

Northwest Independent School District School Board Agenda

2001 Texan Drive, Fort Worth, TX 76177-0070

A Regular meeting of the Board of Trustees of Northwest Independent School District will be held May 24, 2021, beginning at 4:30 PM in the Northwest ISD Board Room, 2001 Texan Drive, Fort Worth, Texas 76177.

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

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

I. CALL TO ORDER

II. BUDGET WORKSHOP

III. CLOSE BUDGET WORKSHOP

IV. CLOSED SESSION

A. Pursuant to Texas Government Code Section 551.071: For the purpose of a private consultation with the Board's attorney, in person or by telephone, about: pending or contemplated litigation; or a settlement offer; or a matter in which the duty of the attorney to the Board under the Texas Disciplinary Rules of Professional Conduct of the State of Texas clearly conflicts with Chapter 551 of the Texas Government Code.

B. Pursuant to Texas Government Code Section 551.072: For the purpose of deliberating the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the Board in negotiations with a third person. Consider property acquisition for future school sites.

C. Pursuant to Texas Government Code Section 551.074: For the purpose of deliberating the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; or to hear a complaint or charge against an officer or employee, unless the officer or employee who is the subject of the deliberation or hearing requests an open hearing. Superintendent Evaluation.

V. PUBLIC HEARING TO DISCUSS 2021-2022 APPLICATION FOR FEDERAL FUNDED PROGRAMS 4

VI. CLOSE PUBLIC HEARING

VII. PUBLIC HEARING TO DISCUSS 2020-2023 ESSER (Elementary and Secondary School Emergency Relief) FUNDING 6

VIII. CLOSE PUBLIC HEARING

IX. RECONVENE REGULAR MEETING

X. INVOCATION AND PLEDGE OF ALLEGIANCE

XI. RECOGNITION: Christa Schutz, Bethany Nava and Lori Walsh for lifesaving efforts at their schools; Valerie Valadez for winning the Ernest and Sarah Butler Award for Excellence in Science Teaching by the Texas Medical Association; The Agape House Food Pantry for monthly food pantry in Wise County; Huckabee for TASB recognition; the Eaton High School Percussion Ensemble for their selection to perform at the 2021 Percussive Arts Society

International Convention; Chisholm Trail Middle School student Brandon Daugherty for being named the Communities in Schools of North Texas Student of the Year; and 2021 Guest Educators of the Year.

XII. PUBLIC PARTICIPATION

XIII. ADMINISTER OATH OF OFFICE

XIV. ELECTION OF OFFICERS: President, Vice President, and Secretary

XV. ORGANIZATION OF THE BOARD OF TRUSTEES: Consideration and Approval of the Board Nominating Committee's Recommendation for the Designation of Signatories, Dates and Times for Regular Monthly Meetings, Delegate and Alternate for the 2021 TASB Delegate Assembly, Voting Representative for the City of Fort Worth Tax Increment Reinvestment Board Meetings, Voting Representative for the North Texas Council of Governments General Assembly, Voting Representative for Communities in Schools (CIS), Voting Representative for the Northwest ISD Education Foundation (NEF), and two trustees along with the Board President to serve on the NISD Safety and Security Committee. - Action Item

XVI. CONSENT AGENDA

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| A. Personnel recommendations, including reorganizing and assigning administrative duties and titles, extension, hiring, and/or renewal/non-renewal of contracts of individual teachers, administrators, principals, support staff, assistant superintendents, and resignations. | 22 |
| B. T-TESS Appraisers and 2021-2022 Appraisal Calendar. | 23 |
| C. Communities in Schools of North Texas Partnership Agreement. | 27 |
| D. Renewal of Student Accident Insurance with Great American. | 32 |
| E. Interlocal Agreement with TASB for Casualty Insurance for the 2021-2022 School Year. | 37 |
| F. Agreement with Tyler Technologies for Transportation Software. | 45 |
| G. Ratification of Agreement with City of Roanoke for Byron Nelson High School Senior Picnic. | 69 |
| H. RFP #021-022-04-024 Catalog Discount. | 78 |
| I. RFP #021-022-04-025 Technology Related Equipment, Services, Software and Supplies. | 85 |

XVII. CONSIDER ANY ITEM REMOVED FROM THE CONSENT AGENDA

XVIII. DISCUSSION/ACTION

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| A. 2021-2022 Compensation Plan. - Action Item | 89 |
| B. TASB Local Policy Update 116. - Action Item | 118 |
| C. Resolution Regarding ESSER III and Policy CB (Local), State and Federal Revenue Sources. - Action Item | 521 |
| D. Possible Nominations for the TASB Board of Directors for TASB Region 11, Position D. - Discussion/Action Item | 526 |
| E. Notice of Public Meeting to Discuss Budget and Proposed Tax Rate. - Discussion/Action Item | 546 |
| F. 2021-2022 Learning Options. - Discussion/Action Item | 550 |
| G. Easement for Northwest ISD Owned Land. - Discussion/Action Item | 551 |
| H. 2021-2022 Superintendent's Performance Objectives. - Discussion Item | 573 |

XIX. REPORTS

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| A. 1Q21 Demographic Report. | 575 |
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B. 2021 Legislative Update Report.	576
C. Northwest ISD Education Foundation District Effectiveness Report.	577
D. Communications District Effectiveness Report.	578
XX. BOARD PRESIDENT'S REPORT	
A. District-wide Activities.	
B. NSBA, TASB, and NTAASB Meetings, Workshops, and Conferences.	
XXI. SUPERINTENDENT'S REPORT	
A. District-wide Activities.	
B. Texan Stadium.	
XXII. ADJOURN	



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Public Hearing to Discuss 2021-2022 Application for Federal Funded Programs

Date: May 24, 2021

Background Information and Rationale: A public hearing is required before submitting the applications for the Federally Funded Programs. A PowerPoint presentation will be used for the Public Hearing. The programs included are:

- Title I Part A – Improving Academic Achievement of Disadvantaged Students
- Title II Part A – Teacher and Principal Training and Recruitment
- Title III Part A – Language Instruction for Limited English Proficient
- Title IV - Provide all students access to a well-rounded education, improve academic outcomes by maintaining safe and healthy students, and improve the use of technology to advance student academic achievement.
- Perkins V - The Carl D. Perkins Career and Technical Education Act provides federal support to state and local secondary and postsecondary education CTE programs that provide students the knowledge, skills, and experience necessary to succeed in the today's competitive marketplace. Long overdue for reauthorization, this federal law must be updated to improve CTE program quality to meet the realities and challenges facing today's students and tomorrow's economic needs.
- IDEA-B Formula - Provide special education and related services to children with disabilities ages 3–21.
- IDEA-B Preschool - Provide special education and related services to children with disabilities ages 3–5.

The application supports the District's Strategic Plan, District Improvement Plan's Goals and Objectives and the Campus Plans. A draft copy of the Federal Application will be available for review and comment in the office of Student Services.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: Federal Funds contribute approximately \$4,530,218 to supplement the district's instructional programs.

Recommendation: None

Respectfully submitted,



Ryder Warren, Ed.D.
Superintendent



Michael Griffin, Ed.D.
Assistant Superintendent
for Curriculum & Instruction



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Public Hearing ~ 2020-2023 Federal ESSER (Elementary and Secondary School Emergency Relief) Funding

Date: May 24, 2021

Background Information and Rationale:

A hearing for public discussion of the use of ESSER III, funded through the American Rescue Plan Act, NISD has been allocated to receive \$7,405,820 million in relief funding. There are restrictions, requirements and 15 allowable uses for this funding and guidance is still being provided. School districts must submit a grant application to TEA in order to receive the funding by July 27, 2021. Northwest ISD has already engaged with stakeholders to receive input through a survey and District Education Improvement Council (DEIC) and Faculty Advisory Council (FAC) feedback to address the district's needs which has been used to begin developing a district plan to utilize these funds. Final district plans will be submitted to the board for approval on June 28, 2021.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: An additional \$7.2 million in relief funding.

Recommendation: This is a public hearing.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Elementary and Secondary Schools Education Relief Fund (ESSER)

	Act	Enacted	Texas Allocation	Allowed for State Set-aside	LEA Allocation
ESSER I	Coronavirus Aid, Relief, & Economic Security Act (CARES)	3/27/2020	\$1.29 billion	\$130 million	\$1.16 billion
ESSER II	Coronavirus Response & Relief Supplemental Appropriations Act (CRRSA)	12/27/2020	\$5.53 billion	\$553 million	\$4.98 billion
ESSER III	American Rescue Plan Act (ARP)	3/11/2021	\$12.4 billion	\$1.24 billion	\$11.18 billion

In 2020, the State of Texas chose to supplant the funding available to schools through ESSER I. On April 28, 2021, state leaders announced that the entirety of the \$11.2 billion from the LEA allocation under ESSER III would flow to Texas schools. At this time, what remains unknown is how or how much of the funding available through ESSER II will reach schools, as well as the \$1.2 billion allowed for state reservation under ESSER III.

This document is intended to focus specifically on the ESSER III allocation for school districts. The Texas Education Agency has provided [more specific guidance online](#) that informed much of this document.

You can view grant allocation amounts per district here:

<https://tea.texas.gov/sites/default/files/covid/2020-2021-ARP-Act-ESSER-III-Allocation-Amounts-by-LEA.pdf>

How will districts receive this funding?

School districts must submit a grant application to TEA in order to receive these funds. The application is available from the [TEA Grant Opportunities](#) page. Select "2020-2023 ARP ESSER III Federal Grant Application" from the Application Name field, or search for "ARP".

When will schools receive this funding?

Federal statute requires TEA to make allocations to schools within 60 days of receiving the funds. The deadline for when funds must be available to schools is May 23, 2021. Keep in mind that the award of funds will be two-thirds of the total grant amount, with the remaining one-third to come to schools once the US Department of Education (USDE) releases the remainder of funds through the state application process at a later date. All funds must be awarded by March 24, 2022.

Over what timeline may ESSER III funds be spent?

March 13, 2020 – September 30, 2024. Funds may be used for allowable activities from March 13, 2020 (with approved pre-award) through September 30, 2023. Districts will then have the standard 12-month carryover available through September 30, 2024.

What strings are attached? What requirements must districts follow?

Districts must expend **a minimum of 20%** of their ESSER III funds on **evidence-based interventions**, such as summer learning, extended day comprehensive after-school programs, or extended school year programs. Schools must ensure interventions respond to students' academic, social, and emotional needs and address disproportionate impact of coronavirus on Title I students, students experiencing homelessness, and youth in foster care.

Districts must engage in meaningful consultation with stakeholders—including students, families, district administrators (including special education administrators), teachers, principals, school staff, and other stakeholders/members of the public (in particular organizations that represent children with disabilities, English Language Learners, children experiencing homelessness, children in foster care, migrant students, children who are incarcerated, and other underserved students). Stakeholders must have the opportunity to provide input on the **ESSER III Use of Funds Plan**.

District plans must be provided in an understandable, uniform format. These plans must be available to parents by request (and available in a format and language assessable to that parent). Plans are to be posted to the district's website.

In addition to/along with the plan about the use of funds, districts must post a **"Safe Return to In-Person Instruction and Continuity of Services Plan"** within 30 days of the receipt of funds. Before posting this plan to the website, districts must make the proposed plan available for public comment and consider those comments before finalizing the plan. Existing plans may also be used to meet this requirement, and the plan must be reviewed every 6 months and revised for any necessary updates to ensure compliance with evolving requirements and recommendations from the state and federal level.

What are the allowable uses for the funding?

The federal statute clearly spells out the 15 allowable uses of ESSER III dollars as follows:

1. Any activity authorized under ESEA, IDEA, Adult Education and Family Literacy Act, or the Carl D. Perkins Career and Technical Education Act of 2006
2. Coordination of preparedness/response efforts of LEA with State and local health departments, and other relevant agencies, to improve coordinated responses to prevent, prepare for, and respond to coronavirus
3. Activities to address the unique needs of low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth
4. Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs

(List continued on next page...)

5. Training and professional development for school staff on sanitation and minimizing the spread of infectious diseases
6. Purchasing supplies to sanitize and clean school facilities
7. Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, how to provide guidance for carrying out requirements under IDEA, how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements
8. Purchasing educational technology (hardware, software, and connectivity) for students that aids in regular/substantive educational interaction between students and instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment
9. Providing mental health services and supports, including through implementation of evidence based full-service community schools
10. Planning and implementing activities related to summer learning and/or supplemental afterschool programs, both of which may include providing classroom instruction or online learning and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care
11. Addressing learning loss among students, including low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children in foster care, including administering and using high-quality assessments, implementing evidence-based activities to meet the comprehensive needs of students, providing information and assistance to parents & families on effectively supporting students, and tracking student attendance and improving student engagement in distance education
12. School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs
13. Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement
14. Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from CDC for the reopening and operation of school facilities
15. Other activities that are necessary to maintain the operation of and continuity of services in the LEA, including continuing to employ existing staff of the LEA to the greatest extent practicable

Can districts supplant the funding?

At this time, the answer appears to be yes. There is no maintenance of effort for local school districts, so LEAs may choose to supplant state and local funds with ESSER III dollars. The use of ESSER III funding must still the allowable use guidelines in the federal law, but if such spending replaces expenditures that were already planned with local funding, a supplant of funding is allowed. **However**, keep in mind that federal rules are still being written, as are state applications. Some of those rules and reporting requirements for the use of the funds could make supplanting funds challenging. Additionally, districts should be mindful of the fact that ESSER III dollars are one-time funding and avoid supplanting funds for continuing needs in the district that cannot later be replaced when federal funds are no longer available. And finally, remember that MOE compliance for special education spending continue to apply, and will apply in the future as well.

Can districts use ESSER III dollars to build up their fund balance?

If a district uses ESSER funds to pay for things previously paid for with state and local funds, that frees up state and local funds for other purposes. TEA actually says in their FAQ document that “Some LEAs may want to designate or otherwise preserve a portion of these freed up state and local funds for long term COVID-19 learning loss intervention support. One method to do this would be to add these funds on a restricted basis to your general fund balance.” Action is required by the district’s board of trustees to restrict or commit funds. It would be a good idea to be clear about the purpose and plans for funds in a district’s fund balance rather than leave them undesignated.

What’s the Maintenance of Equity (MOQ) requirement?

*The following applies only to districts with **more than 1,000 students** that have **more than one campus per grade span** (elementary, middle school high school), or who have not received a waiver from the UDSE to be exempt from these requirements. If you are in one of the approximately 400 districts to which this applies, you must comply with MOQ requirements.*

The MOQ requirements prohibit districts from reducing per-pupil spending (of state and local funds combined) or FTEs for any high poverty school by an amount that exceeds the total reduction(s) within the school district. So long as there are no reductions that would violate the MOQ requirements, districts may use ESSER III dollars across all campuses within the district, and are not limited to use for Title I eligible campuses only.

How will these funds be tracked?

You can absolutely expect plenty of tracking and reporting on these use of these funds, possibly including the results or outcomes of their use. There will be oversight and scrutiny over the use of these funds. TEA has established fund code 282 to track ESSER III dollars. (For reference, ESSER I’s fund code is 266, and ESSER II’s fund code is 281.) There will be lots more details to come on this topic.

Unallowable Activities and Use of Funds

In general, refer to the Budgeting Cost Guidance Handbook on the [Administering a Grant](#) page for unallowable costs.

In addition, unallowable activities and use of funds for this grant may include but are not limited to the following:

- Debt service (lease-purchase)
- Hosting or Sponsoring of Conferences
- Subsidizing or offsetting executive salaries and benefits of individuals who are not employees of the LEA
- Expenditures related to state or local teacher or faculty unions or associations
- Bonuses, merit pay, or similar expenditures unless specifically related to disruptions or closures resulting from COVID-19

Carri Eddy Ed.D.
NISD Executive Director of Student Services
817-215-0079

FAQ - 2020-2023 ARP ESSER III

	Category	Question #	Question
1			
2	Grant Summary	GS-Q1	What is the purpose of the ARP ESSER III funds?
3	Grant Summary	GS-Q2	How much funding is available to Texas LEAs?
4	Grant Summary	GS-Q3	Why is only 2/3 of the total funding currently available?
5	Grant Summary	GS-Q4	How is the agency planning to use the state's allocated discretionary funds?
6	Eligibility	E-Q1	Who is eligible to apply for ARP ESSER III funding?
7	Eligibility	E-Q2	Why must the LEA have received a Title I, Part A grant to be eligible for ARP ESSER III?
8	Eligibility	E-Q3	What is the formula for distributing ARP ESSER III funding to LEAs?
9	Eligibility	E-Q4	How will LEAs know their grant amounts?
10	Eligibility	E-Q5	Are agencies that provide out of school time or other general support to LEAs able to apply for ESSER III funds or do they work with the LEAs they serve?
11	Timeline	T-Q1	When will the funds be made available to LEAs?
12	Timeline	T-Q2	Is pre-award allowed?
13	Timeline	T-Q3	What is the funding period for ARP ESSER III grants?
14	Timeline	T-Q4	Is there a deadline for LEAs to receive the grant funds?
15	Application Process	AP-Q1	Must the LEA submit a grant application to TEA to receive the ARP ESSER III funds?
16	Application Process	AP-Q2	Will the grant application be a paper PDF application emailed to TEA like ESSER I?
17	Application Process	AP-Q3	What are the federal requirements around the LEA ESSER III Use of Funds Plan?

Answer	Posted	Updated
Note: New questions will be reflected in green text for five days and updated responses will be reflected in red text for five days.		
The purpose of ESSER in general is to award subgrants to local educational agencies (LEAs) to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools.	04/28/21	
\$12,418,588,778 is available to the state. Ninety (90) percent, or \$11,176,729,900, will be awarded to eligible LEAs per the ARP statute. Note that only 2/3 of the total state allocation (\$8,279,059,186) is available at this time.	04/28/21	
USDE chose to award 2/3 of the state allocations to make funding readily available to LEAs. The remaining 1/3 will be made available to the state later this spring after USDE releases a state application process.	04/28/21	
ESSER III requires states to distribute discretionary funds to target evidence-based practices for learning acceleration, summer enrichment, and after school programming. The agency is in the process of developing a state plan that aims to streamline grant processes and provide supports to LEAs aligned to those required evidence-based practices. Prior to being finalized, the proposed state plan will be released for stakeholder comment and feedback and will include pending legislation from the 87th legislative session.	04/28/21	
LEAs, including school districts and charter schools, that received a Title I, Part A grant in school year 2020-2021 are eligible and will receive allocations for the ESSER III grant.	04/28/21	
The ARP statute designates the funding distribution formula for ESSER III funds. Receiving Title I, Part A funds in the most recent year (2020-2021) is part of the statutory formula for receiving an ESSER III allocation.	04/28/21	05/04/21
TEA must allocate 90% of its total ESSER III grant by formula to LEAs. TEA must determine each LEA's ESSER allocation in proportion to the amount of funds the LEA received under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) in the most recent fiscal year (2020-2021).	04/28/21	
Grant allocations will be posted on the Grants Administration Entitlements web page at https://tea.texas.gov/finance-and-grants/grants/grants-administration/applying-for-a-grant/entitlements .	04/28/21	
No, organizations other than LEAs are not eligible for the formula ESSER III funding. Federal statute stipulates the eligibility for receiving these ESSER III grants. Organizations who can provide eligible services to LEAs would reach out to those LEAs to identify if their services meet the LEA's identified needs.	05/04/21	
By statute, TEA must make the allocations and grant application available to LEAs within 60 days of receiving the federal award from USDE. This deadline is May 23, 2021, but TEA is making the allocations and application for funding available in late April.	04/28/21	
Yes, USDE has allowed pre-award costs back to March 13, 2020.	04/28/21	
Funds may be used for allowable activities from March 13, 2020 (with approved pre-award) through September 30, 2023. The Tydings Amendment will then apply and LEAs will have the standard 12-month carryover period for a total grant period of March 13, 2020, through September 30, 2024.	04/28/21	
Yes, TEA must award (issue grant NOGAs) all funds to LEAs within one year or the funds return to USDE. All funds must be issued a NOGA by March 24, 2022.	04/28/21	
Yes, the LEA must submit the grant application to TEA in the time and manner requested by the state in order to receive the ESSER III funds. In addition, the PS3013 and 3014 Program Schedules to the application serve as the LEA's required ESSER III Use of Funds Plan.	04/28/21	
No, the ESSER III grant application will be available in the eGrants system.	04/28/21	
The LEA must engage in meaningful consultation with stakeholders and give the public an opportunity to provide input in the development of its plan for the uses of ARP ESSER III funds. Specifically the LEA must engage in meaningful consultation with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and to the extent present in or served by the LEA tribes, civil rights organizations (including disability rights organizations) and stakeholders representing the interests of children with disabilities, English language learners, children experiencing homelessness, children in foster care, migrant students, children who are incarcerated, and other underserved students.	04/28/21	
The LEA must provide its plan for the uses of ARP ESSER III funds in an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and, upon request by a parent who is an individual with a disability, provide in an alternative format accessible to that parent.		
The LEA program schedules to the ESSER III application, or a separate document containing all the information included in the program schedules, serving as the LEA's plan for the uses of ARP ESSER III funds will be posted to the LEA's website within 30 days of receiving its ESSER III Notice of Grant Award.		

	Category	Question #	Question
18	Application Process	AP-Q4	Is a formal public hearing required for ESSER III like it was for ESSER I?
19	Application Process	AP-Q5	Do we submit the grant application once for the entire amount we are allocated?
20	Grant Requirements	GR-Q1	Are the ARP ESSER III funds required to be supplemental to the LEA's state and local funds?
21	Grant Requirements	GR-Q2	Since local supplanting is allowed, what indirect cost rate does the LEA use on this grant?
22	Grant Requirements	GR-Q3	Is a back to school plan required to receive the ARP ESSER III funds?
23	Grant Requirements	GR-Q4	Is there a private school equitable services requirement like ESSER I?
24	Grant Requirements	GR-Q5	Is there a local ESSER Maintenance of Effort requirement?
25	Grant Requirements	GR-Q6	What is the local Maintenance of Equity (MOQ) requirement?
26	Grant Requirements	GR-Q7	Is there any exception or waiver to the local MOQ requirement?
27	Grant Requirements	GR-Q8	What is the biggest difference between ESSER I, ESSER II, and ESSER III funds?
28	Grant Requirements	GR-Q9	The application contains an assurance about assuring the governing board makes no assumptions that the state will provide replacement funds for ESSER in future years. Does the board need to be made aware of this statement?
29	Grant Requirements	GR-Q10	How does the grant requirement that LEAs purchase US made good impact the ESSER III grant, especially related to technology availability?
30	Grant Requirements	GR-Q11	Does TEA have any suggestions on how to avoid the penalty of MOE when reducing state or local spending now so it can be used after 2024?

