazz Band	$2,000
JROTC - Marching Guards (207-Day calendar)	$3,000
Band - High School Assistant Director (207-Day Calendar)	$7,500
Choir - High School Assistant Director	$4,000
Theater Arts - High School Assistant Director	$4,000
Band - High School Director - Includes Lead Cluster Responsibilities (207-Day Calendar)	$16,000
Choir - High School Director	$6,000
Mariachi Band - High School Director	$3,000
Orchestra - High School Director (Multi Campuses)	$7,500
Show Choir - High School Director	$1,000
Steel Drum - High School Director	$1,500
Theater Arts - High School Director	$6,000
Band - Middle School Assistant Director	$4,000
Band - Middle School Director	$6,000
Choir - Middle School Director	$3,000
Theater Arts - Middle School Director	$3,000
Orchestra - Middle School Director – Per Campus	$2,000
PAC Manager (One per high school)	$6,750

Special Education	
*Bilingual Diagnostician	$6,000
*Bilingual Speech Pathologist	$6,000
**Bilingual Asst. Speech Pathologist	$6,000
*Bilingual LSSP	$6,000
***Bilingual ARD Facilitator	$6,000
Deaf/blind Intervener Specialist	$6,000
Diagnostician Lead	$2,000
Inclusion/Resource Teacher (with case management duties)	$2,000
Inclusion/Resource Dyslexia Teacher (with case management duties)	$2,000
Lead Dyslexia Teacher	$2,000
Lead Speech Language Pathologist (ASHA certified)	$2,000
RDSPD Teacher with Deaf Ed Certification	$3,000
SAIL, Self-Contained, ECSE, FA/Achieve, FA/Aspire	$4,000
Special Olympics Coach	$2,500
Visually Impaired Teacher	$6,000

*Must complete all job responsibilities and possess appropriate professional certification(s); be proficient in Spanish (understand, read, write, speak, and translate). Will be required to conduct and facilitate Special Education-related meetings between staff, students, and parents (this includes staffing, ARD meetings, parent/guardian phone calls); and complete and translate all required IEP documentation/paperwork as needed. The Bilingual Diagnostician, LSSP, and SLP are expected to conduct necessary evaluations in Spanish and translate the reports in Spanish. Attend the ARD meetings to review the evaluation in the parent's/guardian's native language.

**Must complete all job responsibilities and possess appropriate professional certification(s). Must be proficient in Spanish (understand, read, write, speak and translate). Conduct Special Education-related meetings between staff, students and parents (this includes Spanish. As needed, required to conduct and facilitate Special Education-related meetings between staff, students, and parents.

***Must complete all job responsibilities and possess appropriate professional certification(s); be proficient in Spanish (understand, read, write, speak and translate). Conduct and facilitate Special Education-related meetings between staff, students and parents (including staffing, ARD meetings, parent/guardian phone calls). Complete and translate all required IEP documentation/paperwork, as needed.

District Various Level Position	
Bilingual Dyslexia Specialist	$6,000
Lead Counselor - High School	$1,000
Lead Counselor - Middle School	$1,000
Lead Counselor - Elementary	$1,000
District Lead Librarian	$7,000
Gifted & Talented Itinerant Teacher (CERTIFIED)	$2,000
Lead Art Teacher - Elementary	$1,000
Lead Art Teacher - Secondary	$1,000
Lead Physical Education Teacher	$6,000
Strategic Reading Specialist (extra days worked/attending training outside of regular contracted workdays)	$8,000
Suspend Kids to School / Saturday Diversion Program Oversight	$7,000
New Teacher Mentor Stipend (June)	$500 per mentee

Campus Various Level Position	
Choral Music - Cluster Lead Teacher (Elementary)	$4,000
Elementary School UIL Coordinator	$500
Elementary School UIL Academic Contest Event Coaches (per event)	$200
Grade Level Chair, Elementary (Grades PK-5)	$1,500
Campus Specials Chair, Elementary (Grades PK-5)	$1,000
Department Chair, Secondary (Core, Special Ed, Fine Arts)	$1,000
Discipline Alternative (DAEP) Classroom Teacher	$1,000
Foreign Languages (CERTIFIED)	$3,000
New Teacher Campus Coordinator (June) [1 per campus]	$1,000
History Fair Campus Coordinator	$500
Non-UIL Advanced Competition (outside of contract period)	$500
TIA Teacher Expert (June) [1 per campus]	$750

Campus Various Specific	
***Specialized Health Science Teacher (GWAHCA Only)	$6,000
Health Science Teacher (High School Only)	$4,000
Welding	$4,500
****Future Educators Academy Mentor Teacher	$100
*****Future Educators Academy Teacher (Principles of Ed, Instructional Practices, and/or Practicum) [2025-26/2026-27 Grant Funded]	$2,500
Career & Technical Student Organization (CTSO) – Level I	$400
Career & Technical Student Organization (CTSO) – Level II	$200
Career & Technical Student Organization (CTSO) – Level III	$100

*** Requires appropriate licensure/certification meeting industry standards for the following courses/certification pathways: Community Health Worker (CHW); Certified Nurse Assistant (CNA); Certified Clinical Medical Assistant (CCMA); Pharmacy Technician (CPhT); or Clinical Ethics.