Answer	Posted	Updated
There is a public notice requirement for all federal grant applications to be made available to the public before the LEA submits the applications to TEA. This is not new and is often met by a summary of the application and use of funds to be presented as an informational item at the local board meeting or by other public notice means as described in the LEA's local policy on providing public notice. ESSER III also requires two plans from the LEAs which require public notice and comment to be collected and incorporated into the plans.	05/04/21	
No. TEA has only received 2/3 of the total state award from USDE and can only award funding it has received. The allocations indicate the first 2/3 amount which is included in the available ESSER III application for funding, the remaining 1/3 which will be awarded after USDE released those funds, and the total amount the LEA can expect. USDE will award the remaining 1/3 of the funding after the state submits an application and it is approved later in the summer. At that point, LEAs will submit an amendment to their existing application for funding to increase their ESSER III grant budget.	05/04/21	
No, the LEA has flexibility within the allowable uses of funds to supplant state and local funds. However, the use of ESSER III funds must still meet the intent of the program statute (GS-Q1 above) and be a statutorily allowable use of the funds (AU-Q1below).	04/28/21	
The LEA may reserve any amount for indirect costs not to exceed its unrestricted indirect cost rate.	04/28/21	
Yes. The LEA must post to its website its "Safe Return to In-Person Instruction and Continuity of Services Plan" within 30 days of receiving your ESSER III NOGA. Before posting the plan to our website, you must make the plan available for public comment and take any comments received into consideration in finalizing the plan. Any existing plan that meets the statutory requirements may be posted to meet this compliance requirement. USDE requires this plan to be reviewed every 6 months and revised accordingly.	04/28/21	
No, private schools have a separate program to receive services from the state under ARP.	04/28/21	
No, however there is a state-level MOE requirement and both state and local Maintenance of Equity (MOQ) requirements.	04/28/21	
It is important to note that IDEA MOE and ESSA MOE requirements still apply to the LEA and you will want to be cognizant of your state and local spending in relation to these MOE requirements, especially if supplanting the ESSER funds locally.		
Since supplanting is allowed, it is important for LEAs to pay attention to how they supplant with ESSER III funds and supplant equally across campuses to not cause MOQ concerns.	04/28/21	
The local MOQ requirement is that LEAs shall not reduce (1) per-pupil spending of state and local funds, or (2) FTEs, for any high poverty school by an amount that exceeds the total reduction(s) within the LEA. "High poverty school" is defined as a school with a higher percentage of economically disadvantaged students than the median school percentage of the LEA or the LEA's grade span (based on Title I, Part A economically disadvantaged student data).		
More information will be provided once USDE release MOQ guidance.		
Yes. An LEA that has fewer than 1000 total enrollment, has only one campus within the LEA, only one campus per grade span (elementary, middle school, high school) within the LEA, or receives a waiver from USDE may be exempt from the requirement.	04/28/21	
The allowable activities expanded with ESSER II and again with ESSER III. Also, ESSER III contains two planning requirements, a 20% set-aside for funding to be expended for learning loss type activities, and has the new Maintenance of Equity provisions. A side-by-side comparison of the three ESSER programs will be available on the TEA coronavirus website.	04/28/21	
Yes. Since the large influx of ESSER funding into LEAs can result in funding deficits when it ends, the LEA must plan for how to effectively and efficiently use the ESSER funds. It is recommended to use the ESSER grant funds for one-time or short-term types of expenditures to address the identified needs caused by the pandemic. Although long-term uses of the ESSER funds are also allowable, these types of uses may cause the LEA to not have funding to continue these activities after the ESSER period of availability ends, thus creating fiscal deficits.	04/28/21	
Also remember that federal regulations require the LEA to provide public notice of its intent to submit the application for the ESSER funds and how it will use these funds. Many LEAs provide this public notice at the local board meeting.		
Federal Uniform Grant Guidelines rules, which are incorporated into the Education Department's General Administrative Regulations (EDGAR), require a Domestic Preference for Procurements. This requirement states that to the greatest extent practicable the LEA must provide a preference for the purchase of goods and materials produced in the United States. The LEA must include this preference stated in all subawards, contracts and purchase orders to be compliant with this federal requirement.	05/04/21	
To avoid the IDEA MOE penalty, the LEA should not reduce special education spending with state or local funds. The IDEA MOE requires the LEA to expend an amount equal to or greater to the prior year's special education spending. Failure to do so requires a re-payment of state and/or local funds which are returned to the federal government. The ESSA MOE requires at least 90% of the prior year's general education spending to met. The LEA must monitor its spending and its reducing of state funding to ensure its state spending is not reduced more than 10%. Failure to do so requires your ESSA allocations to be reduced by the applicable percentage of noncompliance.	05/04/21	
The Maintenance of Equity requirement may also impact LEAs. TEA is still waiting for more guidance from USDE on this new requirement.		

Category	Question #	Question
Allowable Uses	AU-Q1	What are the allowable uses of the ARP ESSER III funds?
31		
Allowable Uses	AU-Q2	Are the ARP ESSER III funds required to be used for specific uses?
32		
Allowable Uses	AU-Q3	Are there recommended uses of ESSER III funds that will assist LEAs address the impact of the COVID pandemic and disruptions leading to learning loss?
33		
Allowable Uses	AU-Q4	Since the funding formula ties to Title I, Part A, are the ARP ESSER III funds subject to any requirements of Title I?
34		
Allowable Uses	AU-Q5	May the LEA use ARP ESSER III funds for any campus within the LEA or only on Title I campuses?
35		
Allowable Uses	AU-Q6	How does Reading Academies being a state requirement impact the allowability of ESSER III to be used to send teachers to the Reading Academy training?
36		

Answer	Posted	Updated
<ol style="list-style-type: none"> Any activity authorized under ESEA, IDEA, Adult Education and Family Literacy Act, or the Carl D. Perkins Career and Technical Education Act of 2006 Coordination of preparedness and response efforts of LEA with State and local public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to the coronavirus Activities to address the unique needs of low-income students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each student population Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases Purchasing supplies to sanitize and clean the facilities of the LEA, including buildings operated by the LEA Planning for, coordinating, and implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, how to provide guidance for carrying out requirements under IDEA, how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements Purchasing educational technology (hardware, software, and connectivity) for students that aids in regular/substantive educational interaction between students and instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment Providing mental health services and supports, including through implementation of evidence based full-service community schools Planning and implementing activities related to summer learning, including providing classroom instruction or online learning during summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care, and supplemental afterschool programs, providing classroom instruction or online learning, addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care Addressing learning loss among LEA students, including low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and children in foster care, including administering and using high-quality assessments, implementing evidence-based activities to meet the comprehensive needs of students, providing information and assistance to parents & families on effectively supporting students, and tracking student attendance and improving student engagement in distance education School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control systems, and window and door repair and replacement Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from CDC for the reopening and operation of school facilities Other activities that are necessary to maintain the operation of and continuity of services in the LEA, including continuing to employ existing staff of the LEA to the greatest extent practicable 	04/28/21	
<p>Yes, LEAs must expend a minimum of 20% of their grant funds on—</p> <ol style="list-style-type: none"> Evidence-based interventions, such as summer learning, extended day comprehensive after-school programs, or extended school year programs; and Ensure interventions respond to students' academic, social, and emotional needs and address disproportionate impact of coronavirus on student populations as defined in ESEA, Title I, Part A; students experiencing homelessness; and youth in foster care. 	04/28/21	
<p>The LEA should use their local data and comprehensive needs assessment process to determine the best uses of funds for their students and staff. TEA has focused on this issue over the last year and can recommend several potential uses of funds for consideration</p> <p>While keeping in mind the purpose and requirements under ESSER III related to accelerating student learning, TEA strongly encourages school systems to plan for how to use these one-time federal funds expeditiously over the entire covered period to facilitate a more comprehensive long-term approach to learning acceleration. This may include aligned strategies that are currently part of a districts' current plans and strategies. A qualitative review of draft local learning acceleration plans revealed the following trends and suggestions, which is not meant to be exhaustive.</p> <p>This list includes and is not limited to the following:</p> <ul style="list-style-type: none"> •Professional Development: comprehensive Reading Academies, high-quality instructional materials, dyslexia training, professional development stipends, technology integration training •Extended Instructional Time: extended day, extended year, high-dosage tutoring, summer learning •Staffing: tutors, reduced class sizes, small group instruction, staff retention and recruitment incentive pay, after school enrichment programs, instructional coaching and leadership •Facilities: ventilation, cleaning, HVAC systems, specialized instructional spaces •Technology: devices, infrastructure upgrades, learning management systems, digital tools, educational application •Mental Health and Behavioral Supports: social workers, at-risk coordinators, additional counseling services, teacher training and programming, wrap-around and community partnerships 	04/28/21	
No	04/28/21	
The statute does not define how the LEA distributes funds to campuses within the LEA; therefore, the LEA may support any campus in the LEA with ESSER III funds.	04/28/21	
<p>There is no supplanting requirement under ESSER III, so grant funds can be expended for state or local requirements as long as the activity is allowed under the ESSER III statute. Reading Academies participation is an allowable ESSER III activity.</p>	05/04/21	

	Category	Question #	Question
37	Grant Reporting	GR-Q1	How will the ESSER III funds be tracked and reported ?
38	Grant Reporting	GR-Q2	Will there be special reporting requirements for ARP ESSER III grants?
39	Audits and Monitoring	AM-Q1	Should the LEA expect the ARP ESSER III funds to be audited or monitored for program compliance?
40	Audits and Monitoring	AM-Q2	What are some examples of records and documentation an LEA should maintain for audit and monitoring purposes?
41	Funding	F-Q1	What other requirements should we consider when deciding how to spend the ARP ESSER III funds?
42	Funding	F-Q2	How could MOE requirements impact how the LEA expends ARP ESSER III funds?
43	Funding	F-Q3	How can we address potential fiscal deficits in future years?
44	Funding	F-Q4	This FAQ references ARP ESSER III funds can be expended as pre-award funds. Can the LEA reimburse itself for costs already expended?
45	Funding	F-Q5	If the LEA reimburses state or local funds with ARP ESSER III federal grant funds for pre-award costs, are those federal funds now treated as state funds?
46	Funding	F-Q6	When can the LEA start reimbursing itself using ARP ESSER III funds?
47	Funding	F-Q7	Now that we can supplant state and local funds with the ESSER III grant funds what should we do with the unexpended state and local funds?
48	Funding	F-Q8	How could my LEA reserve the state and local funds that were supplanted by ESSER III for future uses to continue to educate students after the ESSER III grant ends?

Answer	Posted	Updated
The ESSER I, II, and III funds are all appropriated under different statutes and therefore must be tracked and reported separately. For example ESSER I is fund code 266, ESSER II will be fund code 281, and ESSER III will be fund code 282.	04/28/21	
USDE has not yet released the reporting requirement. However, LEAs should expect stringent reporting on use of funds from USDE, TEA, or both.	04/28/21	
Yes, with a federal grant of this size the LEA should expect to be reviewed by either TEA, USDE, OIG, GAO or any other federal agency with oversight responsibilities. TEA is required to monitor stimulus funds at a greater level than other federal grants.	04/28/21	
<p>Auditors will request and review documentation to verify that program funds were obligated in compliance with fiscal, program, and other applicable grant requirements. Auditors will review district's financial management system, internal controls, cash management, budgetary controls, allowability of costs, period of availability and set asides. Additionally, auditors will request and review source documentation supporting both payroll and non-payroll costs to determine that expenditures charged to grant funds were allowable, allocable, reasonable and necessary to meet program requirements. At a minimum, the district should maintain the following documentation to demonstrate compliance with program requirements.</p> <ul style="list-style-type: none"> • Policies and procedures • Detailed general ledgers and payroll journals compliant with FASRG • Procurement records (i.e. contracts, leasing agreements) • Personnel Records including job descriptions, salary authorizations, payroll and Time and Effort records reconciled to payment • Needs assessment and/or planning documents describing the need for the use of program funds. • Inventory records of equipment purchased with grant funds • Source documentation supporting expenditure of grant funds (i.e. purchase orders with accompanying Invoices, receipts, canceled check/check registry/screenshot from accounting system, proof of electronic payment/payment screen-shoots (as applicable) indicating that payment was made (paid) • Spreadsheet or other documents with relevant supporting documentation reconciling payment documentation to dollar amount that includes description of how funds were used, a unique payment number, the date payment was recorded and a signatory approval 	04/28/21	
The LEA should consider their identified needs to address the impact of the COVID-19 pandemic on their campuses. In addition, you should consider ESSA and IDEA MOE requirements, the ESSER Maintenance of Equity (MOE) requirement, and potential fiscal deficits that may arise in future years due to the large influx of this federal funding.	04/28/21	
<p>There is no local ESSER MOE requirement. Independent of ESSER there is a local ESSA MOE requirement for all expenditures and a local IDEA MOE requirement for special education expenditures. (See GR-Q5 above)</p> <p>If the LEA supplants state and local funds with the ESSER III funds (which is allowable) the LEA's state and local fund spending will decrease. The ESSA and IDEA MOE compliance requirements test the LEAs spending of state and local funds at a level to match prior year spending. The ESSA requirement is to meet at least 90% of the prior year spending and the IDEA requirement is 100%.</p> <p>See the ESSA MOE Guidance Handbook at https://tea.texas.gov/sites/default/files/ESSA%20LEA%20Maintenance%20of%20Effort%20%28MOE%29%20Guidance%20Handbook%20tm.pdf and the IDEA MOE Guidance Handbook at https://tea.texas.gov/sites/default/files/IDEA-B%20LEA%20MOE%20Handbook.pdf for more information on the MOE requirements.</p>	04/28/21	
The LEA has the option to supplant state and local funds with the ESSER III grant funds as long as it uses the ESSER III grant funds for allowable uses under the ARP ESSER Statute (see AU-Q1 above). When the LEA does this, it frees up state and local funds for other uses or to be "saved" for use at a later date. Saving state or local funds for use after the ESSER III grant ends can provide the LEA more time to address student learning loss.	04/28/21	
Yes, pre-award is allowed from March 13, 2020, through the date the LEA submits the ESSER III grant application to TEA. The LEA may reimburse itself for allowable ESSER III costs that occurred during that pre-award period as long as it requests those pre-award costs in the grant application and is approved by TEA.	04/28/21	
No. ESSER funds (ESSER I, II, and III) are federal funds and must follow all federal grant rules and regulations. The ESSER funds must also be reported separately and meet all federal fiscal and programmatic compliance requirements.	04/28/21	
You may begin planning to reimburse the LEA for pre-award cost now as you plan your ESSER III budget, but the actual accounting transactions to book the reimbursement cannot occur until the ESSER III grant application is approved with the pre-award costs included.	04/28/21	
The LEA will restrict the use of state and local M&O funds in a restricted or committed fund balance account. This could be a one-time reservation or certain amounts that equal up to the ESSER III grant award over the three year availability of the ESSER III grant.	04/28/21	
If LEAs take steps to use federal funds for purposes previously paid for with state and local funds, that will allow state local funds to be used for other purposes. Some LEAs may want to designate or otherwise preserve a portion of these freed up state and local funds for long term COVID-19 learning loss intervention support. One method to do this would be to add these funds on a restricted basis to your general fund balance. A school district and its board will determine the amount of funds that will be reserved in fund balance either as restricted or as committed in a fund balance account as defined by Governmental Accounting Standards Board Statement 54. The amount of state and local funds can be restricted all at one time or up to three annual installments based on the ESSER III grant awards. A non-profit open-enrollment charter school would use "Net Assets with Donor Restrictions" to restrict the use of state and local funds that became available due to supplanting the state and local funds with ESSER III grant award funds.	04/28/21	

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Category	Question #	Question
Funding	F-Q9	What is an example of changes I would make to expenditure codes in the event my school system used ESSER III grant funds for allowable purposes that are currently being funded with general fund dollars?

Answer	Posted	Updated
<p>For example, if the district received \$1,000,000 in ESSER III grant funds, the district would reclass up to \$1,000,000 of allowable expenditures in the general fund (199) to the new ESSER III fund (282). Therefore, unencumbering general fund budgeted funds to be restricted for later use to continue to support the students of the district after the ESSER III grant award ends.</p> <p>Or if the district receives the same \$1,000,000 award but determines to use it over the three year grant period the district would reclass \$334,000 in general fund expenditures in the 2021 fiscal year to the ESSER III fund (282) and then restrict \$334,000 of unencumbered budgeted funds as restricted or committed fund balance. In the two subsequent years 2022 and 2023 the district would code \$333,000 to the ESSER III grant fund (282) and restrict \$333,000 in fund balance in the general fund for later use to continue to support the students of the district.</p>	04/28/21	



To: Board of Trustees
From: Ryder Warren, Ed.D., Superintendent of Schools
Subject: Personnel Recommendations
Date: May 24, 2021

Background Information and Rationale: In order to achieve the District's goal to recruit, value, and retain exceptional staff to create a rewarding learning environment, we are submitting the attached list of candidates that have been selected and recommended by the administration for contract approval. We are also submitting a list of resignations for your acknowledgement.

Support of Strategic Goals:

- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.

Budget and/or Fund Impact: These positions have been included in the 2021-2022 budget.

Recommendation: Approve contracts as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Kim Caley, Ed.D.
Assistant Superintendent for Human Resources



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: T-TESS Appraisers and 2021-2022 Appraisal Calendar

Date: May 24, 2021

Background Information and Rationale: In accordance with DNA (LOCAL) and DNA (LEGAL), the Northwest ISD Board of Trustees must approve the list of teacher appraisers, second appraisers and T-TESS appraisal calendar on an annual basis.

Support of Strategic Goals:

- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.

Budget and/or Fund Impact: None

Recommendation: Approve the T-TESS teacher and second appraisers and the 2021-2022 Appraisal Calendar as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Kim Caley, Ed.D.
Assistant Superintendent for
Human Resources

Kim Barker
Executive Director of
Human Resources

T-TESS Timeline Chart

2021-2022

New to NISD and New Teachers

Required Deadline	Activity	Notes
September 8, 2021	T-TESS Orientation Completed	
August 18, 2021 – October 21, 2021	Pre-Conference Window for Teacher/Appraiser conference for Goal Setting and Professional Development	
October 21, 2021	Last day for teachers to turn in Goals and Professional Development Plan to appraiser.	
September 22, 2021 – April 7, 2022	Appraisal Window	Includes all instructional days of teacher contract
April 22, 2022	Last Day to complete End-of Year Summative Conferences	* EOY Conference is held with teacher <u>prior</u> to completing Summative Report
May 6, 2022	Last day to share written Summative reports with teacher.	* EOY Summative Reports must be shared with the teacher within 10 working days after the Summative Conference

Returning Teachers

Required Deadline	Activity	Notes
** Returning teachers completed Goals and Professional Development Plan during EOY Conferences in Spring 2020. This can be revised as needed based on changes to the teacher's assignments during the current school year and then submitted to the appraiser within the first six weeks of instruction. (September 25, 2020)		
August 31, 2021 – April 7, 2022	Appraisal Window	Includes all instructional days of teacher contract
April 22, 2022	Last Day to complete End-of Year Summative Conferences	* EOY Conference is held with teacher <u>prior</u> to completing Summative Report
May 6, 2022	Last day to share written Summative reports with teacher.	* EOY Summative Reports must be shared with the teacher within 10 working days after the Summative Conference

Returning Teachers – Alternative Appraisal

Required Deadline	Activity	Notes
** Returning teachers completed Goals and Professional Development Plan during EOY Conferences in Spring 2020. This can be revised as needed based on changes to the teacher's assignments during the current school year and then submitted to the appraiser within the first six weeks of instruction. (September 25, 2020)		
August 31, 2021 – April 7, 2022	Classroom Observation Window	Includes all instructional days of teacher contract
April 22, 2022	Last Day to complete End-of Year Summative Conferences	* EOY Conference is held with teacher <u>prior</u> to completing Summative Report
May 6, 2022	Last day to share written Summative reports with teacher.	* EOY Summative Reports must be shared with the teacher within 10 working days after the Summative Conference

**Teacher Appraisers
And
Second Appraisers
2021-2022**

The Northwest ISD administration requests that the Board approve the certified individuals listed below as T-TESS teacher appraisers for Northwest ISD for the 2021-2022 school year:

**All Northwest ISD campus principals
All Northwest ISD campus associate principals
All Northwest ISD campus assistant principals**

A teacher may request a second appraisal by another appraiser after receiving a written observation summary and/or written summative annual appraisal report with which they disagree. *Education Code 21.352(c)*.

The following individuals are T-TESS certified and it is requested that the Board approve the individuals listed below as second appraisers per *DNA(LOCAL)* for Northwest ISD for the 2021-2022 school year:

**All Northwest ISD campus principals
All Northwest ISD campus assistant principals
Assistant Superintendent for Human Resources
Assistant Superintendent for Curriculum and Instruction
Executive Director for Elementary Education
Executive Director for Secondary Education
Executive Director for Curriculum and Staff Development
Executive Director of Human Resources
Executive Director of Fine Arts
Executive Director of Student Services
Director of Student Services
Director of Elementary Staffing
Director of Secondary Staffing**

2021-2022 T-TESS Appraisal Calendar



2021-2022 School Calendar

July 2021						
Su	M	Tu	W	Th	F	Sa
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
July 2, 5-9, 16, 23, 20 District Offices Closed July 27, 28, 29 ENGAGE						

August 2021						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
August 3, 4, 5 New to NISD Teachers Report August 9-13, 16-17 All NISD Report for PL August 18 1st Day of School						

September 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
September 6 Student-Staff Holiday September 24 6-week UIL Grade Check						

October 2021						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						
October 8 End of 1st Quarter & Early Release October 11 Student Holiday/Teacher Flex October 12 Beginning of 2nd Quarter						

November 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
November 1 Student-Staff Holiday November 2 Student Holiday/Teacher PL November 22-23 Student Holiday/Teacher Flex November 24-26 Student-Staff Holiday						

December 2021						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
December 17 End of 2nd Quarter & Early Release December 20-31 Student-Staff Holiday						

January 2022						
Su	M	Tu	W	Th	F	Sa
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					
January 3-4 Teacher Professional Learning January 5 Beginning of 3rd Quarter January 17 Student-Staff Holiday						

February 2022						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28					
February 21 Student-Staff Holiday						

March 2022						
Su	M	Tu	W	Th	F	Sa
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		
March 11 End of 3rd Quarter & Early Release March 14-18 Student-Staff Holiday March 21-22 Teacher Professional Learning March 23 Beginning of 4th Quarter						

April 2022						
Su	M	Tu	W	Th	F	Sa
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
April 15 Student Holiday/Teacher Flex						

May 2022						
Su	M	Tu	W	Th	F	Sa
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				
May 26 End of 4th Quarter/Early Release May 26 Last Day of School May 30 District Offices Closed						

June 2022						
Su	M	Tu	W	Th	F	Sa
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		
June 3, 10, 17, 24 District Offices Closed						

- Days formal T-TESS observations cannot take place.
- Appraisal window opens for returning teachers. (08/31/21)
- Appraisal window opens for new to NISD teachers. (9/22/21)
- Last day to complete End-of-Year Conferences. (4/22/22)
- Last day to share written summary reports with teachers. (5/6/22)

For details regarding the alternative appraisal process, please refer to Administrative Regulation DNA.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Communities in Schools of North Texas Partnership Agreement

Date: May 24, 2021

Background Information and Rationale: Northwest Independent School District and Communities in Schools of North Texas (CISNT) are looking establish and maintain the relationships and responsibilities of the services provided. CISNT and Northwest ISD will provide school based, school day, case management dropout prevention program at Clara Love Elementary, Prairie View Elementary, Seven Hills Elementary, Chisholm Trail Middle School, Pike Middle School and Northwest High School.

The term of this agreement will be from July 1, 2021 through June 30, 2022 and may be extended for one year. The cost of the services is \$32,000 for Clara Love Elementary, Prairie View Elementary, Chisholm Trail Middle School and Pike Middle School and \$54,994 for services at Northwest High School for a total payment of \$214,994.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.

Budget and/or Fund Impact: The amounts for the agreement CISNT are budgeted as part of the General Fund budget.

Recommendation: Approve the Partnership Agreement with Communities in Schools of North Texas and authorizing the Superintendent or his designee to enter into contract as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Brian Carter
Chief Financial Officer

Mark Vechione
Exec Dir of Purchasing



**PARTNERSHIP AGREEMENT BETWEEN
COMMUNITIES IN SCHOOLS OF NORTH TEXAS, Inc.
AND
NORTHWEST INDEPENDENT SCHOOL DISTRICT**

This Partnership Agreement, by and between the Northwest Independent School District (hereinafter referred to as NISD), and Communities In Schools of North Texas, Inc., (hereinafter referred to as CISNT), sets out to establish the relationships and responsibilities of both parties in the implementation of a CISNT school based, school day, case management dropout prevention program on the campuses of:

Clara Love Elementary, Prairie View Elementary, Seven Hills Elementary School, Chisholm Trail Middle School, Pike Middle School and Northwest High School

Dr. Ryder Warren, Superintendent of NISD, and Mrs. Ann Pape Wilson, Chief Executive Officer of CISNT, ratify and affirm the provisions, relationships and responsibilities set out herein by their execution of this Agreement.

WHEREAS it is the intent of all parties hereto to bring CISNT resources onto campus settings to facilitate the academic and personal success of students who may be experiencing the effects of at-risk environments by providing the full range of CISNT services to those students; and

WHEREAS it is the intent of all parties hereto to maintain a cooperative, interactive and supportive relationship among and between the parties for the benefit of students served;

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the receipt and sufficiency of which is hereby acknowledged, the parties to this Service Delivery Agreement agree to the following:

A. All parties hereto mutually agree as follows:

1. The term of this Service Delivery Agreement shall be from July 1, 2021 through June 30, 2022, and, upon annual evaluation and recommendation by both parties, extended for one additional calendar year beginning the first day of July 2022. Either party for any reason may also cancel this Service Delivery Agreement thirty days after written notification is provided to the other party. The decision to continue or terminate this Service Delivery Agreement will be made on or before July 1, of each year of this contract.