**** Teachers mentoring FEA Students (paid once per year) - Grant Funded.

*****FEA Teacher (Principles of Ed, Instructional Practices, and/or Practicum) [paid once a year] - Grant Funded.

High School Specific	
Cheerleader - Varsity Sponsor	$5,000
Cheerleader - Assistant Varsity Sponsor	$3,000
Drill Team - Varsity Sponsor	$4,500
Drill Team - Assistant Varsity Sponsor	$3,000
High School Yearbook Sponsor	$2,000
High School Student Council Sponsor	$1,500
High School UIL Coordinator	$2,000
High School UIL Debate Sponsor	$1,500
High School UIL Speech Sponsor	$1,500
High School UIL Academic Contest Sponsor (per event)	$700
High School Academic Decathlon Sponsor	$3,000
High School Assistant Academic Decathlon Sponsor	$1,500
High School Mock Trial Sponsor	$3,000

Middle School Specific	
Middle School Cheerleader Sponsor	$2,000
Middle School UIL Coordinator	$1,000
Middle School UIL Academic Contests (per event)	$400

Opportunity Culture	
Multi-Classroom Leader (MCL)	$13,000
Multi-Classroom Leader (MCL) II	$16,000
Multi-Classroom Leader (MCL) III	$18,000
Master Team Reach Teacher (MTRT)	$5,000
Master Team Reach Teacher (MTRT)	$5,000
Team Reach Teacher (TRT)	$2,500
Reach Associate (RA) $1.3369 per hour added to the hourly rate of pay	Equivalent of $2000

Extra Duty & Temporary Worker

Athletics/Transportation - Temporary Worker			
Auxiliary	Game Help - 25 Second Clock	$16.25	Hourly Rate
Auxiliary	Game Help - Announcer	$17.50	
Auxiliary	Game Help - Chain Crew	$11.25	
Auxiliary	Game Help - Field Gate	$11.25	
Auxiliary	Game Help - Game Clock	$15.00	
Auxiliary	Game Help - Parking Attendant	$10.00	
Auxiliary	Game Help - Parking Supervisor	$20.00	
Auxiliary	Game Help - Pass/Band Gate	$11.25	
Auxiliary	Game Help - Pitch Counter (Baseball)	$10.00	
Auxiliary	Game Help - Porch Gate	$11.25	
Auxiliary	Game Help - Press Box Coordinator	$13.75	
Auxiliary	Game Help - Press Box Host/Ushers	$8.50	
Auxiliary	Game Help - Press Box Technician	$20.00	
Auxiliary	Game Help - Scoreboard	$8.50	
Auxiliary	Game Help - Concessions Cashier	$10.00	
Auxiliary	Game Help - Concessions Worker	$8.50	
Auxiliary	Game Help - Ticket Seller	$11.25	
Auxiliary	Game Help - Ticket Taker	$8.50	
Auxiliary	Game Help - Video Board	$13.75	
Auxiliary	Transportation – Drivers in Training	$14.40	
Auxiliary	Transportation – Fueler	$14.70	
Auxiliary	Transportation – Mechanic	$23.61	
Auxiliary	Transportation Help – Driving a bus trip 50 miles or less (***Extracurricular Exempt Employees)	$50.00	Flat Rate
Auxiliary	Transportation Help – Driving a bus trip 51 miles or more (***Extracurricular Exempt Employees)	$100.00	
Auxiliary	Transportation Help – Driving bus route (AM or PM) [Exempt Employees Only]	$50.00	Flat Rate
Auxiliary	Transportation Help – Driving field trips/routes *Outside of the Extracurricular Exempt Employee's sport or fine arts program. **Non-exempt employees <u>may</u> receive a blended rate.	$27.00	Hourly Rate
Auxiliary	Safety & Security Help - Exempt Police Supervisors Only	$156.00	Flat Rate

*** Extracurricular Exempt Employees (Athletics/Fine Arts)

Campus - Temporary Worker			
Professional	Counselor	$35.00	Hourly Rate
Professional	Library Media Specialist	$30.00	
Professional	Librarian	$35.00	
Professional	Nurse (RN)	$35.00	
Paraprofessional	Nurse (LVN)	$20.00	
Professional	Instructional Specialist	$35.00	
Professional	Professional (non-instructional)	$30.00	
Professional	Special Education Evaluation Services (SLP, LSSP, Diagnostician, OT, PT)	$55.00	
Professional	Special Education Professional Services (SLP-Assistant, Certified Occupational Therapy Assistant)	$45.00	
Paraprofessional	Aide - Instructional	$14.00	
Paraprofessional	Aide - Special Education	$15.00	
Paraprofessional	Clerk - Office/Receptionist	$14.00	
Paraprofessional	Secretary - Elementary	$16.00	
Paraprofessional	Secretary - Secondary	$18.00	
Administrative	Assistant Principal - Elementary (Temp)	$32.50	Hourly Rate
Administrative	Assistant Principal - Middle School (Temp)	$34.00	
Administrative	Assistant Principal - High School (Temp)	$37.50	
Administrative	Principal	Negotiated	