2. CISNT will follow national, State and local CIS policies and ethical standards for service provision under applicable Federal, State, and local laws and will, in cases where written NISD or campus policies concerning service delivery are more restrictive than CISNT policies, follow the written NISD or campus policy concerning student service delivery, except as otherwise herein noted or mutually agreed in writing.
 3. CISNT maintains and retains case management files on all assigned NISD students. These files contain all relevant data requisite to the case and to program criteria. All NISD policies and procedures addressing student confidentiality will be strictly adhered to by CISNT staff. Case management files and/or information contained within such files will be exchanged among NISD and CISNT professional staff on an "as needed" basis.
 4. The CISNT management and staff, and the school principals shall proceed in a joint collaboration to ensure the successful operation of the CISNT program. Communication among these entities will be ongoing, including scheduled meetings to address case management and other programmatic issues.
 5. CISNT, in consultation with the principals at each campus site, will develop a Campus Plan for each school year, which will be referenced in the campus improvement plan for respective NISD campus site. The CISNT Campus Plan will provide all parties with an outline of activities to be undertaken during the upcoming semester. NISD agrees to include CISNT in the campus improvement plan.
- B. CISNT agrees to undertake the following:
1. CISNT will provide staff and resources to each mutually agreed upon school campus site, for the benefit of students. CISNT staff members and any volunteers or part time staff of CISNT will constitute a multi-disciplinary team in the provision of all CISNT services.
 2. CISNT under its Total Quality and Standards Process and this Agreement, will provide to identified students a program of services which includes: a) Supportive Guidance; b) Academic Enhancement Activities; c) Parental and Family Involvement Activities; d) Health Education and Social Service Referrals; e) Pre-Employment Skills Training and Career Awareness Activities; and f) Educational and Cultural Enrichment Opportunities. CISNT staff should not be engaged in other duties (administrative, clerical, or otherwise) that would normally be assigned to NISD employees,

without the approval of the CISNT Chief Executive Officer. The minimum annual caseload for each Site Coordinator will be 100 case managed students for elementary and middle school campuses and 80 students for high school campuses.

3. All CISNT Site Coordinators will be hired by CISNT with the approval of the Campus Principal. All CISNT personnel assigned to school campus sites remain employees of CISNT and will receive direct supervision from the CISNT Program Director who is responsible for their performance and demeanor. However, all CISNT personnel are subject to the rules, regulations and policies of the school site to which they are assigned. All grievances and disciplinary actions involving CISNT employees will be processed in accordance with policies set forth in the CISNT Board approved Personnel Policy manual and in compliance with NISD policies and procedures.
4. CISNT will provide management, administrative, logistical and technical support to each Campus as warranted, ensuring the success of service delivery initiatives. The CISNT Site Coordinator, under the direction of the CISNT Program Director, Chief Executive Officer and the Board of Directors is responsible for oversight of CISNT Project activities.
5. CISNT will refer to the school Principal and to appropriate legal authorities, cases presented to its staff which involve the following issues: a) Violation of NISD's Student Code of Conduct; b) Suicide threats; c) Violent behavior; d) Child abuse; e) Sexual abuse or harassment. CISNT will assist in the resolution of any such case is requested to do so by the Principal. CISNT will immediately notify the appropriate School Counselor of any student in crisis.
6. CISNT agrees to reserve a position on the CISNT Board of Directors for the Superintendent of NISD or their designee. This position may be advisory or participatory at the discretion of the Superintendent.
7. CISNT agrees to indemnify and hold harmless NISD, its Board of Trustees and representatives of and from any and all claims, damages, and causes of action of any type whatsoever, including attorneys fees, arising out of, or in any way connected to this contract. The parties agree that NISD will be entitled to recover attorneys fees, pursuant to Texas Law.

C. NISD agrees to undertake the following:

1. NISD will assume primary responsibility for all student cases involving violation of NISD's Student Code of Conduct, suicide threats, violent behavior, child abuse, and sexual harassment. The CISNT staff will adhere to NISD's policy in addressing the above cases and will work in tandem with the school staff to address problems of the students.
2. In accordance with established policies of NISD and the Texas Education Agency, CISNT will have access to relevant student data, campus-wide, including but not limited to free and reduced lunch lists and TEA at-risk lists, attendance lists, as well as discipline and behavior information, which may impact or demonstrate the effectiveness of CISNT service delivery. Such information is necessary only to determine CIS eligibility and document funding requirements. CISNT will be deemed a "school official" under the Family Educational Rights and Privacy Act for the purpose of accessing and safeguarding student information. This information will remain confidential for all purposes.
3. NISD will inform the CISNT Chief Executive Officer of all policy changes or development that may affect the provisions of this Agreement and/or the effectiveness of CISNT service delivery.
4. NISD agrees to provide on each CISNT-served school campus, Site Coordinator office space and access to a phone, a dedicated computer, and copy and fax machines, sufficient to facilitate the efficient delivery of services to students. In addition, NISD agrees to pay CISNT for services to be rendered between July 1, 2021 and June 30, 2022: \$32,000 for services at Clara Love Elementary, Prairie View Elementary School, Seven Hills Elementary School, Chisholm Trail Middle School, and Pike Middle School; and \$54,994 for services at Northwest High School for a total payment of \$214,994. NISD agrees to provide payment to CISNT on or before October 30, 2021

This Service Delivery Agreement constitutes the full and total understanding and agreement of said parties, and any modifications, amendment or alteration hereof must be agreed in writing by all parties hereto.

Executed this _____ day of _____, 2021.

Dr. Ryder Warren, Superintendent
Northwest Independent School District



Ann Pape Wilson, Chief Executive Officer
Communities In Schools of North Texas



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Renewal of Student Accident Insurance with Great American

Date: May 24, 2021

Background Information and Rationale: The Benefits and Risk Management Department recommends the renewal of the Student Insurance Policy with Great American Student Accident Insurance. Great American Student Accident Insurance provides low cost insurance to students who participate in interscholastic sports including band members, cheerleaders, drill teams, student coaches, student trainers, student managers and Career and Technology Students.

The policy covers catastrophic claims over \$25,000 involving injuries that occur during Physical Education Classes, intramural sports, band, cheerleading and Career and Technology classes regardless of whether the parents choose to purchase additional coverage. Each year the athletic department and all NISD campuses receive and distribute brochures outlining the program and coverage cost.

Parents who choose to may complete the application for additional coverage and return it to the company for processing. The coverage also includes an accidental death and dismemberment benefit. Each year the District has funded the blanket catastrophic plan for claims over \$25,000.

Parents can purchase additional coverage to supplement the catastrophic coverage provided by the District. The annual cost for additional coverage during school hours is \$30.00 for all students. Parents of the athletes who participate in football may purchase additional coverage for \$325 for the school year. There is also coverage for dental and 24-hour coverage. This coverage along with medical insurance helps offset the cost of injuries.

There is an annual premium is \$6,273.00 which is the same premium the district paid during the 2021-2022 school year. The premium for this coverage does not increase unless a secondary campus is added. We believe this is a beneficial program for our parents and students.

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: Annual premium cost of \$6,273 is included in 2021-2022 budget and paid out of athletic budget.

Recommendation: Approve the renewal of student accident insurance with Great American as recommended by the administration.

Respectfully submitted,



Ryder Warren, Ed.D.
Superintendent
Human Resources



Kim Caley, Ed.D.
Assistant Superintendent for
Benefits & Risk
Management



Kitty Poehler
Executive Director of



2021-22 Catastrophic Summary of Benefits

- Class 1: All enrolled students of the school or school district, including all sports activities (includes student coaches, student trainers, and student managers).
- Class 2: All enrolled students of the school or school district, while participating in gym classes, and extracurricular school activities, including intramural and interscholastic sports (football, band members, cheerleaders, majorettes, student coaches, student trainers, and student managers).

Policy Benefits Summary

Excess Accident Medical Expense	\$10,000,000
Deductible	\$25,000
Accidental Dismemberment	\$20,000
Accidental Death	\$10,000
Exposure and Disappearance	\$10,000
Heart Failure	\$10,000
Catastrophic Cash Benefit	\$100,000
Initial Lump Sum*	\$20,000
Monthly Amount up to 120 months (10 years)	\$666.66
Upgraded Catastrophic Cash Benefit to \$500,000	\$500,000
Upgraded Initial Lump Sum*	\$100,000
Upgraded Monthly Amount up to 120 months (10 years)	\$3,333.33

*Benefit Waiting Period is 6 consecutive months at the start of a period of Disability.



Texas Kids First

Individual Accident-Only Insurance for Students

Texas Kids First offers Accident-Only Insurance to students. These plans provide benefits for loss due to a covered injury up to \$25,000. The plans are designed to help offset deductibles and co-insurance. They are affordable limited-benefit plans that are renewable annually. There are several options for you to choose from:

- The **At-School Accident** Plan covers accidents occurring at school, during school hours. (Excludes participation in High School Varsity Football activities). At-School coverage may be purchased with or without sports.

\$30.00 per school year without sports

\$90.00 per school year with sports

- The **24-Hour Accident** Plan covers accidents anywhere, around the clock. (Excludes participation in High School Varsity Football activities). 24-Hour coverage may be purchased with or without sports.

\$ 80.00 per school year without sports

\$180.00 per school year with sports

- The **Football Accident** Plan covers only High School Varsity Football accidents that occur during practice or during a game. The Plan has a \$250 deductible.

\$325.00 per school year.

You may view or purchase plans online at www.texaskidsfirst.com.

- 1) To view plans, click on “Our Plans” at the top of the page to view a brief explanation of the options available.
- 2) To enroll, simply click on “Enroll Now” at the top of the page. Read the section on Facts about the Policy. Then click on **Begin Enrollment**. Select your student’s school district and type of plan you want to purchase. The transaction will be processed using a secure payment gateway.

To receive more information about the plan options, call us toll-free at 1-800-366-8354.

Plans are underwritten by Universal Fidelity Life Insurance Company. This is a brief illustration of the coverage offered through the Texas Kids First K-12 Student Accident Insurance Program. The Policy issued will be the contract and will govern and control the payment of benefits subject to the exclusions and limitations in the Policy.

SCHEDULE OF BENEFITS FOR ALL INDIVIDUAL ACCIDENT-ONLY PLANS

Medical Maximum:	\$25,000 for each Injury
Policy Term:	1-Year – Renewable
Benefit Period:	52 Weeks from the date of Injury
Initial treatment Period:	90 days from the date of Injury
Deductible:	At-School/24 Hour Plans - \$0.00 Varsity Football Plan - \$250.00

Inpatient

Inpatient Hospital:	Usual & Customary Charges up to \$750.00 per day/ 6 days maximum (includes facility and services)
Doctor Visits:	Usual & Customary Charges up to \$40.00 per day

Outpatient

Ambulatory Surgical Center:	Usual & Customary Charges up to \$2,000.00 (facility charge)
Doctor Visits:	Usual & Customary Charges up to \$40.00 per day
Physiotherapy:	\$50.00 1 st visit/\$25.00 per visit thereafter up to 5 visits total ((limited to 1 visit per day)
Medical Emergency:	Usual & Customary Charges up to \$175.00 (for use of emergency room facility and services within 72 hours of Injury)
Medical Emergency Doctor:	Usual & Customary Charges up to \$40.00
Shots and Injections	Usual & Customary Charges up to \$60 (within 24 hours of an Injury)
Diagnostic X-ray:	Usual & Customary Charges up to \$200.00 and \$50.00 for reading
CAT Scan/MRI:	Usual & Customary Charges up to \$500.00 and \$50.00 for reading
Laboratory Procedures:	Usual & Customary Charges up to \$50.00

Other (Inpatient and/or Outpatient)

Surgeon:	75% of Usual & Customary Charges up to \$2,000.00 (limited to primary procedure including removal of surgical Implanted pins within two years of Injury)
Anesthetist:	25% of surgeon benefit
Assistant Surgeon:	25% of surgeon benefit
Ambulance:	Usual & Customary Charges up to \$1,000.00
Dental Treatment:	Usual & Customary Charges up to \$5,000.00 (benefits paid on Injury to Sound, Natural Teeth only)
Post Surgical Durable Medical Equipment:	Usual & Customary Charges up to \$150.00
Eye Glasses, Contact Lenses and and Hearing Aid Replacement:	Usual & Customary Charges (as a result of a covered Injury only)
Prescription Drugs:	\$15 per prescription
Prosthetic Devices, Orthotic Devices and Related Services:	Usual & Customary Charges up to \$500.00 (Post Surgical Only)
Expanded Medical Benefit:	Pays for services per the Schedule of Benefits up to \$350 maximum

POLICY EXCLUSIONS AND LIMITATIONS FOR ALL INDIVIDUAL ACCIDENT-ONLY PLANS

Benefits will not be paid for: a) loss or expense caused by, contributed to, or resulting from: or b) treatment, services or supplies for, at, or related to:

- Acupuncture.
- Air travel except while as a fare-paying passenger on a regularly scheduled commercial air carrier; travel in or upon, sitting in or upon, alighting to or from, or working on or around any motorcycle or recreational vehicle including, but not limited to, two or three-wheeled motor vehicle; four-wheeled all terrain vehicle (ATV); jet ski; ski cycle; snowmobile or off-road motorized vehicle not requiring licensing as a motor vehicle.
- Artificial aids such as eyeglasses, contact lenses, hearing aids, or examinations or prescriptions therefore unless specifically provided for in the Schedule of Benefits.
- Cosmetic surgery of any kind, except reconstructive surgery as a direct result of a covered Injury.
- Dental treatment, except for accidental Injury to Sound, Natural Teeth.
- Elective Surgery or Elective Treatment.
- Food poisoning or bacterial infections (except an infection occurring through an open visible wound); cysts or skin lesions such as blisters or boils; tumors; over-exerting (not to include heat stroke); fainting; neuritis, lumbago, hernia, regardless of how caused; illness or disease in any form.
- Chronic or degenerative conditions, treatment for osteochondritis due to overuse and occurring during periods of rapid growth, including but not limited to Osgood-Schlatter Disease, osteochondritis dissecans, osteomyelitis, spondylolysis, slipped femoral capital epiphysis, and injuries from overuse, bursitis, tendonitis, muscle tears, repetitive motion injuries, shin splints, sprains, strains, tennis elbow aggravation, neuritis, lumbago, and stress fractures unless specifically provided for in the Schedule of Benefits.
- Immunizations, preventive medicines or vaccines, except where required for treatment of a covered Injury.
- Intoxicants and narcotics. The Company is not liable for any loss sustained or contracted in consequence of the Insured being intoxicated or under the influence of any narcotic unless the narcotic is administered on the advice of a Doctor.
- Injury for which benefits are paid or payable by workers' compensation or employer's liability or occupational disease law.
- Injury where the Insured is the operator of a motor vehicle and does not possess a current and valid motor vehicle operator's license (except in a Driver's Education Program).
- Injury where the Insured is riding in or driving any type of motor vehicle as part of a speed contest or scheduled race, including testing such vehicle on a track, speedway, or proving ground.
- War, declared or undeclared (a pro-rata premium will be refunded upon request for such period not covered); participation in a riot or civil disorder; or while a member of the Armed Services.
- Orthodontics (braces) for any reason, damage to, or loss of orthodontics.
- Orthopedic appliances used to protect an injury to allow an Insured to participate in athletic activities.
- Play or practice of interscholastic High School Football; except where the coverage is elected.
- Participating in or attending any School-Sponsored overnight activities, except where 24-Hour coverage is elected.
- Pre-existing Conditions or aggravation of a Pre-existing Condition, as defined. A Pre-existing Condition is a disease or physical condition for which the Insured received medical advice or treatment during the six months before the Insured's Effective Date of Coverage.
- Stroke or cerebrovascular accident or event; cardiovascular accident or event; myocardial infarction or heart attack; coronary thrombosis; aneurysm.
- Skiing, scuba diving, surfing, roller skating, ice skating, or riding in a rodeo.
- Skydiving, parachuting, hang gliding, glider flying, flight in an ultra light aircraft, parasailing, sail planing, bungee jumping, bob-sledding, or ballooning.
- Suicide or attempt thereof, while sane or insane (including drug overdose); intentionally self-inflicted Injuries; fighting.
- Supplies, except as specifically provided in the Policy.
- While committing or attempting to commit an assault or felony, or to which a contributory cause was the Insured being engaged in an illegal occupation.
- Participation in terrorism.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Interlocal Agreement with TASB for Casualty Insurance for the 2021-2022 School Year.

Date: May 24, 2021

Background Information and Rationale:

The Benefits and Risk Management Department would like to recommend an extension of the Interlocal agreement with TASB for Casualty Insurance for the 2021-2022 school year. Casualty insurance provided by TASB includes professional legal liability, general liability, employee benefits liability, and automobile/bus coverage.

TASB is proposing an annual premium of \$192,343, which is an increase of \$54,049 from the previous year's premium. The premium increase is due to a higher WADA, increased auto fleet, the increased auto claims to the TASB risk pool, and general liability claims. As the number of district vehicles increases so does the cost to insure more vehicles.

With the addition of the buses to the TASB policy, there will be an additional cost of \$166,632. The cost to insure the bus fleet is \$636 per bus, and there are 262 buses in the NISD owned fleet.

The total premium for the 2021-2022 school year will be \$359,025.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

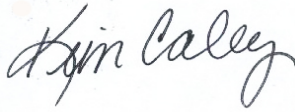
Budget and/or Fund Impact: Annual premium cost of \$359,025 is included in 2021-2022 Risk Management budget.

Recommendation: Approve the extension of the interlocal agreement with TASB for casualty insurance as recommended by the administration.

Respectfully submitted,



Ryder Warren, Ed.D.
Superintendent



Kim Caley, Ed.D.
Assistant Superintendent for
Human Resources



Kitty Poehler
Executive Director of
Benefits & Risk
Management



Northwest ISD

Contribution & Coverage Summary (CCS) Participation Period: 7/1/2021 through 6/30/2022

The following is a summary of coverages, limits, deductibles, and contribution amounts. More information about coverage, limits, deductibles, terms, and conditions are found on following pages and are part of this CCS. Please review all pages of this CCS document.

Coverage	Limit	Deductible	Contribution
Automobile Liability	\$1M Combined Single Limit	\$1,000	\$44,782
Automobile Physical Damage	Actual Cash Value	See Automobile Coverage Summary	\$14,557
School Liability including Professional Legal, General, and Employee Benefits Liability	See School Liability Coverage Summary	See School Liability Coverage Summary	\$130,554
Privacy & Information Security	\$250,000	\$0	\$2,500
Total Contribution			\$192,393

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.

Summary of Coverage Changes and Clarifications

Effective September 1, 2020

As a part of the annual coverage review, the TASB Risk Management Fund (Fund) implemented the following coverage changes, enhancements, and clarifications for all renewals taking effect on or after September 1, 2020. This document is a summary of changes only; please carefully review the full text of all Fund Coverage Agreements and the member's Contribution and Coverage Summary.

All Coverage Agreements

- All agreements have been reformatted for clarity and readability, with paragraph headings and sequential numbering.

Automobile Liability & Physical Damage Coverage Changes

- An amendment was added to the Automobile Liability Coverage to extend coverage to students participating in Fund Member-approved career and technology programs.
- An amendment was added to include Automobile Liability Coverage for non-owned Automobiles while being maintained or operated in a K-12 technology program by Covered Persons.
- An amendment was added to the Automobile Physical Damage coverage that amends the deductible language to require a single deductible when multiple Covered Automobiles are damaged in a comprehensive event.

Property Coverage Changes

- A clarification was added that each Fund Member warrants and represents that all roofs are well maintained.
- An amendment was added to exclude losses from cyber events, regardless of their origin, except for ensuing loss by explosion or fire unless the loss arises from an unauthorized, malicious, or criminal act.
- A clarification was added to the Named Windstorm definition as to its limitation to tropical storm-based convective storms.
- A clarification was added to the definition of Aesthetic Impairment and a payment provision was added for diminution in aesthetic value.

School Liability Coverage Changes

- An amendment was added under General Liability that allows liability coverage for students participating in all Career and Technology programs on- or off-campus but limits coverage to \$50,000.
- An amendment was added under Professional Legal Liability to allow for an automatic extended reporting period of 30 days after the Participation Period.
- A clarification was added that all related claims are considered one claim with one limit of liability and deductible.



Privacy & Information Security Coverage Changes

- The coverage agreement was updated to describe all elements of the coverage and replace the previously provided synopsis of coverage.
- A condition was added that the Fund Member is required to implement loss prevention recommendations or forfeit future coverage for a Claim that could have been prevented if the recommendation had been implemented.

Violent Act Coverage Changes

- This ancillary coverage was clarified and enhanced to broaden the coverage extended because of a Violent Act Event. An Event includes an occurrence during which an individual utilizes a weapon with the intent to harm others and inflicts bodily injury on two or more Victims during a Fund Member-sponsored activity regardless of location. Paid expenses include Post Event Emergency Costs, Mental Health Service Costs, Crisis Communication Costs, Essential Support Costs (for travel assistance for Victim's families where needed), with separate Property Reimbursement Costs up to \$1M for the demolition, rebuilding, remediation, or repurposing of buildings after a Violent Act Event.



Northwest ISD

Automobile Coverage Summary

Participation Period: 7/1/2021 through 6/30/2022

Total Automobile Contribution: \$59,339

The following is an overview of the limits and deductibles for risk associated with the ownership, maintenance or use of Covered Automobiles. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period.

Coverage	Limit	Deductible
Automobile Liability	\$1M Combined Single Limit	\$1,000
Automobile Physical Damage - Collision	Actual Cash Value	\$1,000
Automobile Physical Damage - Comprehensive	Actual Cash Value	\$1,000
Automobile Physical Damage - Catastrophic	Actual Cash Value	\$25,000

Excluded Vehicles

VIN	Year	Make	Model/Description	Exclusion
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None

Automobile Terms & Conditions

Statement of Values: Fund Member has provided the Fund with the most current and accurate statement of values for all applicable property, including a complete and accurate listing of vehicles owned by the Fund Member. Fund Member agrees to allow the Fund to conduct property appraisals of the Fund Members' property on a periodic basis and agrees to accept values provided by the Fund.

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: The Fund extends coverage for all Fund Member Covered Automobiles. Vehicles listed are excluded from Automobile Liability, Comprehensive, or Comprehensive coverage as noted under 'Exclusion'.



Northwest ISD

School Liability Coverage Summary

Participation Period: 7/1/2021 through 6/30/2022
Total School Liability Contribution: \$130,554

The following is an overview of the limits and deductibles for legal, general, and other liability risks. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period.

Coverage	Limit	Deductible
Professional Legal Liability Subject to \$2,000,000 Maximum Annual Aggregate	\$2,000,000	\$25,000
General Liability	\$2,000,000	\$0
Employee Benefits Liability	\$100,000	\$0

School Liability Conditions

Prior Acts: Fund Member certifies that all known or reported acts for which it is reasonably believed may result in a legal claim against the Fund Member have been fully disclosed. Additionally, Fund Member acknowledges that this coverage excludes any claims arising from such known or reported acts. This Agreement does not void coverage afforded to Fund Member under any previous Fund Agreement.



Northwest ISD

Privacy & Information Security Coverage Summary

Participation Period: 7/1/2021 through 6/30/2022

Total Privacy & Information Security Contribution: \$2,500

The following is an overview of the limits and deductibles for privacy and information security risks. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period.

Coverage	Aggregate Limit Per Event	Deductible
Privacy & Information Security	\$250,000	\$0

Privacy & Information 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.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Agreement with Tyler Technologies for Transportation Software

Date: May 24, 2021

Background Information and Rationale:

Tyler Technologies, Inc. is an awarded vendor under TASB BuyBoard Contract #579-19 and markets a software package for School Transportation for Routing and Maintenance purposes called Versatrans. This is the current software being utilized by the current outsourced provider with the data being kept on district servers. . The agreement includes software licensing, implementation, maintenance, report writing and training. The total one-time fees are \$67,057.90 with annual recurring fees of \$12,882.00. The term will be 12 months from execution date and will renew annually unless terminated with notice.

Support of Strategic Goals:

- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact:

The funds will be budgeted as part of the General Fund budget.

Recommendation:

Approve the Agreement with Tyler Technologies Inc. for Transportation Software called Versatrans as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Brian Carter
Chief Financial Officer

Mark Vechione
Executive Director of
Purchasing



LICENSE AND SERVICES AGREEMENT

This License and Services Agreement is made between Tyler Technologies, Inc. and Client.

WHEREAS, Tyler participated in the competitive bid process in response to The Local Government Purchasing Cooperative (the "Cooperative") (aka the "Texas Buy Board") Proposal Invitation No. 579-19 for Technology Equipment, Products, Services and Software ("Proposal Invitation") by submitting a proposal ("Tyler Proposal"), on which the Cooperative awarded Tyler a Cooperative contract (hereinafter the "Cooperative Contract"). Documentation of the Cooperative's competitive bid process is available at www.buyboard.com. This Agreement reflects Client's purchase off the Cooperative Contract, which Tyler agrees to deliver pursuant to the Cooperative Contract and the terms and conditions set forth in this Agreement.