Centralized Services - Temporary Worker			
Auxiliary	Cafeteria Worker, Custodian, or Student Worker	See Pay Grade 301	
Paraprofessional	Fine Arts Student Worker - Unskilled	$8.00	Hourly Rate
Paraprofessional	Fine Arts Student Worker - Skilled	$10.00	
Paraprofessional	Deaf Ed Interpreter - Certified	$35.00	
Paraprofessional	Deaf Ed Interpreter - Uncertified	$30.00	
Paraprofessional	Administrative Assistant - Central Office	$20.00	
Paraprofessional	Office Clerk/Receptionist	$16.00	
Paraprofessional	Specialist (Para) - Central Office	$20.00	
Paraprofessional	Student Internship	$10.00	
Paraprofessional	Technician Technology	$20.00	
Paraprofessional	Videographer (WISD TV)	$22.00	
Professional	Administrative/Professional - Central Office (exempt positions in pay grades 104 and higher)	Negotiated	

Tutors - Temporary Worker			
Paraprofessional	Tutor - High School Peer	$10.00	Hourly Rate
Professional	Tutor - Non-Degreed (Minimum 9 hours in Core Content)	$17.00	
Professional	Tutor - Degree (Minimum of 9 hours in Core Content)	$22.00	
Professional	Tutor - Degree/Certified Teacher (TX SBEC or Other State)	$30.00	
Professional	Tutor - Music Degree	$30.00	

Note: Any temporary employment position not specifically listed above will be paid at the current minimum pay rate of the full-time equivalent position.

Current full-time non-exempt employees who work more than 40 hours in a workweek must be paid time and one-half of their regular hourly rate for each hour worked over 40. Each work week stands alone to determine an employee's regular hourly rate of pay for that week. If an employee is not paid on an hourly basis, that person's regular hourly rate must be calculated based on his or her total pay and hours worked for that week. As a rule, an employee who works two or more jobs at different rates of pay must receive overtime pay that equals time and one-half of the weighted average of all rates of pay for all hours worked in that work week.

Extra Duty Positions

Extra duty rates can only be paid to exempt employees when performing pre-approved extra duties outside of regularly scheduled workdays and hours.

Professional	Teachers	$35.00	Hourly Rate
Professional	Curriculum Writing	$35.00	
Professional	Counselor	$35.00	
Professional	Library Media Specialist	$30.00	
Professional	Librarian	$35.00	
Professional	Nurse (RN)	$35.00	
Professional	Instructional Specialist	$35.00	
Professional	Professional (Non-Instructional)	$30.00	
Professional	Special Education Evaluation Services (BCBA, SLP, LSSP, Diagnostician, OT, PT)	$55.00	
Professional	Special Education Professional Services (SLP-Assistant, Certified Occupational Therapy Assistant)	$45.00	
Administrative	Assistant Principal - Elementary	$39.00	
Administrative	Assistant Principal - Middle School	$41.00	
Administrative	Assistant Principal - High School	$46.00	

Summer School			
Professional	Teachers	$35.00	Hourly Rate
Professional	Lead - Elementary	$37.00	
Professional	Lead - Middle	$40.00	
Professional	Lead - High School	$43.00	
Professional	Testing Specialist/Coordinator	$30.00	
Paraprofessional	Office Clerk/Receptionist	$16.00	
Paraprofessional	Paraprofessional	Regular Hourly Rate if working in the same paraprofessional position as in the regular school year.	

Current full-time non-exempt employees who work more than 40 hours in a workweek must be paid time and a half of their regular hourly rate for each hour worked over 40. Each workweek stands alone for the purpose of determining an employee's regular hourly rate of pay for that week. If an employee is not paid on an hourly basis, that person's regular hourly rate must be calculated based on his or her total pay and hours worked for that week. As a rule, an employee who works two or more jobs at different rates of pay must receive overtime pay that equals time and one-half of the weighted average of all rates of pay for all hours worked in that workweek.

HUMAN RESOURCES DEPARTMENT

2025 - 2026

COMPENSATION MANUAL

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person:** Monique Brock

RE: Consider, Discuss and Take Appropriate Action Regarding Hazardous Routes

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Background Information:

Texas Education Code 42.155(d) allows Districts to obtain supplemental state funding for transporting regular, otherwise ineligible students, who live within two miles of their school, but who would be subject to hazardous traffic conditions if they walked to school. No more than 10% of the District's routes may be designated as "hazardous" for state funding purposes. Using a standardized matrix with various safety and traffic criteria, the Transportation Department evaluates the hazardous walk-out areas in the District to ensure that students have a safe walking path to school and annually makes recommendations for the adoption of a Resolution regarding Hazardous Traffic Conditions.