WHEREAS, Client selected Tyler to license the software products and perform the services set forth in the Investment Summary and Tyler desires to perform such actions under the terms of this Agreement;

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants and promises set forth in this Agreement, Tyler and Client agree as follows:

SECTION A – DEFINITIONS

- **"Agreement"** means this License and Services Agreement.
- **"Business Travel Policy"** means our business travel policy. A copy of our current Business Travel Policy is attached as Schedule 1 to Exhibit B.
- **"Client"** means Northwest Independent School District.
- **"Defect"** means a failure of the Tyler Software to substantially conform to the functional descriptions set forth in our written proposal to you, or their functional equivalent. Future functionality may be updated, modified, or otherwise enhanced through our maintenance and support services, and the governing functional descriptions for such future functionality will be set forth in our then-current Documentation.
- **"Developer"** means a third party who owns the intellectual property rights to Third Party Software.
- **"Documentation"** means any online or written documentation related to the use or functionality of the Tyler Software that we provide or otherwise make available to you, including instructions, user guides, manuals and other training or self-help documentation.
- **"Effective Date"** means the date on which your authorized representative signs the Agreement.
- **"Force Majeure"** means an event beyond the reasonable control of you or us, including, without limitation, governmental action, war, riot or civil commotion, fire, natural disaster, or any other cause that could not with reasonable diligence be foreseen or prevented by you or us.
- **"Investment Summary"** means the agreed upon cost proposal for the software, products, and services attached as Exhibit A.
- **"Invoicing and Payment Policy"** means the invoicing and payment policy. A copy of our current Invoicing and Payment Policy is attached as Exhibit B.
- **"Maintenance and Support Agreement"** means the terms and conditions governing the provision of maintenance and support services to all of our customers. A copy of our current Maintenance and



Support Agreement is attached as Exhibit C.

- **"Support Call Process"** means the support call process applicable to all of our customers who have licensed the Tyler Software. A copy of our current Support Call Process is attached as Schedule 1 to Exhibit C.
- **"Third Party Terms"** means, if any, the end user license agreement(s) or similar terms for the Third Party Software, as applicable and attached as Exhibit E.
- **"Third Party Hardware"** means the Third party hardware, if any, identified in the Investment Summary.
- **"Third Party Products"** means the Third Party Software and Third Party Hardware.
- **"Third Party Software"** means the third party software, if any, identified in the Investment Summary.
- **"Tyler"** means Tyler Technologies, Inc., a Delaware corporation.
- **"Tyler Software"** means our proprietary software, including any integrations, custom modifications, and/or other related interfaces identified in the Investment Summary and licensed by us to you through this Agreement.
- **"we", "us", "our"** and similar terms mean Tyler.
- **"you"** and similar terms mean Client.

SECTION B – SOFTWARE LICENSE

1. License Grant and Restrictions.

- 1.1 We grant to you a license to use the Tyler Software for your internal business purposes only, in the scope of the internal business purposes disclosed to us as of the Effective Date. You may make copies of the Tyler Software for backup and testing purposes, so long as such copies are not used in production and the testing is for internal use only. Your rights to use the Tyler Software are perpetual but may be revoked if you do not comply with the terms of this Agreement.
- 1.2 The Documentation is licensed to you and may be used and copied by your employees for internal, non-commercial reference purposes only.
- 1.3 You may not: (a) transfer or assign the Tyler Software to a third party; (b) reverse engineer, decompile, or disassemble the Tyler Software; (c) rent, lease, lend, or provide commercial hosting services with the Tyler Software; or (d) publish or otherwise disclose the Tyler Software or Documentation to third parties.
- 1.4 The license terms in this Agreement apply to updates and enhancements we may provide to you or make available to you through your Maintenance and Support Agreement.
- 1.5 The right to transfer the Tyler Software to a replacement hardware system is included in your license. You will give us advance written notice of any such transfer and will pay us for any required or requested technical assistance from us associated with such transfer.
- 1.6 We reserve all rights not expressly granted to you in this Agreement. The Tyler Software and Documentation are protected by copyright and other intellectual property laws and treaties. We own the title, copyright, and other intellectual property rights in the Tyler Software and the Documentation. **The Tyler Software is licensed, not sold.**

2. License Fees. You agree to pay us the license fees in the amounts set forth in the Investment Summary. Those amounts are payable in accordance with our Invoicing and Payment Policy.



3. Escrow. We maintain an escrow agreement with a third party under which we place the source code for each major release of the Tyler Software. You may be added as a beneficiary to the escrow agreement by completing a standard beneficiary enrollment form and paying the annual beneficiary fee set forth in the Investment Summary. You will be responsible for maintaining your ongoing status as a beneficiary, including payment of the then-current annual beneficiary fees. Release of source code for the Tyler Software is strictly governed by the terms of the escrow agreement.
4. Limited Warranty. We warrant that the Tyler Software will be without Defect(s) as long as you have a Maintenance and Support Agreement in effect. If the Tyler Software does not perform as warranted, we will use all reasonable efforts, consistent with industry standards, to cure the Defect as set forth in the Maintenance and Support Agreement.

SECTION C – PROFESSIONAL SERVICES

1. Services. We will provide you the various implementation-related services itemized in the Investment Summary and described in our industry standard implementation plan. We will finalize that documentation with you upon execution of this Agreement.
2. Professional Services Fees. You agree to pay us the professional services fees in the amounts set forth in the Investment Summary. Those amounts are payable in accordance with our Invoicing and Payment Policy. You acknowledge that where the fees shown in the Investment Summary are based on an estimated number of hours or days of work to be performed, that these amounts are good-faith estimates of the amount of time and materials required for your implementation. We will bill you the actual fees incurred based on the in-scope services provided to you, but we will not exceed any amount without first obtaining your permission. Any discrepancies in the total values set forth in the Investment Summary will be resolved by multiplying the applicable hourly rate by the quoted hours.
3. Additional Services. The Investment Summary contains describes, the scope of services and related costs (including programming and/or interface estimates) required for the project based on our understanding of the specifications you supplied. If additional work is required, or if you use or request additional services, we will provide you with an addendum or change order, as applicable, outlining the costs for the additional work. The price quotes in the addendum or change order will be valid for thirty (30) days from the date of the quote.
4. Cancellation. We make all reasonable efforts to schedule our personnel for travel, including arranging travel reservations, at least two (2) weeks in advance of commitments. Therefore, if you cancel services less than two (2) weeks in advance (other than for Force Majeure or breach by us), you will be liable for all (a) non-refundable expenses incurred by us on your behalf, and (b) daily fees associated with cancelled professional services if we are unable to reassign our personnel. We will make all reasonable efforts to reassign personnel in the event you cancel within two (2) weeks of scheduled commitments.
5. Services Warranty. We will perform the services in a professional, workmanlike manner, consistent with industry standards. In the event we provide services that do not conform to this warranty, we will re-perform such services at no additional cost to you.
6. Site Access and Requirements. At no cost to us, you agree to provide us with full and free access to your personnel, facilities, computer network and equipment as may be reasonably necessary for us to provide implementation services, subject to any reasonable security protocols or other written policies provided to us as of the Effective Date, and thereafter as mutually agreed to by you and us. You further agree to provide



a reasonably suitable environment, location, and space for the installation of the Tyler Software and any Third Party Products, including, without limitation, sufficient electrical circuits, cables, and other reasonably necessary items required for the installation and operation of the Tyler Software and any Third Party Products.

7. Expiration of Services. Training services for which payment has been made that are not used prior to twenty-four (24) months from the Effective Date of the Agreement shall expire without refund or credit of fees paid to Client.

SECTION D – MAINTENANCE AND SUPPORT

We will provide you with maintenance and support services for the Tyler Software under the terms of our standard Maintenance and Support Agreement. You agree to pay us the annual maintenance and support fees in accordance with our Invoicing and Payment Policy.

SECTION E – THIRD PARTY PRODUCTS

To the extent there are any Third Party Products set forth in the Investment Summary, the following terms and conditions will apply:

1. Third Party Hardware. We will sell, deliver, and install onsite the Third Party Hardware, if you have purchased any, for the price set forth in the Investment Summary. Those amounts are payable in accordance with our Invoicing and Payment Policy. In the event your use of equipment provided by us is terminated, you shall be liable for any reactivation fees or fees charged by wireless carriers for registering or attempting to register on the wireless carrier's network after such termination. We reserve the right to substitute hardware of equal or greater value for the same price.
2. Third Party Products Warranties.
 - 2.1 We are authorized by each Developer to grant or transfer the licenses to the Third Party Software.
 - 2.2 The Third Party Hardware will be new and unused, and upon payment in full, you will receive free and clear title to the Third Party Hardware.
 - 2.3 You acknowledge that we are not the manufacturer of the Third Party Products. We do not warrant or guarantee the performance of the Third Party Products. However, we grant and pass through to you any warranty that we may receive from the Developer or supplier of the Third Party Products. Third Party Hardware warranties may be included as exhibits to this Agreement or provided by us upon request.
3. Maintenance. If you have a Maintenance and Support Agreement in effect, you may report defects and other issues related to the Third Party Software directly to us, and we will (a) directly address the defect or issue, to the extent it relates to our interface with the Third Party Software; and/or (b) facilitate resolution with the Developer, unless that Developer requires that you have a separate, direct maintenance agreement in effect with that Developer. In all events, if you do not have a Maintenance and Support Agreement in effect with us, you will be responsible for resolving defects and other issues related to the Third Party Software directly with the Developer.



4. Spares. Should Geotab unit(s) purchased by Client pursuant to this Amendment be designated as “spare” unit(s). The intent of the parties is for Client to have a spare unit(s) on hand to use in the event a Geotab unit(s) purchased for live use fails. Client acknowledges and agrees that Client is prohibited from operating a spare unit and a unit purchased for live use at the same time. In the event Client operates both a spare unit and a unit purchased for live use at the same time for more than two (2) weeks while a unit purchased for live use is being deactivated or returned for repair, Client will be liable to Tyler for maintenance fees at then-current rates on both units for such period of coterminous use. Tyler will invoice Client maintenance fees on the active spare unit(s) in monthly increments from the date the spare unit was activated, with a three (3) month minimum. Once a spare unit has been activated, it cannot be turned off or suspended. Tyler reserves the right to audit Client’s use of the Geotab unit(s) purchased from Tyler, to determine Client’s compliance with this provision.

SECTION F – INVOICING AND PAYMENT; INVOICE DISPUTES

1. Invoicing and Payment. We will invoice you for all fees set forth in the Investment Summary per our Invoicing and Payment Policy, subject to Section F(2).
2. Invoice Disputes. If you believe any delivered product or service does not conform to the warranties in this Agreement, you will provide us with written notice within thirty (30) days of your receipt of the applicable invoice. The written notice must contain reasonable detail of the issues you contend are in dispute so that we can confirm the issue and respond to your notice with either a justification of the invoice, an adjustment to the invoice, or a proposal addressing the issues presented in your notice. We will work with you as may be necessary to develop an action plan that outlines reasonable steps to be taken by each of us to resolve any issues presented in your notice. You may withhold payment of the amount(s) actually in dispute, and only those amounts, until we complete the action items outlined in the plan. If we are unable to complete the action items outlined in the action plan because of your failure to complete the items agreed to be done by you, then you will remit full payment of the invoice. We reserve the right to suspend delivery of all services, including maintenance and support services, if you fail to pay an invoice not disputed as described above within fifteen (15) days of notice of our intent to do so.

SECTION G – TERMINATION

1. For Cause. If you believe we have materially breached this Agreement, you will invoke the Dispute Resolution clause set forth in Section I(3). You may terminate this Agreement for cause in the event we do not cure, or create a mutually agreeable action plan to address, a material breach of this Agreement within the thirty (30) day window set forth in Section I(3). In the event of termination for cause, you will pay us for all undisputed fees and expenses related to the software, products, and/or services you have received, or we have incurred or delivered, prior to the effective date of termination.
2. Lack of Appropriations. If you should not appropriate or otherwise receive funds sufficient to purchase, lease, operate, or maintain the software or services set forth in this Agreement, you may unilaterally terminate this Agreement effective on the final day of the fiscal year through which you have funding, however, you agree not to substitute a similar service to fill the same need provided by us hereunder for a period of time equal to the duration of the initial term if this Agreement is terminated or not renewed solely due to lack of appropriations. You will make every effort to give us at least thirty (30) days written notice prior to a termination for lack of appropriations. In the event of termination due to a lack of appropriations, you will pay us for all undisputed fees and expenses related to the software and/or services you have



received, or we have incurred or delivered, prior to the effective date of termination. Any disputed fees and expenses must have been submitted to the Invoice Dispute process set forth in Section F(2) at the time of termination in order to be withheld at termination. You will not be entitled to a refund or offset of previously paid license and other fees. You agree not to use termination for lack of appropriations as a substitute for termination for convenience.

3. Force Majeure. Except for your payment obligations, either you or we may terminate this Agreement if a Force Majeure event suspends performance of scheduled tasks for a period of forty-five (45) days or more. In the event of termination due to Force Majeure, you will pay us for all undisputed fees and expenses related to the software and/or services you have received, or we have incurred or delivered, prior to the effective date of termination. Any disputed fees and expenses must have been submitted to the Invoice Dispute process set forth in Section F(2) at the time of termination in order to be withheld at termination. You will not be entitled to a refund or offset of previously paid license and other fees.

SECTION H – INDEMNIFICATION, LIMITATION OF LIABILITY AND INSURANCE

1. Intellectual Property Infringement Indemnification.

- 1.1 We will defend you against any third party claim(s) that the Tyler Software or Documentation infringes that third party's patent, copyright, or trademark, or misappropriates its trade secrets, and will pay the amount of any resulting adverse final judgment (or settlement to which we consent). You must notify us promptly in writing of the claim and give us sole control over its defense or settlement. You agree to provide us with reasonable assistance, cooperation, and information in defending the claim at our expense.
- 1.2 Our obligations under this Section H(1) will not apply to the extent the claim or adverse final judgment is based on your: (a) use of a previous version of the Tyler Software and the claim would have been avoided had you installed and used the current version of the Tyler Software, and we provided notice of that requirement to you; (b) combining the Tyler Software with any product or device not provided, contemplated, or approved by us; (c) altering or modifying the Tyler Software, including any modification by third parties at your direction or otherwise permitted by you; (d) use of the Tyler Software in contradiction of this Agreement, including with non-licensed third parties; or (e) willful infringement, including use of the Tyler Software after we notify you to discontinue use due to such a claim.
- 1.3 If we receive information concerning an infringement or misappropriation claim related to the Tyler Software, we may, at our expense and without obligation to do so, either: (a) procure for you the right to continue its use; (b) modify it to make it non-infringing; or (c) replace it with a functional equivalent, in which case you will stop running the allegedly infringing Tyler Software immediately. Alternatively, we may decide to litigate the claim to judgment, in which case you may continue to use the Tyler Software consistent with the terms of this Agreement.
- 1.4 If an infringement or misappropriation claim is fully litigated and your use of the Tyler Software is enjoined by a court of competent jurisdiction, in addition to paying any adverse final judgment (or settlement to which we consent), we will, at our option, either: (a) procure the right to continue its use; (b) modify it to make it non-infringing; (c) replace it with a functional equivalent; or (d) terminate your license and refund the license fees paid for the infringing Tyler Software, as depreciated on a straight-line basis measured over seven (7) years from the Effective Date. We will pursue those options in the



order listed herein. This section provides your exclusive remedy for third party copyright, patent, or trademark infringement and trade secret misappropriation claims.

2. General Indemnification.

2.1 We will indemnify and hold harmless you and your agents, officials, and employees from and against any and all third-party claims, losses, liabilities, damages, costs, and expenses (including reasonable attorney's fees and costs) for (a) personal injury or property damage to the extent caused by our negligence or willful misconduct; or (b) our violation of a law applicable to our performance under this Agreement. You must notify us promptly in writing of the claim and give us sole control over its defense or settlement. You agree to provide us with reasonable assistance, cooperation, and information in defending the claim at our expense.

2.2 To the extent permitted by applicable law, you will indemnify and hold harmless us and our agents, officials, and employees from and against any and all third-party claims, losses, liabilities, damages, costs, and expenses (including reasonable attorney's fees and costs) for personal injury or property damage to the extent caused by your negligence or willful misconduct; or (b) your violation of a law applicable to your performance under this Agreement. We will notify you promptly in writing of the claim and will give you sole control over its defense or settlement. We agree to provide you with reasonable assistance, cooperation, and information in defending the claim at your expense.

3. **DISCLAIMER. EXCEPT FOR THE EXPRESS WARRANTIES PROVIDED IN THIS AGREEMENT AND TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, WE HEREBY DISCLAIM ALL OTHER WARRANTIES AND CONDITIONS, WHETHER EXPRESS, IMPLIED, OR STATUTORY, INCLUDING, BUT NOT LIMITED TO, ANY IMPLIED WARRANTIES, DUTIES, OR CONDITIONS OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE.**

4. **LIMITATION OF LIABILITY. EXCEPT AS OTHERWISE EXPRESSLY SET FORTH IN THIS AGREEMENT, OUR LIABILITY FOR DAMAGES ARISING OUT OF THIS AGREEMENT, WHETHER BASED ON A THEORY OF CONTRACT OR TORT, INCLUDING NEGLIGENCE AND STRICT LIABILITY, SHALL BE LIMITED TO YOUR ACTUAL DIRECT DAMAGES, NOT TO EXCEED (A) PRIOR TO FORMAL TRANSITION TO MAINTENANCE AND SUPPORT, THE TOTAL ONE-TIME FEES SET FORTH IN THE INVESTMENT SUMMARY; OR (B) AFTER FORMAL TRANSITION TO MAINTENANCE AND SUPPORT, THE THEN-CURRENT ANNUAL MAINTENANCE AND SUPPORT FEE. THE PARTIES ACKNOWLEDGE AND AGREE THAT THE PRICES SET FORTH IN THIS AGREEMENT ARE SET IN RELIANCE UPON THIS LIMITATION OF LIABILITY AND TO THE MAXIMUM EXTENT ALLOWED UNDER APPLICABLE LAW, THE EXCLUSION OF CERTAIN DAMAGES, AND EACH SHALL APPLY REGARDLESS OF THE FAILURE OF AN ESSENTIAL PURPOSE OF ANY REMEDY. THE FOREGOING LIMITATION OF LIABILITY SHALL NOT APPLY TO CLAIMS THAT ARE SUBJECT TO SECTIONS H(1) AND H(2).**

5. **EXCLUSION OF CERTAIN DAMAGES. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, IN NO EVENT SHALL WE BE LIABLE FOR ANY SPECIAL, INCIDENTAL, PUNITIVE, INDIRECT, OR CONSEQUENTIAL DAMAGES WHATSOEVER, EVEN IF WE HAVE BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.**

6. **Insurance. During the course of performing services under this Agreement, we agree to maintain the following levels of insurance: (a) Commercial General Liability of at least \$1,000,000; (b) Automobile Liability of at least \$1,000,000; (c) Professional Liability of at least \$1,000,000; (d) Workers Compensation complying with applicable statutory requirements; and (e) Excess/Umbrella Liability of at least \$5,000,000. We will add you as an additional insured to our Commercial General Liability and Automobile Liability policies, which will automatically add you as an additional insured to our Excess/Umbrella Liability policy as well. We will**



provide you with copies of certificates of insurance upon your written request.

SECTION I – GENERAL TERMS AND CONDITIONS

1. **Additional Products and Services.** You may purchase additional products and services at the rates set forth in the Investment Summary for twelve (12) months from the Effective Date, and thereafter at our then-current list price, by executing a mutually agreed addendum. If no rate is provided in the Investment Summary, or those twelve (12) months have expired, you may purchase additional products and services at our then-current list price, also by executing a mutually agreed addendum. The terms of this Agreement will control any such additional purchase(s), unless otherwise specifically provided in the addendum.
2. **Optional Items.** Pricing for any listed optional products and services in the Investment Summary will be valid for twelve (12) months from the Effective Date.
3. **Dispute Resolution.** You agree to provide us with written notice within thirty (30) days of becoming aware of a dispute. You agree to cooperate with us in trying to reasonably resolve all disputes, including, if requested by either party, appointing a senior representative to meet and engage in good faith negotiations with our appointed senior representative. Senior representatives will convene within thirty (30) days of the written dispute notice, unless otherwise agreed. All meetings and discussions between senior representatives will be deemed confidential settlement discussions not subject to disclosure under Federal Rule of Evidence 408 or any similar applicable state rule. If we fail to resolve the dispute, either of us may assert our respective rights and remedies in a court of competent jurisdiction. Nothing in this section shall prevent you or us from seeking necessary injunctive relief during the dispute resolution procedures.
4. **Taxes.** The fees in the Investment Summary do not include any taxes, including, without limitation, sales, use, or excise tax. If you are a tax-exempt entity, you agree to provide us with a tax-exempt certificate. Otherwise, we will pay all applicable taxes to the proper authorities and you will reimburse us for such taxes. If you have a valid direct-pay permit, you agree to provide us with a copy. For clarity, we are responsible for paying our income taxes, both federal and state, as applicable, arising from our performance of this Agreement.
5. **Nondiscrimination.** We will not discriminate against any person employed or applying for employment concerning the performance of our responsibilities under this Agreement. This discrimination prohibition will apply to all matters of initial employment, tenure, and terms of employment, or otherwise with respect to any matter directly or indirectly relating to employment concerning race, color, religion, national origin, age, sex, sexual orientation, ancestry, disability that is unrelated to the individual's ability to perform the duties of a particular job or position, height, weight, marital status, or political affiliation. We will post, where appropriate, all notices related to nondiscrimination as may be required by applicable law.
6. **E-Verify.** We have complied, and will comply, with the E-Verify procedures administered by the U.S. Citizenship and Immigration Services Verification Division for all of our employees assigned to your project.
7. **Subcontractors.** We will not subcontract any services under this Agreement without your prior written consent, not to be unreasonably withheld.
8. **Binding Effect; No Assignment.** This Agreement shall be binding on, and shall be for the benefit of, either your or our successor(s) or permitted assign(s). Neither party may assign this Agreement without the prior written consent of the other party; provided, however, your consent is not required for an assignment by us



as a result of a corporate reorganization, merger, acquisition, or purchase of substantially all of our assets.

9. Force Majeure. Neither party will be liable for delays in performing its obligations under this Agreement to the extent that the delay is caused by Force Majeure; provided, however, that within ten (10) business days of the Force Majeure event, the party whose performance is delayed provides the other party with written notice explaining the cause and extent thereof, as well as a request for a reasonable time extension equal to the estimated duration of the Force Majeure event.
10. No Intended Third Party Beneficiaries. This Agreement is entered into solely for the benefit of you and us. No third party will be deemed a beneficiary of this Agreement, and no third party will have the right to make any claim or assert any right under this Agreement. This provision does not affect the rights of third parties under any Third Party Terms.
11. Entire Agreement; Amendment. This Agreement represents the entire agreement between you and us with respect to the subject matter hereof, and supersedes any prior agreements, understandings, and representations, whether written, oral, expressed, implied, or statutory. Purchase orders submitted by you, if any, are for your internal administrative purposes only, and the terms and conditions contained in those purchase orders will have no force or effect. This Agreement may only be modified by a written amendment signed by an authorized representative of each party.
12. Severability. If any term or provision of this Agreement is held invalid or unenforceable, the remainder of this Agreement will be considered valid and enforceable to the fullest extent permitted by law.
13. No Waiver. In the event that the terms and conditions of this Agreement are not strictly enforced by either party, such non-enforcement will not act as or be deemed to act as a waiver or modification of this Agreement, nor will such non-enforcement prevent such party from enforcing each and every term of this Agreement thereafter.
14. Independent Contractor. We are an independent contractor for all purposes under this Agreement.
15. Notices. All notices or communications required or permitted as a part of this Agreement, such as notice of an alleged material breach for a termination for cause or a dispute that must be submitted to dispute resolution, must be in writing and will be deemed delivered upon the earlier of the following: (a) actual receipt by the receiving party; (b) upon receipt by sender of a certified mail, return receipt signed by an employee or agent of the receiving party; (c) upon receipt by sender of proof of email delivery; or (d) if not actually received, five (5) days after deposit with the United States Postal Service authorized mail center with proper postage (certified mail, return receipt requested) affixed and addressed to the other party at the address set forth on the signature page hereto or such other address as the party may have designated by proper notice. The consequences for the failure to receive a notice due to improper notification by the intended receiving party of a change in address will be borne by the intended receiving party.
16. Client Lists. You agree that we may identify you by name in client lists, marketing presentations, and promotional materials.
17. Confidentiality. Both parties recognize that their respective employees and agents, in the course of performance of this Agreement, may be exposed to confidential information and that disclosure of such information could violate rights to private individuals and entities, including the parties. Confidential information is nonpublic information that a reasonable person would believe to be confidential and includes, without limitation, personal identifying information (e.g., social security numbers) and trade

secrets, each as defined by applicable state law. Each party agrees that it will not disclose any confidential information of the other party and further agrees to take all reasonable and appropriate action to prevent such disclosure by its employees or agents. The confidentiality covenants contained herein will survive the termination or cancellation of this Agreement. This obligation of confidentiality will not apply to information that:

- (a) is in the public domain, either at the time of disclosure or afterwards, except by breach of this Agreement by a party or its employees or agents;
- (b) a party can establish by reasonable proof was in that party's possession at the time of initial disclosure;
- (c) a party receives from a third party who has a right to disclose it to the receiving party; or
- (d) is the subject of a legitimate disclosure request under the open records laws or similar applicable public disclosure laws governing this Agreement; provided, however, that in the event you receive an open records or other similar applicable request, you will give us prompt notice and otherwise perform the functions required by applicable law.

18. Business License. In the event a local business license is required for us to perform services hereunder, you will promptly notify us and provide us with the necessary paperwork and/or contact information so that we may timely obtain such license.
19. Governing Law. This Agreement will be governed by and construed in accordance with the laws of your state of domicile, without regard to its rules on conflicts of law.
20. Multiple Originals and Authorized Signatures. This Agreement may be executed in multiple originals, any of which will be independently treated as an original document. Any electronic, faxed, scanned, photocopied, or similarly reproduced signature on this Agreement or any amendment hereto will be deemed an original signature and will be fully enforceable as if an original signature. Each party represents to the other that the signatory set forth below is duly authorized to bind that party to this Agreement.
21. Cooperative Procurement. To the maximum extent permitted by applicable law, we agree that this Agreement may be used as a cooperative procurement vehicle by eligible jurisdictions. We reserve the right to negotiate and customize the terms and conditions set forth herein, including but not limited to pricing, to the scope and circumstances of that cooperative procurement.
22. Contract Documents. This Agreement includes the following exhibits:

Exhibit A	Investment Summary
Exhibit B	Invoicing and Payment Policy Schedule 1: Business Travel Policy
Exhibit C	Maintenance and Support Agreement Schedule 1: Support Call Process
Exhibit D	Statement of Work

IN WITNESS WHEREOF, a duly authorized representative of each party has executed this Agreement as of the date(s) set forth below.

Tyler Technologies, Inc.

Northwest Independent School District

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____

Address for Notices:

Tyler Technologies, Inc.
One Tyler Drive
Yarmouth, ME 04096
Attention: Chief Legal Officer

Address for Notices:

Northwest Independent School District
2001 Texan Drive
Justin, Texas 76247
Attention: _____



Exhibit A Investment Summary

The following Investment Summary details the software, products, and services to be delivered by us to you under the Agreement. This Investment Summary is effective as of the Effective Date. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

*Northwest ISD - Texas BuyBoard Pricing
prices are valid until August 2 2021*

Software	Quantity	Price	Extended Price	Discount	This Year Total	Year 2 Renewal
Versatrans Fleetvision licensed for up to 250 vehicles	1	\$12,000.00	\$12,000.00	\$1,200.00	\$10,800.00	USD
Versatrans Reportwriter licensed for up to 250 vehicles	1	inc.	inc.	inc.	inc.	USD
Subtotal: Application Software License Fees		\$12,000.00	\$12,000.00	\$1,200.00	\$10,800.00	\$0.00 USD
Maintenance	Quantity	Price	Extended	Discount	This Year Total	Year 2 Renewal
Versatrans Fleetvision Support and Maintenance for up to 250 vehicles	1	\$2,160.00	\$2,160.00	\$0.00	\$2,160.00	USD
Versatrans Reportwriter Support and Maintenance for up to 250 vehicles	1	inc.	inc.		inc.	USD
Subtotal: Application Software Maintenance Fees			\$2,160.00	\$0.00	\$2,160.00	\$2,160.00 USD
Services	Quantity	Price	Extended	Discount	This Year Total	Year 2 Renewal
Additional training hours which can be used for (1),(2):	20	\$175.00	\$3,500.00	\$0.00	\$3,500.00	USD
Additional Versatrans Routing and Planning Training						
Versatrans Fleetvision Training						
Project Management (hours) (1),(2)	4	\$175.00	\$700.00	\$0.00	\$700.00	USD
Solutions Orientation (hours) (1),(2)	4	\$175.00	\$700.00	\$0.00	\$700.00	USD
Subtotal: Application Services			\$4,900.00	\$0.00	\$4,900.00	\$0.00 USD
Total One-Time Fees:					\$17,860.00	USD
Total Recurring Fees **:						\$2,160.00 USD

** Subject to annual increase after Year 2

¹ Travel expenses for trainer and/or project manager to visit the user's site are not included and will be billed at actual costs

² Training Classes are limited to 5 persons and are delivered in 2 hour increments

Quote prepared on May 04, 2021

Signature _____





Exhibit B

Invoicing and Payment Policy

We will provide you with the software and services set forth in the Investment Summary. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

Invoicing: We will invoice you for the applicable license and services fees in the Investment Summary as set forth below. Your rights to dispute any invoice are set forth in the Agreement.

1. **Tyler Software.**

1.1 *License Fees:* License fees are invoiced when we make the applicable Tyler Software available to you for downloading (the "Available Download Date").

1.2 *Maintenance and Support Fees:* Year 1 maintenance and support fees are invoiced on the Available Download Date, for the twelve (12) month period commencing the first day of the month following the Available Download Date. Year 2 maintenance and support fees, at our then-current rates, and subsequent maintenance and support fees are invoiced annually in advance of each anniversary thereof. Your fees for each subsequent year will be set at our then-current rates.

2. **Professional Services.**

2.1 *Implementation Services:* Implementation services are billed and invoiced as follows, at the rates set forth in the Investment Summary: (a) 20% on completion of map conversion and preparation and installing map in hosted environment; (b) 35% on completion of map data preparation; and (c) 45% on completion of routing training.

2.2 *Other Professional Services:* Other professional services, such as route building, project management, consulting, additional product training, hardware installation, additional maps, self-installation training, and configuration and installation services, are billed and invoiced as delivered.

3. **Third Party Products.**

3.1 *Third Party Software Maintenance:* The first year maintenance fees for the Third Party Software, if any, is invoiced when we make that Third Party Software available to you for downloading and cover the period commencing the first day of the month following the date the Third Party Software was made available to you.

3.2 *Third Party Hardware, Installation Services, Self-Installation Training Services and Shipping and Handling:* Third Party Hardware, installation services, and shipping and handling costs, if any, are invoiced upon completion of installation, in the event we are performing the installation. Third Party Hardware, self-installation training services and shipping and handling costs, if any, are invoiced upon delivery, in the event you are performing the installation.



3.3 *Third Party Hardware Maintenance*: The first year maintenance fees for the Third Party Hardware are invoiced when installation/shipment takes place commencing as follows: (a) if installation/shipment occurs between the first day and fourteenth day of the month, maintenance shall commence on the first day of that month; or (b) if installation/shipment occurs between the fifteenth day and the last day of the month, maintenance shall commence on the first day of the following month. Subsequent maintenance fees for the Third Party Hardware are invoiced annually in advance of each anniversary thereof.

4. Expenses. The service rates in the Investment Summary do not include travel expenses. Expenses will be billed as incurred and only in accordance with our then-current Business Travel Policy, plus a 10% travel agency processing fee. Our current Business Travel Policy is attached to this Exhibit B at Schedule 1. Copies of receipts will be provided upon request; we reserve the right to charge you an administrative fee depending on the extent of your requests. Receipts for miscellaneous items less than twenty-five dollars and mileage logs are not available.

Payment. Payment for undisputed invoices is due within forty-five (45) days of the invoice date. We prefer to receive payments electronically. Our electronic payment information is:

Bank:	Wells Fargo Bank, N.A. 420 Montgomery San Francisco, CA 94104
ABA:	121000248
Account:	4124302472
Beneficiary:	Tyler Technologies, Inc. – Operating



Exhibit B
Schedule 1
Business Travel Policy

1. Air Travel

A. Reservations & Tickets

Tyler's Travel Management Company (TMC) will provide an employee with a direct flight within two hours before or after the requested departure time, assuming that flight does not add more than three hours to the employee's total trip duration and the fare is within \$100 (each way) of the lowest logical fare. If a net savings of \$200 or more (each way) is possible through a connecting flight that is within two hours before or after the requested departure time and that does not add more than three hours to the employee's total trip duration, the connecting flight should be accepted.

Employees are encouraged to make advanced reservations to take full advantage of discount opportunities. Employees should use all reasonable efforts to make travel arrangements at least two (2) weeks in advance of commitments. A seven (7) day advance booking requirement is mandatory. When booking less than seven (7) days in advance, management approval will be required.

Except in the case of international travel where a segment of continuous air travel is six (6) or more consecutive hours in length, only economy or coach class seating is reimbursable. Employees shall not be reimbursed for "Basic Economy Fares" because these fares are non-refundable and have many restrictions that outweigh the cost-savings.

B. Baggage Fees

Reimbursement of personal baggage charges are based on trip duration as follows:

- Up to five (5) days = one (1) checked bag
- Six (6) or more days = two (2) checked bags

Baggage fees for sports equipment are not reimbursable.

2. Ground Transportation

A. Private Automobile



Mileage Allowance – Business use of an employee’s private automobile will be reimbursed at the current IRS allowable rate, plus out of pocket costs for tolls and parking. Mileage will be calculated by using the employee’s office as the starting and ending point, in compliance with IRS regulations. Employees who have been designated a home office should calculate miles from their home.

B. Rental Car

Employees are authorized to rent cars only in conjunction with air travel when cost, convenience, and the specific situation reasonably require their use. When renting a car for Tyler business, employees should select a “mid-size” or “intermediate” car. “Full” size cars may be rented when three or more employees are traveling together. Tyler carries leased vehicle coverage for business car rentals; except for employees traveling to Alaska and internationally (excluding Canada), additional insurance on the rental agreement should be declined.

C. Public Transportation

Taxi or airport limousine services may be considered when traveling in and around cities or to and from airports when less expensive means of transportation are unavailable or impractical. The actual fare plus a reasonable tip (15-18%) are reimbursable. In the case of a free hotel shuttle to the airport, tips are included in the per diem rates and will not be reimbursed separately.

D. Parking & Tolls

When parking at the airport, employees must use longer term parking areas that are measured in days as opposed to hours. Park and fly options located near some airports may also be used. For extended trips that would result in excessive parking charges, public transportation to/from the airport should be considered. Tolls will be reimbursed when receipts are presented.

3. Lodging

Tyler’s TMC will select hotel chains that are well established, reasonable in price, and conveniently located in relation to the traveler’s work assignment. Typical hotel chains include Courtyard, Fairfield Inn, Hampton Inn, and Holiday Inn Express. If the employee has a discount rate with a local hotel, the hotel reservation should note that discount and the employee should confirm the lower rate with the hotel upon arrival. Employee memberships in travel clubs such as AAA should be noted in their travel profiles so that the employee can take advantage of any lower club rates.

“No shows” or cancellation fees are not reimbursable if the employee does not comply with the hotel’s cancellation policy.

Tips for maids and other hotel staff are included in the per diem rate and are not reimbursed separately.

Employees are not authorized to reserve non-traditional short-term lodging, such as Airbnb, VRBO, and HomeAway. Employees who elect to make such reservations shall not be reimbursed.



4. Meals and Incidental Expenses

Employee meals and incidental expenses while on travel status within the continental U.S. are in accordance with the federal per diem rates published by the General Services Administration. Incidental expenses include tips to maids, hotel staff, and shuttle drivers and other minor travel expenses. Per diem rates are available at www.gsa.gov/perdiem.

Per diem for Alaska, Hawaii, U.S. protectorates and international destinations are provided separately by the Department of Defense and will be determined as required.

A. Overnight Travel

For each full day of travel, all three meals are reimbursable. Per diems on the first and last day of a trip are governed as set forth below.

Departure Day

Depart before 12:00 noon	Lunch and dinner
Depart after 12:00 noon	Dinner

Return Day

Return before 12:00 noon	Breakfast
Return between 12:00 noon & 7:00 p.m.	Breakfast and lunch
Return after 7:00 p.m.*	Breakfast, lunch and dinner

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

The reimbursement rates for individual meals are calculated as a percentage of the full day per diem as follows:

Breakfast	15%
Lunch	25%
Dinner	60%

B. Same Day Travel

Employees traveling at least 100 miles to a site and returning in the same day are eligible to claim lunch on an expense report. Employees on same day travel status are eligible to claim dinner in the event they return home after 7:00 p.m.*

*7:00 p.m. is defined as direct travel time and does not include time taken to stop for dinner.

5. Internet Access – Hotels and Airports

Employees who travel may need to access their e-mail at night. Many hotels provide free high speed internet access and Tyler employees are encouraged to use such hotels whenever possible. If



an employee's hotel charges for internet access it is reimbursable up to \$10.00 per day. Charges for internet access at airports are not reimbursable.

6. International Travel

All international flights with the exception of flights between the U.S. and Canada should be reserved through TMC using the "lowest practical coach fare" with the exception of flights that are six (6) or more consecutive hours in length. In such event, the next available seating class above coach shall be reimbursed.

When required to travel internationally for business, employees shall be reimbursed for photo fees, application fees, and execution fees when obtaining a new passport book, but fees related to passport renewals are not reimbursable. Visa application and legal fees, entry taxes and departure taxes are reimbursable.

The cost of vaccinations that are either required for travel to specific countries or suggested by the U.S. Department of Health & Human Services for travel to specific countries, is reimbursable.

Section 4, Meals & Incidental Expenses, and Section 2.b., Rental Car, shall apply to this section.



Exhibit C

Maintenance and Support Agreement

We will provide you with the following maintenance and support services for the Tyler Software. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Agreement.

1. **Term.** We provide maintenance and support services on an annual basis. The initial term commences on the Effective Date, and remains in effect for one (1) year. The term will renew automatically for additional one (1) year terms unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term. We will adjust the term to match your first use of the Tyler Software in live production if that event precedes the one (1) year anniversary of the Effective Date.
2. **Maintenance and Support Fees.** Your year 1 maintenance and support fees for the Tyler Software are listed in the Investment Summary, and your payment obligations are set forth in the Invoicing and Payment Policy. We reserve the right to suspend maintenance and support services if you fail to pay undisputed maintenance and support fees within fifteen (15) days of our written notice. We will reinstate maintenance and support services only if you pay all past due maintenance and support fees, including all fees for the periods during which services were suspended.
3. **Maintenance and Support Services.** As long as you timely pay your maintenance and support fees, we will, consistent with our then-current Support Call Process:
 - 3.1 perform our maintenance and support obligations in a professional, good, and workmanlike manner, consistent with industry standards, to resolve Defects in the Tyler Software (limited to the then-current version and the immediately prior version); provided, however, that if you modify the Tyler Software without our consent, our obligation to provide maintenance and support services on and warrant the Tyler Software will be void;
 - 3.2 provide telephone support during our established support hours;
 - 3.3 maintain personnel that are sufficiently trained to be familiar with the Tyler Software and Third Party Software, if any, in order to provide maintenance and support services;
 - 3.4 provide you with a copy of all major and minor releases to the Tyler Software (including updates and enhancements) that we make generally available without additional charge to customers who have a maintenance and support agreement in effect; and
 - 3.5 provide non-Defect resolution support of prior releases of the Tyler Software in accordance with our then-current release life cycle policy.
4. **Client Responsibilities.** We will use all reasonable efforts to perform any maintenance and support services remotely. Currently, we use GotoAssist by Citrix. Therefore, you agree to maintain a high-speed internet



connection capable of connecting us to your PCs and server(s). You agree to provide us with a login account and local administrative privileges as we may reasonably require to perform remote services. We will, at our option, use the secure connection to assist with proper diagnosis and resolution, subject to any reasonably applicable security protocols. If we cannot resolve a support issue remotely, we may be required to provide onsite services. In such event, we will be responsible for our travel expenses, unless it is determined that the reason onsite support was required was a reason outside our control. Either way, you agree to provide us with full and free access to the Tyler Software, working space, adequate facilities within a reasonable distance from the equipment, and use of machines, attachments, features, or other equipment reasonably necessary for us to provide the maintenance and support services, all at no charge to us. We strongly recommend that you also maintain a VPN for backup connectivity purposes.

5. Hardware and Other Systems. If you are a self-hosted customer and, in the process of diagnosing a software support issue, it is discovered that one of your peripheral systems or other software is the cause of the issue, we will notify you so that you may contact the support agency for that peripheral system. We cannot support or maintain Third Party Products except as expressly set forth in the Agreement.

In order for us to provide the highest level of software support, you bear the following responsibility related to hardware and software:

- (a) All infrastructure executing Tyler Software shall be managed by you;
 - (b) You will maintain support contracts for all non-Tyler software associated with Tyler Software (including operating systems and database management systems, but excluding Third-Party Software, if any); and
 - (c) You will perform daily database backups and verify that those backups are successful.
6. Other Excluded Services. Maintenance and support fees do not include fees for the following services, unless otherwise mutually agreed by the parties in writing: (a) initial installation or implementation of the Tyler Software; (b) onsite maintenance and support (unless Tyler cannot remotely correct a Defect in the Tyler Software, as set forth above); (c) application design; (d) other consulting services; (e) maintenance and support of an operating system or hardware, unless you are a hosted customer; (f) support outside our normal business hours as listed in our then-current Support Call Process; or (g) installation, training services, or third party product costs related to a new release. Requested maintenance and support services such as those outlined in this section will be billed to you on a time and materials basis at our then current rates. You must request those services with at least one (1) weeks' advance notice.
7. Current Support Call Process. Our current Support Call Process for the Tyler Software is attached to this Exhibit C at Schedule 1.



Exhibit C
Schedule 1
Support Call Process

Support Channels

Tyler Technologies, Inc. provides the following channels of software support:

- (1) Tyler Community – an on-line resource, Tyler Community provides a venue for all Tyler clients with current maintenance agreements to collaborate with one another, share best practices and resources, and access documentation.
- (2) On-line submission (portal) – for less urgent and functionality-based questions, users may create unlimited support incidents through the customer relationship management portal available at the Tyler Technologies website.
- (3) Email – for less urgent situations, users may submit unlimited emails directly to the software support group.
- (4) Telephone – for urgent or complex questions, users receive toll-free, unlimited telephone software support.

Support Resources

A number of additional resources are available to provide a comprehensive and complete support experience:

- (1) Tyler Website – www.tylertech.com – for accessing client tools and other information including support contact information.
- (2) Tyler Community – available through login, Tyler Community provides a venue for clients to support one another and share best practices and resources.
- (3) Knowledgebase – A fully searchable depository of thousands of documents related to procedures, best practices, release information, and job aides.
- (4) Program Updates – where development activity is made available for client consumption

Support Availability

Tyler Technologies support is available during the following hours:

All Year	7:30am-7:00pm EST Monday-Friday
August	9:00am-3:00pm EST Saturday

Clients may receive coverage across these time zones. Tyler's holiday schedule is outlined below. There will be no support coverage on these days.

New Year's Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day
Labor Day	



Issue Handling

Incident Tracking

Every support incident is logged into Tyler's Customer Relationship Management System and given a unique incident number. This system tracks the history of each incident. The incident tracking number is used to track and reference open issues when clients contact support. Clients may track incidents, using the incident number, through the portal at Tyler's website or by calling software support directly.

Incident Priority

Each incident is assigned a priority number, which corresponds to the client's needs and deadlines. The client is responsible for reasonably setting the priority of the incident per the chart below. This chart is not intended to address every type of support incident, and certain "characteristics" may or may not apply depending on whether the Tyler software has been deployed on customer infrastructure or the Tyler cloud. The goal is to help guide the client towards clearly understanding and communicating the importance of the issue and to describe generally expected responses and resolutions.

Priority Level	Characteristics of Support Incident	Resolution Targets
1 Critical	Support incident that causes (a) complete application failure or application unavailability; (b) application failure or unavailability in one or more of the client's remote location; or (c) systemic loss of multiple essential system functions.	Tyler shall provide an initial response to Priority Level 1 incidents within one (1) business hour of receipt of the support incident. Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within one (1) business day. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the client in restoring its last available database.
2 High	Support incident that causes (a) repeated, consistent failure of essential functionality affecting more than one user or (b) loss or corruption of data.	Tyler shall provide an initial response to Priority Level 2 incidents within four (4) business hours of receipt of the support incident. Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within ten (10) business days. For non-hosted customers, Tyler's responsibility for loss or corrupted data is limited to assisting the client in restoring its last available database.

Priority Level	Characteristics of Support Incident	Resolution Targets
3 Medium	Priority Level 1 incident with an existing circumvention procedure, or a Priority Level 2 incident that affects only one user or for which there is an existing circumvention procedure.	Tyler shall provide an initial response to Priority Level 3 incidents within one (1) business day of receipt of the support incident. Tyler shall use commercially reasonable efforts to resolve such support incidents without the need for a circumvention procedure with the next published maintenance update or service pack. For non-hosted customers, Tyler's responsibility for lost or corrupted data is limited to assisting the client in restoring its last available database.
4 Non-critical	Support incident that causes failure of non-essential functionality or a cosmetic or other issue that does not qualify as any other Priority Level.	Tyler shall provide an initial response to Priority Level 4 incidents within two (2) business days. Tyler shall use commercially reasonable efforts to resolve such support incidents, as well as cosmetic issues, with a future version release.

Incident Escalation

Tyler Technology's software support consists of four levels of personnel:

- (1) Level 1: front-line representatives
- (2) Level 2: more senior in their support role, they assist front-line representatives and take on escalated issues
- (3) Level 3: assist in incident escalations and specialized client issues
- (4) Level 4: responsible for the management of support teams for either a single product or a product group

If a client feels they are not receiving the service needed, they may contact the appropriate Software Support Manager. After receiving the incident tracking number, the manager will follow up on the open issue and determine the necessary action to meet the client's needs.

On occasion, the priority or immediacy of a software support incident may change after initiation. Tyler encourages clients to communicate the level of urgency or priority of software support issues so that we can respond appropriately. A software support incident can be escalated by any of the following methods:

- (1) Telephone – for immediate response, call toll-free to either escalate an incident's priority or to escalate an issue through management channels as described above.
- (2) Email – clients can send an email to software support in order to escalate the priority of an issue
- (3) On-line Support Incident Portal – clients can also escalate the priority of an issue by logging into the client incident portal and referencing the appropriate incident tracking number.

Remote Support Tool

Some support calls require further analysis of the client's database, process or setup to diagnose a problem or to assist with a question. Tyler will, at its discretion, use an industry-standard remote support tool. Support is able to quickly connect to the client's desktop and view the site's setup, diagnose problems, or assist with screen navigation. More information about the remote support tool Tyler uses is available upon request.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Ratification of Agreement with City of Roanoke for Byron Nelson High School Senior Picnic

Date: May 24, 2021

Background Information and Rationale:

Pursuant to Chapter 791 of the Texas Government Code, Texas Education Code, School Districts and other governmental entities may join together to increase efficiency and effectiveness, by authorizing them to contract, to the greatest possible extent, with one another and with agencies of the state.

The City of Roanoke agreed to provide Byron Nelson High School to conduct its Senior Picnic for the Class of 2021 on May 21, 2021 from 11:00am to 4:00pm at the Park located at 750 Cannon Parkway. The City agreed to exclude the Hold Harmless Agreement. There will be no cost to the District.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.

Budget and/or Fund Impact:

There is no cost impact to the District.

Recommendation:

Ratification and Approval of Agreement with City of Roanoke for the Byron Nelson High School Senior Picnic as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Brian Carter
Chief Financial Officer

Mark Vechione
Executive Director of
Purchasing



Dear Applicant,

Thank you for your interest in hosting a Special Event in Roanoke, Texas! We welcome your participation and feel honored that you have chosen our fine City. We will work to accommodate your needs and do our best to communicate in a friendly and efficient manner. Within this packet of information, you should find all the documents that support the Special Events Application Process.