The Administration has identified the following hazardous routes for the 2025-2026 school year, which are included in the proposed Resolution:

1. Bells Hills Elementary- North- S 18th St. & S 17th St.; South- 26th St. between Clay Ave. and I-35; East- Speight Ave. between S Valley Mills Dr. and S 18th St. & S 17th St.; West- Clay Ave. between S Valley Mills and S 18th St. & S 17th St.; Circle Rd. from 18th St. to the I-35 frontage road.
1. Brook Avenue Elementary School- Southwest- N 18th St. between Trice Ave. and Herring Ave.; Southeast- Trice Ave. between 18th St. and 15th St.; Colcord between 9th St. and 6th St. for The Villages Apartments.
2. Cedar Ridge Elementary School- North & West- Lake Shore Dr. between College Dr. and Park Lake Dr. (will still pick up students at apartments on Lake Shore Dr.); South- Herring Ave between 18th St. and 15th A St.; East- N 19th St./ N 18th St. between Lyle Ave. and Lake Shore Dr.
3. Crestview Elementary School- Northwest- Bosque Blvd. between Lake Air and 36th St.; Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Valley Mills between Waco Dr. and Lake Air; East- Waco Dr. between Valley Mills and 36th St; West- Lake Air between Valley Mills and Bosque Blvd.
4. Dean Highland Elementary School- Northwest- Lyle Ave. between N 18th St. and MacArthur + Herring Ave. between N 18th St. and MacArthur; Northeast- 26th St. between Maple and Herring Ave.
5. J. H. Hines Elementary School- Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Martin Luther King Blvd between Waco Dr. and I-35; East- I-35; West- E Waco Dr. between Martin Luther King Blvd and Clifton; Faulkner Ln. between Martin Luther King Blvd and Garrison Ave.

6. Kendrick Elementary School- South- New Road between Franklin Avenue and I-35 (will still pick up Tuscany Apartments on New Rd); West- the railroad tracks from Valley Mills to New Road
7. Mountainview Elementary- Southeast- Cobbs Dr. between Valley Mills and Lake Air; Hillcrest Dr. from Lake Shore Dr. to Cobbs Dr.; Lake Shore Dr./Valley Mills Dr.
8. Parkdale Elementary-North- Valley Mills between Sanger Ave. and Bosque Ave.; South- Hwy 6; East- Sanger Ave. between Valley Mills and Hwy 6; West- Bosque Blvd between Hwy-6 and Valley Mills; Lake Air Dr.
9. Provident Heights - Northwest- Trice Ave from 21st St.-30th St.; Southeast- Waco Dr. (18th St.-26th St.)
10. South Waco Elementary- South- Robinson Dr from the Circle to Highway 6 (will still pick up students off of Robinson Dr.); East- Garden from S 16th St. to 4th St.; West- LaSalle Ave.
11. West Avenue Elementary- Southeast- Waco Dr. between 22nd St. and 5th St.; Southwest- N 18th St. and 17th St. between Bosque Blvd. and W Waco Dr.
12. Cesar Chavez MS- South- 26th St. from Jackson Ave. to Bagby Ave.; East- I-35 and Speight Ave. from 18th St. to 26th St; West- Railroad tracks by Jackson Avenue from the Brazos River to 26th St
13. GW Carver MS- South- Martin Luther King between Waco Dr. and Herring; East- Waco Dr. between Clifton St. and Martin Luther King Blvd.; West- Herring Ave. between Martin Luther King Blvd. and Gholson.
14. Tennyson MS- North- Valley Mills between Hwy 84 and Bosque Blvd.; South- Hwy 6 between Hwy 84 and Bosque Blvd.; East- Sanger Ave. between Hwy 6 and Valley Mills Dr.; West- Bosque Blvd. between Hwy 6 and Valley Mills Dr.; Hwy 84 between Hwy 6 and Valley Mills; Lake Air Dr.
15. Waco High- North & West- North and West Lake Shore Dr., Herring Ave. from MacArthur Dr. to 25th St.; South- Valley Mills Dr. between Cobbs and Waco Dr.; East- Waco Dr. between Valley Mills and 36th St.; 34th St./36th St. from Bosque Blvd. to Waco Dr.; Bosque Blvd. from 34th St. to 26th St.; 25th St./26th St. from Herring Ave. to Bosque Blvd.
16. University High- North- Primrose Dr. (will still pick up students at apartments on Primrose Dr.); South- Hwy 6 between I-35 and North Robinson Dr.; East- North Robinson Dr. between Hwy 6 and Primrose Dr.; West- I-35 between Hwy 6 and Primrose Dr.

Fiscal Implications:

The Resolution regarding Hazardous Traffic Conditions allows the District to secure transportation funding. The designated routes continue to exceed 10% of our regular routes, but there will be a reduction in routes overall which will result in a cost savings.

Administrative Recommendation:

Approve the Resolution regarding Hazardous Traffic Conditions as presented.

RESOLUTION REGARDING HAZARDOUS TRAFFIC CONDITIONS

WHEREAS, Texas Education Code 42.155(d) allows the Board of Trustees of the Waco Independent School District to obtain supplemental state funding for transporting regular, otherwise ineligible students who live within two miles of their school but who would be subject to hazardous traffic conditions if they walked to school;

WHEREAS, the TEA handbook of School Transportation Allotments requires the Board to adopt language providing the definition of hazardous traffic conditions applicable to the District and identifying the specific hazardous areas for which such funding is requested;

WHEREAS, the Board acknowledges the Texas Education Code 42.155(d) provisions stating that a hazardous condition exists where no walkway is provided and students must walk along or cross a freeway or expressway, an underpass, an overpass or a bridge, an uncontrolled major traffic artery, an industrial or commercial area, or another comparable condition;

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the Waco Independent School District has defined hazardous traffic conditions in the same manner as stated in Texas Education Code 42.155(d) and has identified the following specific hazardous areas in which such conditions exist:

1. Bells Hills Elementary- North- S 18th St. & S 17th St.; South- 26th St. between Clay Ave. and I-35; East- Speight Ave. between S Valley Mills Dr. and S 18th St. & S 17th St.; West- Clay Ave. between S Valley Mills and S 18th St. & S 17th St.; Circle Rd. from 18th St. to the I-35 frontage road.
2. Brook Avenue Elementary School- Southwest- N 18th St. between Trice Ave. and Herring Ave.; Southeast- Trice Ave. between 18th St. and 15th St.; Colcord between 9th St. and 6th St. for The Villages Apartments.
3. Cedar Ridge Elementary School- North & West- Lake Shore Dr. between College Dr. and Park Lake Dr. (will still pick up students at apartments on Lake Shore Dr.); South- Herring Ave between 18th St. and 15th A St.; East- N 19th St./ N 18th St. between Lyle Ave. and Lake Shore Dr.
4. Crestview Elementary School- Northwest- Bosque Blvd. between Lake Air and 36th St.; Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Valley Mills between Waco Dr. and Lake Air; East- Waco Dr. between Valley Mills and 36th St; West- Lake Air between Valley Mills and Bosque Blvd.
5. Dean Highland Elementary School- Northwest- Lyle Ave. between N 18th St. and MacArthur + Herring Ave. between N 18th St. and MacArthur; Northeast- 26th St. between Maple and Herring Ave.
6. J. H. Hines Elementary School- Northeast- N 36th St. between Waco Dr. and Bosque Blvd.; South- Martin Luther King Blvd between Waco Dr. and I-35; East- I-35; West- E Waco Dr. between Martin Luther King Blvd and Clifton; Faulkner Ln. between Martin Luther King Blvd and Garrison Ave.

7. Kendrick Elementary School- South- New Road between Franklin Avenue and I-35 (will still pick up Tuscany Apartments on New Rd); West- the railroad tracks from Valley Mills to New Road
8. Mountainview Elementary- Southeast- Cobbs Dr. between Valley Mills and Lake Air; Hillcrest Dr. from Lake Shore Dr. to Cobbs Dr.; Lake Shore Dr./Valley Mills Dr.
9. Parkdale Elementary-North- Valley Mills between Sanger Ave. and Bosque Ave.; South- Hwy 6; East- Sanger Ave. between Valley Mills and Hwy 6; West- Bosque Blvd between Hwy-6 and Valley Mills; Lake Air Dr.
10. Provident Heights - Northwest- Trice Ave from 21st St.-30th St.; Southeast- Waco Dr. (18th St.-26th St.)
11. South Waco Elementary- South- Robinson Dr from the Circle to Highway 6 (will still pick up students off of Robinson Dr.); East- Garden from S 16th St. to 4th St.; West- LaSalle Ave
12. West Avenue Elementary- Southeast- Waco Dr. between 22nd St. and 5th St.; Southwest- N 18th St. and 17th St. between Bosque Blvd. and W Waco Dr.
13. Cesar Chavez MS- South- 26th St. from Jackson Ave. to Bagby Ave.; East- I-35 and Speight Ave. from 18th St. to 26th St; West- Railroad tracks by Jackson Avenue from the Brazos River to 26th St
14. GW Carver MS- South- Martin Luther King between Waco Dr. and Herring; East- Waco Dr. between Clifton St. and Martin Luther King Blvd.; West- Herring Ave. between Martin Luther King Blvd. and Gholson.
15. Tennyson MS- North- Valley Mills between Hwy 84 and Bosque Blvd.; South- Hwy 6 between Hwy 84 and Bosque Blvd.; East- Sanger Ave. between Hwy 6 and Valley Mills Dr.; West- Bosque Blvd. between Hwy 6 and Valley Mills Dr.; Hwy 84 between Hwy 6 and Valley Mills; Lake Air Dr.
16. Waco High- North & West- North and West Lake Shore Dr., Herring Ave. from MacArthur Dr. to 25th St.; South- Valley Mills Dr. between Cobbs and Waco Dr.; East- Waco Dr. between Valley Mills and 36th St.; 34th St./36th St. from Bosque Blvd. to Waco Dr.; Bosque Blvd. from 34th St. to 26th St.; 25th St./26th St. from Herring Ave. to Bosque Blvd.
17. University High- North- Primrose Dr. (will still pick up students at apartments on Primrose Dr.); South- Hwy 6 between I-35 and North Robinson Dr.; East- North Robinson Dr. between Hwy 6 and Primrose Dr.; West- I-35 between Hwy 6 and Primrose Dr.