- **Special Event Permit General Information:** This document is pertinent to all Special Events regardless of event specifics. These are the general rules as outlined in the City of Roanoke, Texas Code of Ordinances.
- **Mandatory Documents:** All Special Events will require the following --
 - Hold Harmless Agreement
 - Insurance Certificate
 - Signature page from General Information document
 - Detailed sketch to include all event elements and activities
 - Credit card kept on file
- **Special Event Permit:** All Special Events will require a permit. The permit outlines all the characteristics, footprint and details of your event. This is the form that will be routed through all City departments for approvals. We encourage you to be clear and descriptive in your responses.
- **Additional Permits:** Some Special Events may require additional permitting. Your application package includes all the permit forms should you need them.
 - **Street Closing Permit** – to be completed if your event will hinder, block or obstruct the flow of traffic, sidewalks, intersections or alleys.
 - **Police Traffic Detail / Escort** – to be completed if the event requires Police to direct traffic, lead or escort attendees.
 - **Tent, Canopy or Membrane Permit** – to be completed for any tents (200+ square feet), canopies or membrane structures (400+ square feet).
 - **Land Owner's Vending Permit** – to be completed (by the landowner) if the special event is taking place on someone else's land. Do not complete if event is taking place on City Property.
- **Other Considerations:** Some Special Events may require additional documents that should be submitted with the application. They include -
 - **Master Vendor List** – to be completed if the event has vendors selling merchandise, food or beverages.
 - **Notification Signature Sheet** – to be completed by the Event Organizer signifying businesses and neighbors were notified of the event if a street closure is required.
 - **Food & Beverage Vendors** - are responsible for obtaining health inspections and alcohol permits.
 - **Land Owner / Event Organizer Agreement** – to be completed between Land Owner & Event Organizer stating permission to use the land. Agreement is not provided by the City.

Again, we are sincerely grateful for your interest in the City of Roanoke. We encourage you to reach out should you have questions or concerns. We look forward to supporting you in all your Special Event needs. Best wishes for a successful event!

Sincerely,
Mary Jo Tellin
Special Event Coordinator
mtellin@roanoketexas.com
817-491-2411

SPECIAL EVENT PERMIT - GENERAL INFORMATION

Special Event Description:

"Special Event" shall mean an event to be held within the City of Roanoke, which is 2 – 12 hours in duration. Examples include (without limitation) exhibitions, sporting events, runs/walks, festivals, carnivals, circuses, markets, expos, tent sales, garage sales, block parties, parades, foot/bike races, motorcades, auto shows, revivals, or concerts.

Number of permits per year

The number of Temporary Special Event Permits per year is four (4).

Special Event Timetables:

A City of Roanoke Special Event staff member will route the Temporary Special Event Permit Application through the appropriate city offices for approval or denial of application. Please note that the acceptance of your application should in no way be construed as final approval or confirmation of your request. Applications for a Special Events Permit should be submitted in alignment with the following schedule.

- 90 days in advance – up to 100 attendees
- 120 days in advance – 100 to 499 attendees
- 180 days in advance – 500 to 1000 attendees
- 270 days in advance – 1001 - 2999 attendees
- 360 days in advance – 3000+ attendees
- Applicant will be notified of approval/disapproval pending compliance with noted concerns within 10 business days of the application. City events and programming will take precedence over public events.
- Final notice will be given no less than 30 days prior to the date of the event.
- Cancelled events due to unsafe weather conditions or national emergencies will be rescheduled without penalty.

Special Event Permit and Deposit Fees

The Special Event Permit Fees shall be paid at the time of application. The permit must be present on site at all times during the event. The deposit fees shall be paid when the total amount of all event fees are determined. The deposit fees will be refunded after the event, within 20 business days, less any expenses incurred by the City due to the event. Forfeiture of the rental deposit will occur under the following conditions:

- Use of rice, birdseeds, glitter, confetti, dance wax, corn meal or other similar substances is prohibited.
- Smoking in the facility.
- Use of fog/smoke machines.
- Alcohol being present in the facility or on the facility premises.
- Disturbance of the peace (playing music too loud, unruly behavior which disturbs neighbors, etc.).
- Damage to the facility itself, equipment, furnishings, or decorations including damage from the attachment of banners, posters, streamers, signs, etc.
- Excess trash left at the facility.
- The required summoning of police officers or additional staff to the facility due to inappropriate disturbances and/or the behavior of the participants.

Hold Harmless Agreement

All Special Events require a Hold Harmless Agreement. This agreement should be signed by the applicant as stated on the Special Event Permit and notarized. The Hold Harmless Agreement must be submitted to the Special Events Office at least 10 working days prior to the event. Failure to provide the agreement will result in cancellation of the event and forfeiture of permit fees paid. The City of Roanoke will not waive the Hold Harmless requirements.

Insurance

Insurance is required for all special events. The City reserves the right to review and determine amount of coverage required based on level of activity at the Special Event. Amounts of general liability insurance required are:

- Up to 999 people in attendance: General Liability with minimum limits of \$500,000 Combined Single Limit for personal injury, death, property damage.
- 1,000 up in attendance: General Liability with minimum limits of \$1,000,000 Combined Single Limit for person injury, death, property damage.

All events, no matter what size, will be required to have \$1,000,000 liquor liability insurance if any alcohol is being sold or served. Host liquor liability insurance will satisfy this requirement if alcohol is only being served. Each policy will name the City of Roanoke as Additional Insured and a copy of the Certificate of Insurance will be submitted to

the City Manager's Office at least 10 working days prior to the event. Failure to provide required insurance will result in cancellation of the event and forfeiture of permit fees paid. Insurance requirements cannot be waived.

General Rules

- The City reserves the right to have final approval on all activities or events.
- The City reserves the right to designate hours available for use and to remove any person or group failing to comply.
- Event Applicants must be at least 21 years of age.
- Event Applicant and guests of Event Applicant will comply with laws of the State of Texas and the City of Roanoke. Acts of gambling, alcohol consumption or consumption of controlled substance(s) are prohibited on all City of Roanoke properties.
- The City of Roanoke is not responsible for any lost or stolen items.
- Event Applicant is responsible for ensuring that rules as outlined here are enforced
- The event property and footprint may only be used for the purpose as stated on the Special Event Permit unless otherwise approved by a representative from the Special Events office.
- No activity is engaged in or performed during the event that is a violation of an existing State, Federal Law or municipal ordinance and must comply with City code.
- No activity is engaged in or performed during the event that is used in such a manner as to constitute a nuisance as per City of Roanoke Municipal Code.
- Equipment to be used for high risk activities or needing a recreational setting must be clearly described in the Special Event Permit and is subject to approval by the City of Roanoke.
- Event Applicant shall monitor admittance to the event.
- Event applicant shall assume full responsibility and liability for all persons admitted.
- Event Applicant shall assume full responsibility and liability for any damage(s) to any part of event property during and/or resulting from the event.
- Event Organizer may not leave the event area during the contracted time or must designate a responsible person in their brief absence.
- Event setup and take down time should be included in total event time as stated on the event application. Deviation from contracted rental times may result in loss of part or all deposit fees.
- Event organizers and guests shall only park in designated, authorized parking spaces. Violation of this policy will result in the towing of such vehicle(s) at the owner's expense.
- Use of the City of Roanoke's name in advertising or publications without the approval of the city representative is prohibited.
- Burning of candles and all open flames are not permitted.

Street Closures

Any activity, including but not limited to special events which require the closing of any public street, sidewalk or alley and which require rerouting of normal or usual traffic flow deems a street closure. An event cannot hinder, block or obstruct the free flow of traffic. Temporary street closing is defined as a street closure for duration of eight (8) hours or less.

Area Notifications of Impacted Neighbors

The event coordinator, with an expected street closure, shall notify all residences and businesses within the street closure area and within a 300-foot radius of the outer perimeter of the event (as marked by fencing or entrance table indicated on the event diagrams submitted to the City). The event organizer shall obtain signatures of those so notified of the upcoming event. Such signatures do not denote approval but solely signify notification. A diagram of the notification area shall be submitted with the signature sheet.

The signatures of notification, the notification letter and the notification diagram shall be submitted at least 10 working days prior to the Special Event. In addition, the event organizer shall comply with all additional requirements imposed by the City of Roanoke with respect to notification and approval by residents and businesses affected by the Special Event. Under certain circumstances where events may generate extremely large crowds, loud noise or parking issues, staff may require additional notification time/signatures/outreach.

Property Requirement in the Closure Area

If NOT on City Property, the applicant for a street closure or Special Event Permit must own, lease or rent property within the proposed closure area, or must provide a signed letter of co-sponsorship from someone who meets those criteria.

Food and Beverage Inspections & Permits

If a vendor sells food or beverages at an event, they will need a temporary health inspection. The inspector/inspection offers direction and outlines compliance guidelines to the vendor in an effort to provide a clean environment and safe food or drink products. Bureau Veritas can be reached at Bureau Veritas 817-335-8111. The City does not provide health inspections.

If selling alcohol, a Texas Alcohol Beverage Commission permit is required. Call TABC at 817-607-2439. The City does not issue temporary alcohol permits. Police presence is mandatory at all events serving alcohol.

Booths, Tents or Canopies

Any booths or tents in excess of 200 square feet or canopies in excess of 400 square feet must obtain a permit. The Fire Marshal may be contacted at 817-491-2301 for further explanations.

Port-O-Potties

The City of Roanoke does not provide port-o-potties. It is the responsibility of the event organizers to supply port-o-potties (or restrooms) at a rate of 1 per 100 persons, including at least one that meets ADA requirements.

Police Presence

The City of Roanoke Police Department will determine if and how many police officers will be required at your event. Expenses for the City police officers will be paid by the event organizers directly to the City of Roanoke. If additional police need to be brought in to handle a problem during the event, it will be at the event organizer's expense.

Decorations & Cleanup

- Decorations must be pre-approved by the Special Events office. Items that may potentially cause damage to walls, equipment, etc. (i.e. duct tape, nails, glue, etc.) are not permitted.
- The applicant will be responsible to provide trash receptacles if not already on property.
- The applicant must remove all debris that results from the event. Clean trash bags must be left inside outdoor trashcans after rental.
- The area will be inspected after the event. The deposit will be returned to the applicant less any costs incurred by the City of Roanoke as a result of the event clean-up.

Damage to Public Property

The applicant may not fasten, drill or bore into the Public Street, sidewalks, curbs, trees or landscaping to mount or erect tent poles, booth supports, stages and any other appurtenances or fixtures. If required, any damage to City property after an event shall be invoiced to the event organizer following the conclusion of the event should expenses exceed the event deposit.

Signage / Directional Signage

Any event signage shall be shown/noted on the sketch drawing. Signage may not be placed within seventy-five feet (75') of any intersection or one hundred feet (100') of an intersection of a U.S. State highway, and may not be placed within ten feet (10') of any road right-of-way. Portable signs shall not be permitted on any residentially zoned property. Signage may be erected 4 hours prior to the start of an event. All event signage must be removed after the event.

Special Circumstances

Should these special circumstances apply to the Special Event, refer to the City of Roanoke City Ordinances

4.702 – Cancellations	4.706 – Denial of Permit	4.709 – Appeal of Hearing
4.703 – Exemptions	4.707 – Revocation of Permit, Cease Operating	4.710 – Appeal to Board of Adjustment
4.704 – Amended Site Plans	4.708 – Appeal of Revocation	4.712 – Penalty Provision

ACKNOWLEDGEMENT

I certify that the information is true and correct to the best of my knowledge and agree to furnish all information that might be required by the City during the review process in order that a complete evaluation can be made of this application. As permit applicant, I hereby understand and accept all conditions (both regular and special) imposed by the issuance of this permit.

Date: 5/14/2021 Signature of Special Event Applicant: _____
Mark Vechione/Executive Director of Purchasing

Date: _____ Signature of City Manager or Representative _____

Approved _____ Disapproved _____ Pending Circumstances _____

REQUIRED DOCUMENTS & FINANCIAL RESPONSIBILITY				
REQUIRED DOCUMENTS	YES	NO		
Hold Harmless Agreement				
Insurance Certificate				
Map of Event				
General Info Signature Page				
501c3 Documentation				
FACILITY RENTAL FEE	\$			
DEPOSIT				
Under 100 attendees	\$250			
100 – 499 attendees	\$500			
500-999 attendees	\$1000			
1000 – 2999 attendees	\$1500			
3000 – 4999 attendees	\$2000			
5000+ attendees	\$2500			
PERMIT TYPES	PERMIT FEE	QUANTITY	ATTACHED & SIGNED	TOTAL FEES
Special Event:				
Under 100 attendees	\$30			
100 – 499 attendees	\$60			
500-999 attendees	\$120			
1000 – 2999 attendees	\$180			
3000 – 4999 attendees	\$250			
5000+ attendees	\$500			
Street Closings/ Barricades				
First Block	\$100			
Each Block in addition	\$50			
Police Traffic Detail / Escort (3 hour minimum) Per Officer / Hourly	\$50			
EMS: 100-3000 attendees 3 EMS officers/1 cart (3 hour minimum) Per Officer / Hourly	\$50			
EMS: Over 3000 attendees 7 EMS / 1 cart (3 hour minimum) Per Officer / Hourly	\$50			
Health Inspection(food & beverages)	\$100			
Food Truck Health Inspection	\$200			
Tent (over 200 sq. ft.)	\$30			
Landowner's Permit	\$25			
Total Due				

**(LAND) OWNER'S TEMPORARY VENDING PERMIT**

Land Owner(s) Name(s): _____

Mailing Address: _____ City _____ State _____ Zip _____

Email: _____ Phone: _____

YES	NO	Has the City scheduled a special event in the next 90 days?
YES	NO	Will this event compete with City event with a similar theme, music, traffic, etc.
YES	NO	Is the property utilized as a residence?
YES	NO	Will event/ vending take place between 7 AM – 12 AM?
YES	NO	Is merchandise being sold relevant to the event?
YES	NO	Is vending area at least 20 ft. from a public road?
YES	NO	Have vendors acquired a permit from the City of Roanoke?
YES	NO	Is there a permanent driveway to the property?
YES	NO	Will there be a minimum of 2 portable toilet per every 100 attendees; 1 ADA?
YES	NO	Will there be 1 – 39 gallon trash receptacle for each 2 vendors?
YES	NO	Will parking be provided for vendors?
YES	NO	Will vendor structures be placed 1 day in advance and removed 1 day after?

NOTE: Attach a detailed sketch drawing of event site plan, including locations of vendor booths, concessions, outdoor cooking, inflatables, amusements, amplified music, local businesses, parking, signage, entrances/exits, barricades, port-o-potties, and trash containers.

Please give a brief description of the type of merchandise, food and/or drinks being provided:

- Attach Insurance Certificates
- Attach Hold Harmless Agreement

I hereby certify that I have read and examined this permit and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. Any owner or authorized agent violating statements in this permit application, shall be subject to citation punishable by a fine of not more than \$2,000.00.

Applicant Signature: _____ Date: _____

=====For Official Use Only=====

This permit is valid from (Date) _____ to _____. Permit Fee \$ 25.00 Permit #: _____

Approved By: _____ Title: _____ Date: _____

SPECIAL EVENTS PERMIT

APPLICANT INFORMATION

Applicant's Name: Melissa Granger Telephone #: 817 699 5761
 Address: 2775 Babcock Blvd. City Trophy Club State TX Zip 76262
 Event Representative (if different from applicant): _____
 Address: _____ City _____ State _____ Zip _____
 Daytime Phone () 817 699 5761 Cell Phone 972 979 0669 Fax Phone () _____
 Is this Event charitable in nature? YES _____ NO X 501c3 Tax ID # _____

SPECIAL EVENT DETAILS

NOTE: Attach a detailed sketch drawing of event site plan, including locations of vendor booths, concessions, outdoor cooking, inflatables, amusements, amplified music, local businesses, parking, signage, entrances/exits, barricades, port-o-potties, and trash.

Type of Event: CLASS of 2021 Senior Picnic
 Opening Date: 5/21/21 Closing Date: 5/21/21 Hours of Operation: 11:00 - 4:00
 Description of activities to be conducted at the Event:
sand volleyball, basketball, cornhole tournaments, field games, etc.

LOCATION

Proposed location (address) of Event: 750 Cannon Parkway

> If NOT on City Property:

- An Owners Permit is required by the Owner of the property if the event is NOT in an enclosed building. This is an agreement between the Property Owner and the City of Roanoke. (attached)
- A signed / notarized agreement written by the owner of the property that grants permission to conduct the event as outlined in this application. This is an agreement between the Property Owner and the Special Event Applicant. (Paperwork not provided by City.)

ATTENDANCE

Number of Attendees, including workers / volunteers (best estimate) - Per Day: 300 Total: 300
 Number of Animals: Per Day: 0 Total: 0 Number of Vehicles: Per Day: 15 Total: 15

Complete the Notification Signature Page (attached) and submit with application.

Will there be Vendor booths? If yes, how many? Merchandise: NO Food: NO Alcohol: NO

- The Special Event Applicant is required to complete a Master List of Vendors (attached)
- Food & Beverage vendors selling products require a temporary health inspection.
- A TABC permit is required if selling alcohol.

AMPLIFIED MUSIC

- Description of any live bands, singers or other music:

none

TENTS

Tents in excess of 200 sq. ft. and Canopies in excess of 400 sq. ft. require a Tent Permit (attached)
 Additional tent/canopy questions may be directed to the Fire Marshall at 817-491-2301.

WASTE DISPOSAL

How will you prepare for and dispose of your waste?

- Trash: extra trash cans
- Recycling: none
- Portable Toilets: none
- Food: trashcans
- Decorations: none

PROMOTION / MARKETING

Description of advertising/promotional efforts prior to and during the events:

none - school related

STREET CLOSINGS, POLICE AND TRAFFIC CONTROL

If the event requires re-routing of traffic, impediment to sidewalks or parking areas or crossing of major intersections, Police Traffic Detail is required. Costs are incurred by the Special Event Applicant. All events are subject to determination by the Police Department if Police presence is necessary and will be reviewed on a case by case basis.

Will you need to close portions of any streets? Yes ___ No ☒

If yes, complete the Temporary Street Closing Application (attached)

INSURANCE & HOLD HARMLESS AGREEMENT

Insurance is required for Special Events. The City of Roanoke shall be named as the additional insured. Submit proof of insurance no later than 10 business days prior to the event.

- Up to 999 attendees requires a General Liability Policy with combined limited of \$500,000. for personal injury, death and property damage.
- More than 999 attendees requires General Liability Policy with combined limited of \$1,000,000 for personal injury, death and property damage.
- Any events serving alcohol require Liquor Liability insurance of \$1,000,000.

HOLD HARMLESS AND INDEMNITY AGREEMENT

A Hold Harmless Agreement is required for all Special Events. The Special Event Applicant as listed on this application should sign and have notarized the Hold Harmless Agreement and submit with this application.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: RFP #021-022-04-024 Catalog Discount

Date: March 16, 2020

Background Information and Rationale:

Request for Proposals (RFP #021-022-04-024) for Catalog Discount were received and opened in the Purchasing Office on Monday, May 10, 2021, at 2:00 P.M. A total of one thousand six hundred twenty-seven (1,627) invitations were emailed from the NISD eBid system and two hundred fifty (250) responses were received with two hundred forty-seven (247) accepted. An evaluation committee reviewed and scored the responses on Thursday, May 13, 2021 and agreed on the following recommendation. The Purchasing Department recommends awarding RFP #021-022-04-024 to the attached vendors for the 2021-2022 school year.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.

Budget and/or Fund Impact:

Funds for purchases are budgeted as part of the General Fund budget.

Recommendation: Award RFP #021-022-04-024 Catalog Discount to the attached list of vendors for the 2021-2022 school year (July 1, 2021 to June 30, 2022) with the option to extend for one year (2022-2023 school year) as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Brian Carter
Chief Financial Officer

Mark Vechione
Executive Director of
Purchasing

Catalog Discount
RFP #021-022-04-024

3-C TECHNOLOGY, LLC
3D Molecular Designs
A to Z Books, LLC
A V Pro, Inc.
ABDO (ABDO Publishing Company)
Abecedarian ABC, LLC
ACCO Brands USA LLC (ACCO Brands Corporation)
Accurate-Tune Piano Tuning & Repair
Achieve3000, Inc.
Acorn Naturalists (The Acorn Group, Inc.)
ACP Direct (Affordable Computer Products, Inc.)
Adorama Inc.
Advantage Office Products
AKJ Wholesale, LLC
Alert Services, Inc.
American Filing Solutions
Apex Learning Inc.
Apogee
Argument-Driven Inquiry
Asel Art Supply
Attainment Company, Inc.
Audio Visual Aids Corp (Audio Visual Aids Co)
Avotek (Select Aerospace Industries Inc)
Balfour Ft. Worth (Recognition, inc.)
Bandmans
Barbizon Light of Texas (Barbizon Light of the Rockies)
Barnes & Noble Booksellers, Inc
BearCom Operating LLC
Bedford, Freeman and Worth Publishers (Macmillan Holdings, LLC.)
Bell's Book Nest
BELL'S MUSIC SHOP, INC
Benchmark Education Company
BetterRhetor Resources LLC
Blick Art Materials (Blick Art Materials, LLC)
Bocal Majority Bassoon Camp, LLC
Booksource (GL group, Inc., dba, Booksource)
Brook Mays Music and H&H Music (Universal Melody Services)
BSN Sports (Varsity Brands Holding Co., Inc.)
Business Essentials (CMBC Investments)
Camcor, Inc.
Capstone (Coughlan Companies, LLC)
Carolina Biological Supply Company
Cavendish Square Publishing, LLC

Cengage Learning, Inc
 Cengage Learning, Inc.
 CEV Multimedia, Ltd.
 Cheerleading Company, Inc
 Children's Plus, Inc.
 Childsworld/Childsplay (The Guidance Group)
 Coast To Coast Computer Products, Inc.
 Complete Supply, Inc
 Coole School, Inc
 Cosenza & Associates, LLC
 Costumes by Dusty, Inc.
 CRABTREE PUBLISHING COMPANY
 Creative Costuming & Designs, Inc.
 d/b/a Sargent Welch
 Delaney Educational Enterprises, Inc
 Demco, Inc.
 DIGITAL RESOURCES, INC.
 Discount School Supply (Earlychildhood LLC)
 Dream Ranch Office Supplies (Dream Ranch LLC)
 EAI Education (Eric Armin Inc)
 ECS Learning Systems
 Educational Development Corporation
 Educational IDEAS, Inc. (Ballard & Tighe, Publishers)
 Educational Products, Inc (EPI)
 Educational Service Solutions
 Edvotek
 Encore Data Products. Inc.
 ETA hand2mind (hand2mind, Inc.)
 Express Booksellers (Express Booksellers, LLC)
 Fisher Science Education (Fisher Scientific Company, LLC)
 Flinn Scientific Inc
 Follett School Solutions
 Frog Publications, Inc.
 Galaxy Next Generation
 garly
 Ginger Snaps Apparel (Clark Fashions, Inc.)
 Great Ideas for Teaching
 Hameray Publishing Group
 Harcourt Outlines, Inc. (Harcourt Industries, Inc)
 HDL ENTERPRISES
 Heinemann (Greenwood Publishing)
 Henry Schein Inc
 Holt Anatomical, Inc.
 HumanWare USA Inc
 IDSC Holdings LLC dba Snap-on Industrial, a Division of IDSC Holdings LLC (Snap-on Incorporated)
 Integral Mathematics, Inc.