ADOPTED THIS 24th DAY OF JULY, 2025.

WACO INDEPENDENT SCHOOL DISTRICT

By: _____
President, Board of Trustees

Waco ISD Transportation Hazard Analysis

2025-2026 School Year Recommended Changes

1144

2024-2025 Celebrations

Praise for our wonderful bus drivers bus drivers Inbox ×

Kristie Ingram 11:27 AM (1 minute ago)
to Monique, me, Karmen

Good morning,

Thank you both for all you do to help us! I went to visit the MELA program, and Dr. Cooper was bragging about the Waco ISD bus drivers. She said they were AMAZING and so helpful! She said they surpassed all the other districts! Thank you both for leading such a great group! I appreciate you both and all the work you do to support us!

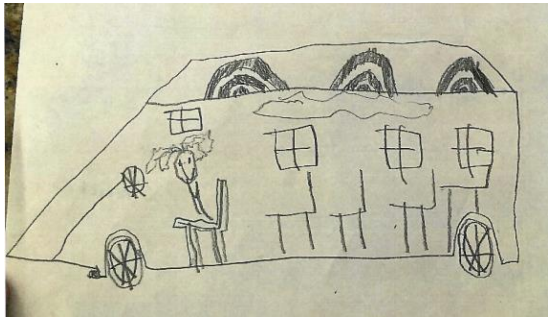
--

Kristie Ingram
Principal
Bell's Hill Elementary
254.750.5100

On Tue, May 20, 2025 at 6:03 PM Gloria Barrera <gloria.barrera@wacoisd.org> wrote:

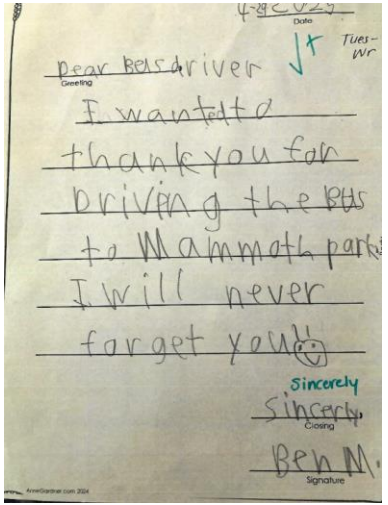
> Mr. Walts is a great driver! He was awesome and it is evident he really loves our kids. Thanks for helping make this possible.
>
> Gloria Barrera

1145



Our drivers don't get near enough credit for all the good they do!

"...My grandson attends Mountainview Elementary and was on that field trip. I don't know which driver he had, but said she was nice. He made a picture for her and wanted me to get it to her."



2024-2025 Celebrations

- **District-wide transportation favorability improvements**
- **Significant improvements in middle school AM & PM times**
- **Projected to have increased funded routes by 16%**

Kendrick

Note: this year will be a big change since they will be back at their original campus location and will have former Alta Vista students

Proposed Boundaries

- North- Valley Mills Dr (attendance boundary
- South- New Rd (however, we recommend providing transportation to the Tuscany Ranch Apartments due to the lack of sidewalks)
- East- I-35 (attendance boundary)
- West- railroad tracks behind Walmart

The shaded area in green represents the Non-Eligible Zone (NEZ); the shaded area in red represents eligible bus riders

Kendrick with Alta Vista Boundaries Added

In this image the shaded areas represent the following:

- The top light/white shaded area is the Non-Eligible Zone (NEZ) from the original Alta Vista attendance boundaries
- The middle green shaded area is the Non-Eligible Zone (NEZ) from the original Kendrick attendance boundaries
- The bottom shaded area in pink represents eligible bus riders from the original Alta Vista attendance boundaries

South Waco

- North- North boundary not needed due to distance (just north of Oakwood Park at 4th St is over 2 miles)
- East- Garden from S 16th St to 3rd St
- South- ******New based on Alta Vista Merger- Robinson Dr from the Circle to Highway 6***
  - ***(will still pick up students at apartments and locations on Robinson Dr.)***
- West- LaSalle Ave

1149 The shaded area in green represents the Non-Eligible Zone (NEZ)

Cesar Chavez

- North- NEW due to rezoning-
  - Proposed at Brazos River (attendance boundary)
- South- 26th St from Mary Ave to Bagby Ave
- East-
  - I-35
  - LaSalle Ave between University Parks Dr and the Circle
  - Speight Ave from 18th St to 26th St
- West- railroad tracks by Jackson Ave

1150

The shaded area in green represents the Non-Eligible Zone (NEZ)

University High

No changes recommended despite the change in the attendance boundaries

- **North- Primrose Dr (will still pick up students at apartments on Primrose Dr)**
- **South- Hwy 6 between I-35 and North Robinson Dr**
- **East- North Robinson Dr between Hwy 6 and Primrose Dr**
- **West- I-35 Between Hwy 6 and Primrose Dr**

1151 **The shaded area in light green represents the Non-Eligible Zone (NEZ)**

Questions?