INTERNATIONAL BOOK IMPORT SERVICE INC
Itty Bitty Spider
IXL Learning, Inc.
J.W Pepper & Son, Inc.
Jostens (High School Essentials, LLC)
Junior Library Guild (MT Library Services, Inc.)
Justin Seed Co. Inc.
K&S Music
KAMICO Instructional Media, Inc.
Kaplan Early Learning Company
Keystone Books and Media
La Hacienda Musica
Lakeshore Learning Materials (Lakeshore Equipment Company)
Lea Park and Play, Inc.
Learning Without Tears. (No Tears Learning, Inc)
Learning Zone (Kimco Educational products)
Lee's School Supplies, Inc
Lexia Learning Systems LLC
Lone Star Learning (Lone Star Learning Sales & Marketing, Inc.)
Lone Star Percussion (ZNK Partners LLC)
Luck's Music Library
Macie Publishing Company
Marco Products, Inc.
Mardel, Inc.
Mastery Education (Peoples Education, Inc.)
Math GPS, LLC
Matthews Office Supply
Mattingly Low Vision, Inc.
Maxi Aids, Inc.
McGraw-Hill School Education, LLC
McKinney Office Supply Inc.
Medco Supply Company (Performance Health Supply)
Medicaleshop
Mentoring Minds, L.P.
MeTEOR Education, LLC.
Midwest Musical Imports (MSA Music, Inc.)
MindRise Learning
Mitinet, Inc.
Music & Arts Center
Music in Motion
n2y
Nasco
National Educational Systems, Inc
National Science Teachers Association-NSTA
Oriental Trading Company (OTC Direct)
Pala Supply Company, Inc
PASCO scientific (PASCO scientific A CA Corporation)

Pencil Ladies, LLC
 Pender's Music Company (Betrol Enterprises Inc)
 PENN STATE INDUSTRIES, INC
 Perfection Learning Corporation
 PIKMYKID , KIDIO (SACHITECH)
 Pioneer Valley Books (Pioneer valley Educational Press)
 Pivot Point International
 Pollock Paper Distributors
 Precision Business Machines, Inc.
 Prestwick House Inc
 QEP Professional Books (QEP, Inc.)
 Quality Audio Visual Service, Inc.
 QUILL CORPORATION
 Rainbow Book Company
 RALLY! EDUCATION
 Raymond Geddes & Co., Inc
 Really Good Stuff, LLC
 Reynolds Manufacturing Corporation
 Rhythm Band Instruments
 Rifton Equipment (Community Products LLC)
 Riverside Insights (Riverside Assessments, LLC)
 Romeo Music
 Rosen Publishing Group AND PowerKids Press AND Rosen Classroom AND Rosen Digital (The Rosen Publishing Group, Inc.)
 Rourke Educational Media (Carson Dellosa Publishing)
 Saddleback Educational, Inc.
 Savvas Learning Company LLC (Gateway Education Holdings LLC)
 Scholastic Book Fairs
 Scholastic Inc.
 Scholastic Library Publishing, Inc.
 School Datebooks (Schooldatebooks Inc)
 SCHOOL HEALTH CORPORATION
 SCHOOL MATE (MORRIS PRINTING GROUP, INC.)
 SCHOOL NURSE SUPPLY, INC.
 School Outfitters (Schoolhouse Outfitters LLC)
 SCHOOL SPECIALTY INC
 SCHOOLSin (School's In, LLC)
 SCOTT ELECTRIC
 Sebco Books (Library Sales, Inc.)
 Sharp Business Systems (Sharp Electronic Corporation)
 Sirius Education Solutions (Sirius Education Solutions LLC)
 SoundTree (KORG U.S.A., Inc.)
 Southern Computer Warehouse, Inc.
 Strong Manufacturers (Strong Medical Partners LLC)
 Super Duper Publications (Super Duper Inc.)
 Supporting Science Inc.
 Sweet Pipes (BRBM Publishing LLC)

Taylor Music, Inc.
TEACHERS DISCOVERY (AMERICAN EAGLE CO INC)
Teacher's Tools
Teaching Systems, Inc
TESTOUT CORP.
Texas Furniture Source
Texas Scenic Company, Inc.
Textbook Warehouse (Textbook Warehouse, LLC.)
The Burmax Co., Inc.
The Library Store, Inc.
The Markerboard People
The Master Teacher
The MLD Group LLC (Texas Pottery Supply & Clay Company)
The Writing Academy
Therapro, Inc.
Therapy Shoppe, Inc
Tobii Dynavox, LLC
TOTE UNLIMITED
TouchMath (Innovative Learning Concepts, Inc)
Trinity Ceramic Supply, Inc.
Troxell Communications, Inc.
TSS Networks/MATCHFIT (The Sport Source)
U.S. Games (Varsity Brands Holding Co., Inc. dba BSN Sports)
UnboundEd Learning, Inc.
University of Texas at Austin (Charles A. Dana Center)
UTJ Holdco, Inc. DBA Teaching Strategies, LLC
Vanderbilt Music Company
Vernier Software and Technology, LLC
VIEWTECH (ViewTech Group, LLC)
Vista Higher Learning
Walker Bookstore (Mark My Words LLC)
Wards Science (VWR International, LLC)
WASHINGTON MUSIC CENTER (WASHINGTON MUSIC SALES CENTER, INC.)
Wayside Publishing
Wenger Corporation
West Music Company
Wieser Educational, Inc.
William V. MacGill & Co.
Williamson Music 1st
Wood Etc. Co.
Woodwind & Brasswind, Inc.
World Book, Inc.
Worthington Direct (Worthington Direct Holdings, LLC)
Wowzers, LLC
Zapopan Business Group, LLC (World Wide Imaging Supplies)

The following vendors are pending deviation clarification

American Ceramic Supply Company

BrainPOP LLC

Clayton Stroup

Crisis Prevention Institute

Dallas Strings

EBSCO

ELB US INC

ExploreLearning, LLC

Final Graphic

Global Industrial (Global Equipment Company Inc.)

Hobby Lobby Creative Centers (Hobby Lobby Stores, Inc.)

Houghton Mifflin Harcourt Publishing Company

Learning A-Z, LLC

NCS Pearson, Inc.

Pocket Nurse (Pocket Nurse Enterprises, Inc.)

Renaissance Learning, Inc.

Scantron Corporation

Unipak Corp.

Voyager Sopris Learning, Inc.

Youthlight, Inc



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: RFP #021-022-04-025 Technology Related Equipment, Services, Software and Supplies

Date: May 24, 2021

Background Information and Rationale:

Request for Proposals (RFP) #021-022-04-025 for Technology Related Equipment, Services, Software & Supplies were received and opened in the Purchasing Office on Monday, May 10, 2021, at 2:00 P.M. A total of nine hundred eighty-nine (989) invitations were emailed thorough the NISD eBid system, with one hundred one (101) responses were received and one hundred (100) accepted. An evaluation committee reviewed and scored the responses on Wednesday, May 12, 2021 and agreed on the following recommendation. The Purchasing Department recommends awarding RFP #021-022-04-025 to the attached vendors for the 2021-2022 school year.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.

Budget and/or Fund Impact:

Funds for purchases are budgeted as part of the General Fund budget.

Recommendation: Award RFP #021-022-04-025 to the attached list of vendors for the 2021-2022 school year with the option to extend for one year (2022-2023 school year) as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Brian Carter
Chief Financial Officer

Mark Vechione
Executive Director of
Purchasing

Technology Related Equipment, Services, Software & Supplies
RFP #021-022-04-025

3-C TECHNOLOGY, LLC
806 Technologies, Inc.
A V Pro, Inc.
ABC-CLIO, LLC
ACCO Brands USA LLC (ACCO Brands Corporation)
ACP Direct (Affordable Computer Products, Inc.)
Adorama Inc.
Aerowave Technologies, Inc.
AGiRepair and AGParts Education (AssetGenie, Inc.)
Apperson Inc
Arey Jones Educational Solutions
Audio Visual Aids Corp (Audio Visual Aids Co)
AVES AUDIO VISUAL SYSTEMS, INC.
B & H FOTO & ELECTRONICS CORP.
BearCom Operating LLC
BetterRhetor Resources LLC
Bricktown Technologies, LLC (Results Computers, LLC)
Camcor, Inc.
CDW Government LLC
Cengage Learning, Inc
CEV Multimedia, Ltd.
Coast To Coast Computer Products, Inc.
Daktronics, Inc.
Darvid Inc DBA Security Solutions of DFW and Alpha Lock
DIGITAL RESOURCES, INC.
DREAMBOX LEARNING, INC.
eCampus Systems (Figtree Technologies Inc)
ECS Learning Systems
Edficiency, LLC
Edgenuity
Educational Service Solutions
Eduphoria!
ELB US INC
Enhanced Laser Products (Double M Laser Products, Inc.)
Exploros, Inc.
Final Graphic
Galaxy Next Generation
garly
GTS Technology Solutions
Hudl (Agile Sports Technologies)
Imagine Learning, Inc.
IML Security Supply (Intermountain Lock & Supply)
Istation (Imagination Station, Inc.)
IXL Learning, Inc.

Junior Library Guild (MT Library Services, Inc.)
KAMICO Instructional Media, Inc.
Knowledge Matters Inc.
Learning Without Tears. (No Tears Learning, Inc)
LH Connected/StrideTrack (Melissa Jean Hanson)
LONE STAR COMMUNICATIONS, INC.
Lone Star Learning (Lone Star Learning Sales & Marketing, Inc.)
Master Audio Visual, Inc.
Mastery Education (Peoples Education, Inc.)
MasteryPrep (Ring Publications LLC)
Mentoring Minds, L.P.
Nearpod Inc
Netsync Network Solutions
NetWorkWise
Newsela
Nutri-Link Technologies, Inc.
Owner InSite, LLC
OxBlue Corporation
Plastic Perfection LLC
Positive Proof, Inc.
Poster Studio Express (Red Circle Solutions)
PowerSchool Group LLC
Precision Business Machines, Inc.
Prime Systems (R.L.S. Interest, Inc)
ProComputing Corporation (Michael McKinstry)
Quality Audio Visual Service, Inc.
QUALITY SOUND AND COMMUNICATIONS (QUALITY INSTALLATIONS INC)
QuaverEd, Inc.
ReadyOp Communications, Inc.
Rethink Autism, Inc.
Riverside Community Care
Riverside Technologies Inc.
SCHOOL SPECIALTY INC
SCOTT ELECTRIC
Sharp Business Systems (Sharp Electronic Corporation)
SHI Government Solutions
Silicon Mountain Memory (WayTech, LLC dba)
Sirchie (Sirchie Acquisition Company, LLC)
SoundTree (KORG U.S.A., Inc.)
Southern Computer Warehouse, Inc.
Superior Fiber & Data Services, Inc.
T&G ID Systems (T&G Identification Systems, Inc.)
TESTOUT CORP.
Troxell Communications, Inc.
TSS Networks/MATCHFIT (The Sport Source)
United Data Technologies, Inc. (UDT) (Hardisty)
UTJ Holdco, Inc. DBA Teaching Strategies, LLC

VIEWTECH (ViewTech Group, LLC)
VST Services, LLC
W.B.HUNT CO., INC
Wayside Publishing
Wowzers, LLC
Xerox Business Solutions Southwest

The following vendors are pending clarification of deviations

Canon Solutions America, Inc.
McGraw-Hill School Education, LLC
Xello Inc.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: 2021-2022 Compensation Plan

Date: May 24, 2021

Background Information and Rationale: In order to achieve the District's goal to recruit, value, and retain exceptional staff to create a rewarding learning environment, we need to maintain a competitive and effective compensation plan.

The 2021-2022 Compensation plan proposes the following:

- 1% midpoint pay raise for all existing employees;
- Increase to the teacher hiring schedule;
- Positions and paygrades for an NISD Transportation Department;
- \$300/month District health insurance contribution; and
- Teacher Incentive Allotment (TIA) payout for currently designated teachers that have moved into NISD or National Board teachers identified for designation determination.

Support of Strategic Goals:

- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.

Budget and/or Fund Impact: The budget impact for a 1% midpoint raise is \$1.6M. Reducing the district contribution for insurance from \$350/month to \$300/month will result in a \$990,000 annual savings based on current employee health insurance enrollment.

Recommendation: Approve the 2021-2022 Compensation Plan as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Kim Caley, Ed.D.
Assistant Superintendent for Human Resources



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Arlington, TX 76013

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Comparison of Teacher Salaries in the **Western Metroplex** School Year 2020-21 | BA / BS Degree

YEAR	0	YEAR	5	YEAR	10	YEAR	15	YEAR	20	YEAR	25	YEAR	30
1	Everman 57700	1	HEB 60526	1	Irving 63763	1	Irving 64773	1	Irving 66448	1	Irving 69341	1	Irving 73423
1	HEB 57700	2	Irving 60023	2	HEB 61811	2	HEB 63352	2	HEB 66147	2	HEB 69151	2	HEB 73270
3	Grand Prairie 56650	3	Everman 59500	3	Everman 61600	3	Keller 63328	3	Everman 65500	3	Ft Worth 67749	3	Ft Worth 72658
4	Crowley 56590	4	Arlington 58600	4	Kennedale 61001	4	Everman 63300	4	Ft Worth 65241	4	Keller 67736	4	Mansfield 71835
5	Arlington 56500	5	Crowley 58466	5	Ft Worth 60605	5	Ft Worth 63193	5	Keller 65142	5	Everman 67500	5	EMS 71286
6	Castleberry 56100	6	Mansfield 58456	6	Keller 60604	6	Kennedale 63066	6	Kennedale 64918	6	Kennedale 67395	6	Kennedale 71099
7	Mansfield 56019	7	Castleberry 58275	7	Arlington 60600	7	Mansfield 62768	7	Arlington 64600	7	Mansfield 67093	7	Keller 71030
8	Aledo 56000	8	Grand Prairie 58200	8	Mansfield 60498	8	Arlington 62600	8	Mansfield 64192	8	Alvarado 67037	8	Everman 70800
8	EMS 56000	9	Ft Worth 58067	9	Castleberry 60369	9	Lake Worth 61750	9	EMS 63542	9	Arlington 66600	9	Azle 70761
8	Irving 56000	10	Aledo 57800	10	Lake Worth 59750	10	Aledo 61400	10	Castleberry 63369	10	EMS 66459	10	Arlington 70600
8	Keller 56000	11	Keller 57715	11	Grand Prairie 59688	11	Castleberry 61369	11	Lake Worth 63250	11	Northwest 66450	11	Crowley 70561
8	Lake Worth 56000	12	Lake Worth 57500	12	Aledo 59600	12	EMS 61261	12	Alvarado 63226	12	Crowley 66001	12	Alvarado 70230
8	Northwest 56000	13	Kennedale 57400	13	Crowley 59416	13	Grand Prairie 60976	13	Crowley 63001	13	Lake Worth 65570	13	Northwest 70200
14	Joshua 55763	14	EMS 57300	14	EMS 59200	14	Crowley 60778	14	Grand Prairie 62902	14	Burleson 65454	14	Castleberry 69343
15	Burleson 55500	15	Northwest 57100	15	Northwest 58650	15	Carroll 60761	15	Aledo 62900	15	Castleberry 65319	15	Burleson 68910
15	Ft Worth 55500	16	Carroll 56889	16	Carroll 58547	16	Burleson 60562	16	Carroll 62786	16	Carroll 64813	16	Joshua 68847
17	Carroll 55200	17	Joshua 56563	17	Burleson 58348	17	Northwest 60450	17	Northwest 62700	17	White Sett 64450	17	Grapevine 68678
18	Birdville 55000	18	Birdville 56306	18	Joshua 58339	18	Birdville 60211	18	Burleson 62560	18	Aledo 64400	18	Cleburne 68435
19	Grapevine 54000	19	Grapevine 56296	19	Grapevine 58296	19	Joshua 59889	19	Birdville 62211	19	Birdville 64396	19	Birdville 68431
20	White Sett 53800	20	Burleson 56148	20	Birdville 58231	20	Grapevine 59796	20	White Sett 61650	20	Grand Prairie 64393	20	Carroll 68370
21	Cleburne 53500	21	Azle 55697	21	Weatherford 58187	21	Weatherford 59457	21	Weatherford 61427	21	Cleburne 64072	21	Aledo 67825
22	Kennedale 53456	22	Cleburne 55236	22	Cleburne 56736	22	Cleburne 58236	22	Grapevine 61296	22	Weatherford 63847	22	Weatherford 67587
23	Duncanville 53000	23	White Sett 55100	23	Azle 56599	23	Azle 58195	23	Joshua 61277	23	Azle 63551	23	Granbury 67000
24	Azle 52000	24	Weatherford 54519	24	White Sett 56350	24	Alvarado 58179	24	Cleburne 60897	24	Glen Rose 63282	24	Grand Prairie 66502
24	Weatherford 52000	25	Duncanville 54000	25	Granbury 55836	25	White Sett 57900	25	Azle 60770	25	Granbury 63000	25	Glen Rose 66448
26	Glen Rose 51000	26	Glen Rose 53150	26	Duncanville 55500	26	Duncanville 57100	26	Glen Rose 60043	26	Joshua 62841	26	White Sett 66000
27	Alvarado 50925	27	Granbury 52200	27	Glen Rose 54830	27	Glen Rose 57000	27	Duncanville 59200	27	Grapevine 62796	27	Lake Worth 65570
28	Granbury 48500	28	Alvarado 51948	28	Alvarado 53750	28	Granbury 57000	28	Grandview 59110	28	Grandview 61660	28	Grandview 64160
29	Godley 42000	29	Grandview 45710	29	Grandview 51460	29	Grandview 55820	29	Granbury 59000	29	Rio Vista 59830	29	Rio Vista 62330
30	Grandview 41590	30	Godley 45586	30	Rio Vista 50100	30	Rio Vista 54220	30	Rio Vista 57330	30	Duncanville 59800	30	Keene 61750
31	Rio Vista 40500	31	Keene 45250	31	Keene 49000	31	Godley 53910	31	Godley 56940	31	Keene 59250	31	Duncanville 59800
32	Keene 40000	32	Rio Vista 43500	32	Godley 48595	32	Keene 52750	32	Keene 56500	32	Godley 57918	32	Godley 59173

Note: This comparison is for base salaries only. It does not include stipends of any kind.



UNITED EDUCATORS ASSOCIATION

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Comparison of Teacher Salaries in the Western Metroplex School Year 2020 - 2021 | MA / MS Degree

YEAR	0	YEAR	5	YEAR	10	YEAR	15	YEAR	20	YEAR	25	YEAR	30
1	HEB 59700	1	HEB 62787	1	Irving 65263	1	Irving 66273	1	Irving 68448	1	Irving 71341	1	HEB 76237
2	Everman 58700	2	Irving 61547	2	HEB 64996	2	HEB 65835	2	HEB 68316	2	HEB 71151	2	Irving 75923
3	Crowley 58190	3	Mansfield 60671	3	Mansfield 62724	3	Mansfield 64994	3	Mansfield 67072	3	Mansfield 69319	3	Ft Worth 74768
4	Mansfield 58090	4	Everman 60500	4	Everman 62600	4	Ft Worth 64491	4	Everman 66500	4	Ft Worth 69247	4	Mansfield 74061
5	Arlington 58000	5	Arlington 60100	5	Arlington 62100	5	Keller 64328	5	Mansfield 66418	5	Keller 68736	5	EMS 72786
6	Northwest 58000	6	Crowley 60066	6	Kennedale 62001	6	Everman 64300	6	Keller 66142	6	Everman 68500	6	Northwest 72200
7	Grand Prairie 57650	7	Castleberry 59275	7	Ft Worth 61738	7	Arlington 64100	7	Arlington 66100	7	Northwest 68450	7	Crowley 72161
8	EMS 57500	8	Grand Prairie 59200	8	Keller 61604	8	Kennedale 64066	8	Kennedale 65918	8	Kennedale 68395	8	Arlington 72100
8	Irving 57500	9	Ft Worth 59101	9	Castleberry 61369	9	EMS 62761	9	EMS 65042	9	Arlington 68100	9	Kennedale 72099
10	Castleberry 57100	10	Northwest 59100	10	Crowley 61016	10	Lake Worth 62750	10	Northwest 64700	10	Alvarado 68037	10	Keller 72030
11	Aledo 57000	11	Aledo 58800	11	Lake Worth 60750	11	Northwest 62450	11	Crowley 64601	11	EMS 67959	11	Everman 71800
11	Burleson 57000	11	EMS 58800	12	EMS 60700	12	Aledo 62400	12	Castleberry 64369	12	Crowley 67601	12	Azle 71761
11	Keller 57000	13	Keller 58715	13	Grand Prairie 60688	13	Crowley 62378	13	Lake Worth 64250	13	Burleson 66954	13	Alvarado 71230
11	Lake Worth 57000	14	Lake Worth 58500	14	Northwest 60650	14	Castleberry 62369	14	Alvarado 64226	14	Lake Worth 66570	14	Burleson 70410
15	Joshua 56763	15	Kennedale 58400	15	Aledo 60600	15	Burleson 62062	15	Burleson 64060	15	White Sett 66450	15	Castleberry 70343
16	Birdville 56500	16	Carroll 57889	16	Burleson 59848	16	Grand Prairie 61976	16	Grand Prairie 63902	16	Castleberry 66319	16	Cleburne 69935
16	Ft Worth 56500	17	Birdville 57806	17	Birdville 59731	17	Carroll 61761	17	Aledo 63900	17	Birdville 65896	17	Birdville 69931
18	Carroll 56200	18	Burleson 57648	18	Carroll 59547	18	Birdville 61711	18	Carroll 63786	18	Carroll 65813	18	Joshua 69847
19	White Sett 55800	19	Joshua 57563	19	Joshua 59339	19	Joshua 60889	19	Birdville 63711	19	Cleburne 65572	19	Grapevine 69678
20	Cleburne 55000	20	Grapevine 57296	20	Grapevine 59296	20	Grapevine 60796	20	White Sett 63650	20	Aledo 65400	20	Granbury 69500
20	Grapevine 55000	21	White Sett 57100	21	Weatherford 59187	21	Weatherford 60457	21	Weatherford 62427	21	Grand Prairie 65393	21	Carroll 69370
22	Kennedale 54456	22	Cleburne 56736	22	White Sett 58350	22	White Sett 59900	22	Cleburne 62397	22	Granbury 65250	22	Aledo 68825
23	Duncanville 54000	23	Azle 56697	23	Cleburne 58236	23	Cleburne 59736	23	Grapevine 62296	23	Weatherford 64847	23	Weatherford 68587
24	Azle 53000	24	Weatherford 55519	24	Granbury 58000	24	Azle 59195	24	Joshua 62277	24	Azle 64551	24	White Sett 68000
24	Weatherford 53000	25	Duncanville 55000	25	Azle 57599	25	Alvarado 59179	25	Azle 61770	25	Glen Rose 64282	25	Grand Prairie 67502
26	Glen Rose 52000	26	Granbury 54500	26	Duncanville 56500	26	Granbury 59000	26	Glen Rose 61043	26	Joshua 63841	26	Glen Rose 67448
27	Alvarado 51925	27	Glen Rose 54150	27	Glen Rose 55830	27	Duncanville 58100	27	Granbury 61000	27	Grapevine 63796	27	Lake Worth 66570
28	Granbury 50500	28	Alvarado 52948	28	Alvarado 54750	28	Glen Rose 58000	28	Duncanville 60200	28	Grandview 62160	28	Grandview 64660
29	Godley 43000	29	Godley 46586	29	Grandview 51960	29	Grandview 56320	29	Grandview 59610	29	Rio Vista 60830	29	Rio Vista 63330
30	Grandview 42090	30	Keene 46250	30	Rio Vista 51100	30	Rio Vista 55220	30	Rio Vista 58330	30	Duncanville 60800	30	Keene 62750
31	Rio Vista 41500	31	Grandview 46210	31	Keene 50000	31	Godley 54910	31	Godley 57940	31	Keene 60250	31	Duncanville 60800
32	Keene 41000	32	Rio Vista 44500	32	Godley 49595	32	Keene 53750	32	Keene 57500	32	Godley 58918	32	Godley 60173

Why Does UEA Publish This Salary Comparison?

For the past 27 years, UEA has published a comparison of teachers' salaries from area school districts. It allows teachers the opportunity to see how their district compares to others. It also proves to be a valuable tool that superintendents, administrators, and school boards use in determining salaries. Just like our regular newsletter, this will be distributed to over 90,000 school employees.



District Healthcare Contributions

2019-20 School Year

		Monthly	Annual	Notes
1	Glen Rose	\$378	\$4,536	<i>Variable Rates for Plan Level, Spouse, Children, and Family Choices</i>
1	Granbury	\$378	\$4,536	
1	Little Elm	\$378	\$4,536	
4	Irving	\$368	\$4,416	
5	Keene	\$367	\$4,404	
6	DeSoto	\$351	\$4,212	
7	Frisco	\$350	\$4,200	
7	Grand Prairie	\$350	\$4,200	
7	Northwest	\$350	\$4,200	<i>Additional \$25/month for Physical Health Assessment completion</i>
7	Venus	\$350	\$4,200	
11	Allen	\$340	\$4,080	
12	Lewisville	\$326	\$3,912	<i>Variable Rates for Plan Level, Spouse, Children, and Family Choices</i>
13	Coppell	\$325	\$3,900	
13	Garland	\$325	\$3,900	
13	Godley	\$325	\$3,900	
16	White Sett	\$320	\$3,840	
17	Dallas	\$317	\$3,804	
18	McKinney	\$306	\$3,672	
19	Carroll	\$300	\$3,600	
19	Joshua	\$300	\$3,600	
19	Midlothian	\$300	\$3,600	
19	Plano	\$300	\$3,600	
23	Richardson	\$294	\$3,528	
24	Castleberry	\$293	\$3,516	
25	Ft Worth	\$287	\$3,444	
26	Grapevine	\$285	\$3,420	
27	Duncanville	\$282	\$3,384	
28	CFB	\$278	\$3,336	
29	Alvarado	\$275	\$3,300	
29	Keller	\$275	\$3,300	<i>Additional \$60/month for completion of Wellness program</i>
29	Kennedale	\$275	\$3,300	
29	Rio Vista	\$275	\$3,300	
33	Weatherford	\$266	\$3,192	
34	Birdville	\$260	\$3,120	
34	Denton	\$260	\$3,120	
36	Aledo	\$250	\$3,000	
36	EMS	\$250	\$3,000	
36	Everman	\$250	\$3,000	
36	Grandview	\$250	\$3,000	
36	Mansfield	\$250	\$3,000	
41	Arlington	\$235	\$2,820	<i>250 for para-professional / Additional \$40 with Wellness Program participation</i>
41	Burleson	\$235	\$2,820	
43	Azle	\$225	\$2,700	
43	Cleburne	\$225	\$2,700	
43	Crowley	\$225	\$2,700	
43	HEB	\$225	\$2,700	
43	Lake Worth	\$225	\$2,700	
43	Tolar	\$225	\$2,700	

NISD Pay Increase History

2020-2021	1% Midpoint
2019-2020*	4% Midpoint (T/C/N/L > 6 yrs) 3% Midpoint (T/C/N/L < 6 yrs) 3% Midpoint Non-Administrative Staff 2% Midpoint Administrative Staff
2018-19	2% Midpoint
2017-18	2% Midpoint
2016-17	2% Midpoint

*HB3 Requirements. T/C/L/N=Teachers/Counselors/Nurses/Librarians

Raise Scenarios & Adjustments	Budget Increase
1%	\$1.6 M
1.5%	\$2.4 M
2%	\$3.2 M
2.5%	\$4 M
3%	\$4.8 M

COMPENSATION PLAN

2021-2022

**NORTHWEST INDEPENDENT SCHOOL DISTRICT
PAY GUIDELINES
2021-2022**

PURPOSE

This is a guide for administering salaries and wages for employees of the Northwest Independent School District. Practices described are intended to implement local Board policy and goals, state and federal regulations, and appropriate accreditation standards.