Thank you for your support and encouragement of the Transportation Department

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 24, 2025 **Contact Person**: Dr. Suzanne Hamilton & Dr. Melissa King-Knowles

RE: Summary of and Required Action Related to House Bill 1481 – Use and Storage of Telecommunication Devices During Instructional Time

==========

Background Information/Overview:
House Bill 1481, passed during the 89th Legislative Session,amends Section 37.082 of the Texas Education Code and directly impacts the management of student personal communication devices (e.g., cell phones, smartwatches, tablets) during the instructional school day. The bill aims to reduce distractions in classrooms and reinforce academic engagement.

Key Provisions of HB 1481:

- Local Policy Requirement: Districts must adopt or amend policies regulating the possession, use, and storage of "personal communication devices" (a term defined in the statute) during instructional time.

- **Minimum Expectations:**

  Policies must include:

  - Clear statement that personal communication devices are not allowed to be used on school property during the school day (subject to limited to exemptions provided in the statute).

  - Either prohibiting possession or requiring storage of personal communication devices to meet the prohibition against usage on school property during the school day.

  - Disciplinary measures will be applied for violations, consistent with the student code of conduct.

- **Parental Notification:** Districts must inform parents annually about the

policy.

Implications for Our District:

- Policy revision is required to align with HB 1481 before the upcoming school year.

- Campuses will need operational plans for storing restricted devices during instructional hours.

- Professional development and parent communication must be prepared before implementation.

Next Steps:

1. Incorporate this Board Policy into the 2025 TASB recommended updates to Student Code of Conduct.
2. Bring the final Student Code of Conduct for adoption at the August Board Meeting.

Fiscal Implications
None

Administrative Recommendation:
Amend Board policy FNCE(LOCAL) as recommended by administration.

Legislative Changes: HB 1481

WACO INDEPENDENT SCHOOL DISTRICT

Statute

This policy, as required by Section 37.082 of the Texas Education Code, is to reduce distractions for students during the school day and minimize interruptions to the learning process for all students.

The District recognizes that personal communications may be a safety tool, but asks that parents and guardians call the school's phone number to relay any urgent messages to their child.

Exemptions

(1) necessary to implement an individualized education program, a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or a similar program or plan;

(2) by a student with a documented need based on directive from a qualified physician; or

(3) necessary to comply with a health or safety requirement imposed by law or as part of the district's or school's safety protocols.

Wisdom works wonders.

WACO INDEPENDENT SCHOOL DISTRICT

Storage

All personal communication devices will be turned off and stored out of sight during the school day while in the school building and not be removed until leaving the school building as specified in the Student Code of Conduct.

Wisdom works wonders.

WACO INDEPENDENT SCHOOL DISTRICT

Consequences

The consequences for violating this policy (including but not limited to unauthorized use of a personal communication device on school property during the school day) have been established based on the student's grade level and campus and are detailed in the Board adopted Student Code of Conduct.

Wisdom works wonders.

WACO INDEPENDENT SCHOOL DISTRICT

WACO INDEPENDENT SCHOOL DISTRICT

THANK YOU

Wisdom works wonders.

Note: For searches of personal communication devices or other personal electronic devices, see FNF.

Purpose

This policy is established as required by Section 37.082 of the Texas Education Code and to reduce distractions for students during the school day and to minimize interruptions to the learning process for all students. The District recognizes that a personal communication device may be a safety tool but asks that parents and guardians call the school's phone number to relay any urgent messages to their child.

Personal Use

A student shall not use a personal communication device on school property during the school day. While on school property the student shall store any personal communication device in accordance with this policy and the Student Code of Conduct adopted by the Board pursuant to this policy.

Personal Communication Device Defined

As used in this policy, the term "personal communication device" includes a telephone, cell phone, such as a smartphone or flip phone, tablet, radio device, smartwatch, or any other electronic device capable of telecommunication or digital communication. The term does not include an electronic device provided to a student by the District.

Personal Communication Device

All personal communication devises will be turned off and stored out of sight during the school day while in the school building and not be turned on and/or removed from storage until leaving the school building (as more specifically set forth in the Student Code of Conduct). All personal communication devices must remain turned off during the school day and stored unless the devices are being used for approved purposes as provided in this policy.

An authorized District employee may confiscate a personal communication device from a student who is in violation this policy and/or the applicable provisions of the Student Code of Conduct. An authorized District employee may allow the use of a personal communication device during the school day in extenuating circumstances only as set forth in the Student Code of Conduct.

The use of cell phones or telecommunications devices capable of capturing images is strictly prohibited in locker rooms or restroom areas at any time. Additionally, cell phones and telecommunications devices shall not be used at any time to capture video or images at school unless given permission by an authorized District administrator.

This policy shall take effect for Grades K-12 for the 2025-2026 school year.

Consequences for Unauthorized Use of Personal Communication Device

The consequences for violating this policy (including but not limited to unauthorized use of a personal communication device on school property during the school day) have been established based on the student's grade level and campus and are detailed in the Board adopted Student Code of Conduct.

Notice of Disposal to Parent or Guardian

In accordance with Texas Education Code§ 37.082, if a parent or guardian has not retrieved the personal communications device after a reasonable time has passed, the District shall send written notice to the student's parent/guardian or student, if 18 years old, a letter 90 days prior of its intent to dispose of that device.

Exception

A student may be exempted from this policy or parts of this policy if the use of a personal communication device is:

1) necessary to implement an individualized education program, a plan created under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or a similar program or plan;
2) by a student with a documented need based on a directive from a qualified physician; or
3) necessary to comply with health or safety requirement imposed by law or as part of the district's or school 's safety protocols.

Instructional Use

A student shall not use a personal communication device or other personal electronic devices for on-campus instructional purposes. The student shall also acknowledge receipt and understanding of applicable technology regulations and shall sign the appropriate user agreements. [See CQ]

Implentation	The Student Code of Conduct will outline the implementation of this policy.
Compliance	Annually, the Superintendent shall report to the Board on implementation of and compliance with this policy.

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: July 24, 2025 **Contact Person: Elizabeth Cox**

RE: Consider, Discuss, and Take Appropriate Action to Renew a Good Cause Exception under Texas Education Code Section 37.0814

==========

Background Information:
House Bill 3 passed by the 88th Texas Legislature in 2023 introduced Section 37.0814 to the Texas Education Code. It requires that districts have at least one "armed security officer" per campus, with the person (essentially) required to be being a commissioned peace officer. In addition, the statute permits boards that are unable to comply with the "armed security officer" requirement (due to availability of funding or personnel who are commissioned peace officers) to claim a good cause exception. If a board of trustees claims a good cause exception the board must develop an alternative standard with which the district is able to comply.

On August 24, 2023, the Waco ISD Board of Trustees unanimously took action to claim a good cause exception and develop an alternative standard.

House Bill 121 passed by the 89th Texas Legislature this year amends Section 37.0814 to include the provision that a good cause exception claimed by a board of trustees expires on the first anniversary of the date the exception is claimed. On the expiration of the exception, the board must reevaluate whether the board is able to comply with this section and, if not, renew both the good cause exception and alternative standard.

Despite an increased investment of significant district funds and successfully hiring additional police officers within the Waco ISD Police Department, the Waco ISD Administration remains concerned about a lack of adequate funding and the high demand for qualified law enforcement personnel in McLennan County and across the state negatively impacting the District's ability to be in full compliance with the technical requirements of the statute at all times.

Considering long-term funding challenges, personnel shortages, and responsible contingency planning it is the administration's recommendation that the Board of Trustees renew their claim of a good cause exception and develop an alternative standard with which the District is able to comply.

Fiscal Implications:
None

Administration Recommendations:
The administration recommends that the Board of Trustees renew their claim a good cause exception under Texas Education Code Section 37.0814 due to lack of funding and a lack of qualified personnel.

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: July 24, 2025 **Contact Person: Elizabeth Cox**

RE: Consider, Discuss and Take Appropriate Action to Amend the District's Alternative Standard under Texas Education Code Section 37.0814

==========

Background Information:
If the Board has renewed their claim of a good cause exception under the preceding agenda item, then the Board is required to develop an alternative standard with which the district is able to comply. The Board previously approved an alternative standard that has been in place for almost two years.
A proposed amended alternative standard plan has been developed by the District in which relevant safety and security contingencies for all District campuses have been considered. The plan will provide for increased patrols and rapid response times, among other strategic details, from the Waco ISD Police Department and city and county law enforcement partners.

Due to the sensitive nature of the safety and security matters involved in developing a proposed amended alternative standard and the specific provisions of that alternative standard, the administration will present the details of a proposed amended alternative standard to the Board in closed session.

Fiscal Implications:
Since 2023 compliance with Section 37.0814 for Waco ISD has included hiring 12 additional Waco ISD Police Department Officers and the 2025-2026 proposed budget will include the addition of two new supervisor positions within the department. Costs associated with this continue to exceed existing safety allotments provided by the State. Since 2023, the district costs for “armed security officers” have exceeded the state’s safety allotment by more than $1,000,000.

Increases in the safety allotment provided during the recent 89th Texas Legislature will support the district’s efforts to staff and operationalize a comprehensive district safety plan that complies with all relevant school safety state law requirements. However, school safety revenue for 2025-2026 is projected to still fall short by more than $2.6 million in district expenditures.

Without additional funding from the State, significant concerns about the long-term financial implications of compliance with Section 37.0814 remain.

Administration Recommendations:
The administration recommends the Board approve the District’s Alternative Standard under Texas Education Code Section 37.0814