All compensation items are subject to review and approval by Northwest ISD. The Northwest ISD Compensation Plan is for the 2021-2022 school year only, and does not make any representation or promise regarding any future years' compensation.

JOB CLASSIFICATION

District jobs are assigned to pay grades based upon compensable factors and grouped with jobs of similar value.

On a periodic basis, selected jobs from each job family will be reviewed to ensure that conditions in the district, such as organizational structure, major programs, or significant responsibilities in a particular job, have not changed to a degree warranting a change in job grade classification. This review is to be at the direction of the Superintendent or designees, who shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources, and the Human Resource Specialist. Options for conducting the review include, but are not limited to, an executive level administrative review panel, outside consultant, or trained district salary administrator.

Newly established jobs are analyzed, job descriptions written, and pay grade assignments are determined prior to hiring personnel for the position. This procedure accomplishes three objectives. First, the job description establishes the responsibilities and duties required to ensure the position is properly classified and in the proper pay grade. Second, the appropriate pay range becomes part of the recruitment and hiring strategy of the district. Third, a consistent practice of salary administration is established at the initiation of each job.

SALARY ADVANCEMENTS

Regular or general salary advancement is considered annually by the Board of Trustees.

General pay increase recommendations presented to the Board of Trustees by the administration shall be based on consideration of such factors as cost of living indexes, wage increases within competitive job markets, and budget resources.

PAY GRADES

Pay grades represent the internal job classification as well as external job market pay levels. The greater the level of compensable factors present in a job, the higher the placement in the pay grade structure. Jobs with similar overall degrees of compensable factors will be in the same pay grade.

The use of pay grade levels facilitates payroll administration and maintains the integrity of the job worth. The job rate or grade midpoint is the chief control point in the system. A minimum and maximum pay rate for each grade is computed from the midpoint using technical standards that are designed to maintain pay equity or fair pay for each job in the system of jobs.

Employees shall be assigned to a pay grade and paid a salary rate between the minimum and maximum (inclusive). Minimum and maximum pay rates are valid for only one year. No general pay action is intended to extend an employee's pay above the pay range or add pay to an employee's pay already paid above the assigned range maximum.

It is important to note that the \$500.00 healthcare supplement that was previously given to employees by the state is now included in all salary schedules. (This began with the 2006-2007 school year and will continue.)

Annualized Salary: If the Employee will work on a less-than-12-month basis, the Employee's salary will be paid on an annualized basis. The District will make deductions from each paycheck for income tax withholding and benefits.

INITIAL EMPLOYMENT

Employment, assignment, and salary placement should be in accordance with the job requirements as specified in the job description. Where job requirements include transcripts, certificates, or licenses, these must be official and on file with the district. A Texas educator service record or chronology of prior work history (if previously employed full time) is necessary.

Salary placement will be at the direction of the Superintendent or designees who shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources, and the Human Resource Specialist. The personnel office shall determine hiring rates based upon job-related qualifications, previous experience and salaries of other employees in the same position. Advertisements for positions typically will identify the pay grade for the position. Salary placement strategies may be different for each employee group consistent with the attainment of district goals.

Administrators/Non-Teaching Professional Employees. The Superintendent or designees who shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources and the Human Resource Specialist shall individually set hiring rates for new administrators/non-teaching professional employees under the following guidelines.

1. Pay rates will be set based upon prior experience and job-related qualifications.
2. New administrators/non-teaching professional employees shall normally not be started at a rate above the salary of other district employees with more experience in the job.

Auxiliary/Educational Assistants. The Superintendent or designees who shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources and the Human Resource Specialist shall individually set hiring rates for new auxiliary employees under the following guidelines.

1. Pay rates will be set based upon prior experience and job-related qualifications.
2. New auxiliary/educational assistants shall normally not be started at a rate above the hourly rate of other district employees with more experience in the job.

Instructional Personnel. The Superintendent or designees who shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources and the Human Resource Specialist shall annually develop a hiring schedule for new classroom teachers. The hiring schedule will reflect the hiring objectives of the district. The hiring schedule will not place new teachers above salary levels of continuing teachers with similar years of experience or training.

The Superintendent or designees who shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources and the Human Resource Specialist may approve hiring rates up to or above the midpoint of the range when an applicant has exceptional job qualifications or the position cannot otherwise be filled.

PROMOTION

For compensation purposes, a promotion occurs when an employee is placed in a higher pay grade except for general pay structure changes or position reclassification. The effective date of the promotion is determined by the Superintendent or designees, who shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources, and the Human Resource Specialist.

The new salary rate shall be figured based on years of experience and qualifications for the new position.

1. The basis for computing a promotion increase shall be the employee's previous base pay rate, exclusive of stipends or supplements, and years of experience with the District.
2. If promotion increase does not advance employee to new grade minimum, adjust promoted employee's pay to at least the range minimum.
3. The district can, if necessary, exceed the promotion increase in order to keep at the current market value.
4. The adjusted salary for newly promoted employees shall normally not be started at a rate above the salary of other district employees with more experience in the job.

Increases are calculated on a monthly or hourly rate of pay. Increases over 30 percent in total pay must be approved by the Superintendent or designees, which shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources, and the Human Resource Specialist.

RECLASSIFICATION

On a periodic basis jobs may be reclassified into a different pay grade or salaries may be adjusted within pay grades in order to maintain the internal/external equity to other jobs of similar worth in the district.

Reclassification of a job is not a promotion or demotion. Reclassification changes result when there has been a significant modification of job duties or qualifications as determined by the school district. If an employee's job is reclassified, no special increase has to be given unless the employee is below the minimum for the new pay grade or the current job incumbent's pay rate is in an inequitable position in comparison to comparable jobs. These job reclassifications and salary adjustments may be conducted at the direction and approval of the Superintendent or designees, which shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources, and the Human Resource Specialist.

DEMOTION

For compensation purposes, a demotion occurs when an employee is placed in a lower pay grade except for general salary structure changes or position reclassification. At the direction of the Superintendent or designees, which shall be the Assistant Superintendent for Administrative Services, the Executive Director of Human Resources, and the Human Resource Specialist, an employee's pay rate may be reduced.

REASSIGNMENT

Placement in a lower pay grade not resulting from a demotion may not immediately reduce salary. Programmatic, organizational, or funding changes are examples of such actions which may create this condition. These guidelines apply:

1. If an employee's rate is within the pay range of the reassigned pay grade, then salary advancement will be the same as others in the same pay grade.
2. If an employee's rate is greater than the maximum of the lower pay grade, then the employee's salary may be "frozen" until such time as the lower pay grade range includes the employee's salary. When the rate is recaptured, the salary increases may be granted in accordance with normal practice.

SALARY RANGES

Annual salary ranges should be reviewed and recomputed to include updated economic information. Sources for making this determination include consumer price increases, chamber of commerce business changes, university reports, government statistics, and reputable economic periodicals. Adjustments to the salary structure are independent of individual pay actions.

Once the adjusting percent is discerned, this value should be applied to all job grade control points. The structure should be adjusted prior to computing new salary or wage increases.

PERFORMANCE PAY: TEACHER INCENTIVE ALLOTMENT

For any funds received by Northwest ISD for a designated teacher under the Teacher Incentive Allotment (TIA), 90 percent will be paid to the designated teacher. The remaining 10 percent will be used for training and support of the system, expansion of the system, administrative expenses, professional development. Should the district receive funding for a designated teacher who has resigned or retired, the district will forward payment to the resigned or retired teacher as soon as practicable.

TEACHERS WITH ADVANCED DEGREES

Official transcripts showing master's degrees or doctoral degrees need to be received by the Office of Human Resources by September 1st so that the pay can be adjusted for the current year.

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
A05			Daily	237.80	290.00	342.20
	Benefits Specialist	235	235 Days	55,883	68,150	80,417
	Coordinator - Security	235				
	Records Manager	235				
	Senior Buyer	235				
	PEIMS/Research Specialist	235				
	Specialist – Community Engagement/Marketing	235				
	Program Access & Mkt Spec.	235				
	Federal Compliance Manager	235				
	Payment Solutions Manager	235				
	Substitute Specialist	235				
	Risk Management Specialist	235				
	Community Relations Specialist	235				
	College & Career Readiness Comp. Specialist	235				
	Bond Program Specialist	235				
	Planning Specialist	235				
	Accountant	235				
A10			Daily	267.96	319.00	370.04
	Accts Payable Supervisor	235	235 Days	62,971	74,965	86,959
	Asst. Director - Purchasing	235				
	Payroll Supervisor	235				
	Specialist - Human Resources	235				
A15	Bachelor's Degree		Daily	302.14	354.84	404.03
	Athletic Trainer	205, 224	187 Days	56,500	66,356	75,554
	Band Director	187	189 Days	57,104	67,064	76,361
	Behavior Intervention Specialist	187	194 Days	58,615	68,838	78,381
	Dyslexia Facilitator	187	197 Days	59,521	69,903	79,593
	Behavior Intervention Specialist	187	202 Days	61,032	71,677	81,614
	Intervention Specialist	187	205 Days	61,938	72,742	82,826
	Librarian, ES, HS, MS	197	224 Days	67,679	79,484	90,502
	Literacy Specialist	187				
	Music Therapist	189				
	Nurse (RN)	187				
	Orientation & Mobility Specialist	187				
	Reading Specialist	187				
		187,				
	Reading Specialist Lead	197				
	Teacher	187, 197, 202, 224				
	Teacher Audio Impaired	187				
	Facilitator College & Career	194				
	Facilitator Student Services	189, 194				
	Facilitator Academy	197				
	Instructional Technology Coach	197				
	Instructional Coach	197				
	Asst. Speech Path	194				
	Occ Therapist	189				

A20 Master's Degree			Daily		\$310.16	362.02	411.21
Athletic Trainer	205,	224	187	Days	\$58,000	67,698	76,896
Band Director		187	189	Days	\$58,620	68,422	77,719
Behavior Intervention Specialist		187	194	Days	\$60,171	70,232	79,775
Dyslexia Facilitator		187	197	Days	\$61,102	71,318	81,008
Intervention Specialist		187	202	Days	\$62,652	73,128	83,064
Librarian, ES, HS, MS		197	205	Days	\$63,583	74,214	84,298
Literacy Specialist		187	224	Days	\$69,476	81,092	92,111
Music Therapist		189					
Nurse (RN)		187					
Orientation & Mobility Specialist		187					
Reading Specialist		187					
Reading Specialist Lead	187,	197					
Teacher	187, 197, 202,	224					
Teacher Audio Impaired		187					
Administrator/Lead Teacher		187					
Facilitator College & Career		194					
Facilitator Student Services	189,	194					
Facilitator Academy		197					
Behavior Intervention Specialist		187					
Construction Specialist		244					
Instructional Technology Coach		197					
Instructional Coach		197					
A25			Daily		308.10	366.79	425.48
Counselor/Prevention Counselor - ES		194	189	Days	58,231	69,323	80,416
Prevention Counselor - HS		210	194	Days	59,771	71,157	82,543
Counselor - MS		205	202	Days	62,238	74,092	85,947
Diagnostician		202	210	Days	64,703	77,026	89,351
Energy Manager		235	235	Days	72,406	86,196	99,988
Truancy Intervention Counselor		194	244	Days	75,179	89,497	103,817
Intervention Counselor		194	205	Days	63,163	75,192	87,223
Board Certified Behavior Analyst		189					
LSSP		202					
Occupational Therapist (Master's)		189					
Physical Therapist (Master's)		189					
Construction Manager		244					
Speech Pathologist (Master's)		194					
At-Risk Counselor		194					
A30			Daily		326.59	388.80	451.01
Coord - Research & Assessment/District PEIMS	235		210	Days	68,584	81,648	94,712
Coordinator – Budget	235		220	Days	71,850	85,536	99,222
Asst Principal - ES	220		226	Days	73,809	87,869	101,928
Public Affairs Coordinator	235		235	Days	76,749	91,368	105,987
Coordinator of Communications & Community Engagement	235						
Coordinator – Early Childhood Ed	226						
Coordinator – Child Find	226						
Agriculture Coordinator	226						
Coordinator – STEM/Health							
Science/Business/Creative Media/Education & Training	210						
Career Access Coordinator	100						
Coordinator – Family, Parenting & Pregnancy	226						

Counselor HS	210
Coordinator – HR Systems	235
RTI Coordinator	226

A35		Daily		346.19	412.13	478.07
Asst Director - Athletics	235	220	Days	76,162	90,669	105,175
Asst Principal - MS	220	226	Days	78,239	93,141	108,044
Campus Coord – Athletics/Head Football Coach	220	235	Days	81,355	96,851	112,346
Curriculum Coord - Advanced Academics	226	244	Days	84,470	100,559	116,649

Curriculum Coord – RDG Language Arts, Ele & Sec.	226
Curriculum Coord – Math, Elem & Secondary	226
Curriculum Coord - Outdoor Learning	226
Curriculum Coord – Science, Elem & Secondary	226
Curriculum Coord - Social Studies	226
HEAD Director – Band HS	220
District 504 At Risk Coordinator	226
Aquatic Center Director	244
Health Service Coordinator	226
Transition Coordinator	226
Curriculum Coord – Bilingual/World Language	226
Coordinator Student Services	226
Coordinator – Special Ed.	226

A40		Daily		\$380.81	453.34	525.87
Asst Principal - HS	220	220	Days	83,778	99,735	115,691
Director - Athletics	235	235	Days	89,490	106,535	123,579

Director - College & Career	235
Director - Counseling	235
Director - Student Services	235
Director – Human Resources	235
Director – Fine Arts	235
Director – Inst. Tech	235
Director – Safety and Security	235
Director – Spec Ed Eval I& Compliance	235
Director – Spec Ed Inst & Related Services	235
Principal - ES	220

A45		Daily		421.06	489.61	558.16
Assoc Principal - HS	226	220	Days	92,633	107,714	122,795
Principal – MS	220	226	Days	95,160	110,652	126,144

Principal - Steele Acc. High School	226
Principal – AEP	220

A50		Daily		\$448.75	\$515.80	\$582.85
Exec Director - Benefits and Risk Mgmt	235	235	Days	105,456	121,213	137,674
Exec Director - Communications	235	261	Days	117,123	134,623	152,123

Exec Director - Construction	235
Exec Director – Planning	235
Exec Director - Fine Arts	235
Exec Director - Human Resources	235
Exec Director – Special Ed	235
Exec Director – Research Assessment	235
Exec Director – Career Technical Ed & Post-Secondary Readiness	235
Exec Director – Purchasing & Contracts	235
Exec Director – Outsourced Operations	235
Exec Director – Facilities	261

A55		Daily		487.68	560.55	633.42
Principal - HS	235	235	Days	114,605	131,729	148,854
Exec Director - Curric & Staff Dev	235					
Exec Director - Health/PE/Ath	235					
Exec Director - Student Services	235					
Exec Director – Technology	235					
Exec Director – Secondary Ed.	235					
Exec Director – Elem Ed.	235					
Exec Director – Financial Services	235					
A60		Daily		610.52	701.75	792.98
Asst Superintendent – Human Resources	235	235	Days	143,472	164,911	186,350
Asst Superintendent - Facilities	235					
Asst. Superintendent – C & I	235					
Chief Financial Officer	235					
Attorney	235					

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
H05			Hourly	17.50	\$21.09	\$24.68
	Computer Technician I	207	207 Days	28,980	34,925	40,870
H10			Hourly	21.54	25.94	30.34
	Computer Technician II	207	207 Days	35,670	42,957	50,243
	Computer Technician II	235	235 Days	40,495	48,767	57,039
	Helpdesk Tech	235				
	Safety & Security Technician	235				
	PEIMS/Student Programs Spec.	235				
	PEIMS/Spec Ed Student Services Spec	235				
H15			Hourly	25.63	30.87	36.11
	Telecommunication Technician	235	235 Days	48,184	58,036	67,887
	Senior Computer Services Technician	235				
	Asset Control Manager	235				
T05			Daily	243.92	293.88	343.84
	Junior Network Engineer	235	235 Days	57,321	69,062	80,802
	Digital Materials Manager	235				
T20			Daily	258.55	311.51	364.47
	Student Data Services Application Analyst	235	235 Days	60,759	73,205	85,650
	Webmaster/Graphic Designer	235				
	Communications Specialist	235				
	Audio Visual Engineer	235				
	Communications/Media Specialist	235				
	Safety & Security Specialist	235				
T25			Daily	284.41	342.66	400.91
	Communications/Security Engineer	235	235 Days	66,836	80,525	94,214
	Systems Engineer	235				
	Campus Support Manager	235				
	Network Security Engineer	235				
T30			Daily	318.54	383.78	449.02
	Coordinator – Inst. Tech	226	226 Days	71,990	86,734	101,478
	Coordinator – PEIMS	235	235 Days	74,857	90,188	105,520
	Data Architect	235				
	Network Engineer	235				
	Data Architect/Programmer	235				
T35			Daily	382.85	445.18	507.51
	Director – Technology	235	235 Days	89,970	104,617	119,265
	Director – Data Services					

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
P05						
	Elem Campus Assistant I	187	Hourly	12.05	15.00	17.55
	Educational Assistant-Reg Ed	187	187 Days	18,026	22,440	26,255
	ACP Lab Assistant	187				
	Health Aide	187				
	PE Educational Asst	187				
P10						
	Family Involvement Parent Educator	187	Hourly	13.45	16.20	18.95
	Lead Elem Campus Asst	190	187 Days	20,121	24,235	28,349
	Ed Asst/Reading Recovery	187	190 Days	20,444	24,624	28,804
	Receptionist MS	187	202 Days	21,735	26,179	30,623
	Campus Office Asst. MS	187				
	Educational Asst. – Pre K	187				
	Educational Asst. - Comp	187				
	Attendance Clerk/MS	202				
	Educational Asst/ELL Support	187				
	Ed Asst/Title 1	187				
	Elementary Teacher Aide – SP ED	187				
	Intervener	187				
	Educational Asst-SP ED (Secondary)	187				
P15						
	Secondary Secretary/Asst Principal HS	202	Hourly	15.00	18.07	21.14
	Campus Sub Coordinator	202	187 Days	22,440	27,033	31,625
	PEIMS Clerk MS	220	202 Days	24,240	29,201	34,162
	Receptionist ES	187	220 Days	26,400	31,803	37,206
	Receptionist HS	202				
	Secretary - Counselor	202				
	Attendance Clerk HS	202				
P20						
	Registrar - HS	220	Hourly	16.40	19.76	23.12
	Textbook Coordinator	235	220 Days	28,864	34,778	40,691
			235 Days	30,832	37,149	43,466
P25						
	Bookkeeper - HS	207	Hourly	16.68	\$20.48	\$24.28
	Secretary II - Assoc Principal HS	207	207 Days	27,622	33,915	40,208
P30						
	Office Manager I – Steele, AEP & DC	202, 220	Hourly	18.18	22.17	26.16
	Office Manager I - Principal ES	220	202 Days	29,379	35,827	42,275
	Office Manager I - Principal MS	220	220 Days	31,997	39,019	46,042
	Secretary III - Athletics	235	226 Days	32,869	40,083	47,297
	Secretary III - Curric & Inst	235	235 Days	34,178	41,680	49,181
	Secretary III - District Receptionist	235				
	Secretary III - Finance, Accts Payable	235				
	Secretary III - Finance, Business Svcs	235				
	Secretary III - Finance, Payroll	235				

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Secretary III – HR Assist/Camp. Services	235
Secretary III - HR Assistant	235
Secretary III – Payroll, TRS	235
Secretary III – HR Support Asst.	235
Secretary III – Energy Manager	235
Secretary III – CTE & CCR Secretary	235
Secretary III - Technology	235
Secretary III – Facilities	235
Secretary III – Fine Arts	235
Secretary III – Inventory Asst.	235
Secretary III – Education Foundation	235
Student Records Coordinator	226

P35

Admin Assistant I - Student Svcs Exec Dir	235
Admin Assistant I – Human Resources	235
Admin Assistant I - Athletics	235
Admin Assistant I – Secondary Ed	235
Admin Assistant I – Elementary Ed	235
Admin Assistant I – Curr/Staff Dev	235
Admin Assistant I - Construction	235
Admin Assistant I - Finance	235
Admin Assistant I - Communications	235
Admin Assistant I - Benefits	235
Admin Assistant I – Facilities	235
Admin Assistant I – Purchasing	235
Admin Assistant I - Special Ed	235
Admin Assistant I – Research & Assess	235
LVN	187
Brailist	187
Admin Assistant I – Fine Arts	235
Admin Assistant I – Aquatics Ctr	235
Admin Assistant I – CTE/Post Sec.	
Readiness	235
Admin Assistant I – Procurement Card	
Specialist	235
Office Manager II - Principal HS	226
Admin Assistant I – Exec Dir of Planning	235
Admin Assistant I – Exec Dir of	
Outsourced Operations	235

Hourly		19.71	24.04	28.37
187	Days	29,486	35,964	42,442
226	Days	35,636	43,464	51,293
235	Days	37,055	45,195	53,336

P40

Admin Assistant II - Asst Supt Human Res	235
Admin Assistant II – General Counsel	235
Admin Assistant II – Asst Supt C & I	235
Admin Assistant II – Asst. Supt Facilities	235
Admin Assistant II – CTO	235
Admin Assistant II – Payroll Lead	235
Admin Assistant II – CFO	235

Hourly		23.26	28.37	33.48
235	Days	43,726	53,336	62,942

P50

Exec Asst. Superintendent	235
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Hourly		32.81	\$39.53	\$46.25
235	Days	61,683	74,316	86,950

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
M10			Hourly	14.15	16.85	19.55
	Electrician (Apprentice)	261	261 Days	29,545	35,182	40,820
	Maintenance – Delivery Driver	261				
	Central Offices Facilities Attendant	261				
M15			Hourly	16.84	20.05	23.26
	Preventative Tech	261	261 Days	35,162	41,864	48,567
M20			Hourly	19.54	23.26	26.98
	Carpenter	261	261 Days	40,800	48,567	56,334
	Painter	261				
	Welder	261				
	Fleet Technician	261				
M25			Hourly	22.18	26.40	30.62
	Locksmith	261	261 Days	46,312	55,123	63,935
	HS Maintenance Technician	261				
	HS Tech II	261				
	Stadium Manager	261				
	Lead Carpenter	261				
	Maintenance Projects Lead	261				
	OLC Maintenance Tech	261				
	Central Receiving & Distribution Lead	261				
	Lead Painter	261				
	Roofing & Waterproofing Technician	261				
M30			Hourly	23.73	28.25	32.77
	Electrician (Journey)	261	261 Days	49,548	58,986	68,424
	HVAC Technician	261				
	Kitchen Repair Technician	261				
	Electrician Low Voltage	261				
	Repair Plumber	261				
	Plumber/Wastewater Tech	261				
M33			Hourly	25.27	\$29.76	\$34.25
	Master Level Tradesman	261	261 Days	52,763	62,138	71,514
	Aquatic Center & Stadium Fac Tech.	261				
M35			Hourly	28.17	33.54	38.91
	Dept. Head - Electrical	261	261 Days	58,819	70,031	81,244
	Dept. Head - Mechanical	261				
	Dept. Head - Carpentry	261				

Transportation Compensation

Pay Grade	Job Title	Calendars	Minimum	Midpoint	Maximum
B01			Hourly	11.00	13.50
	Bus Monitor (5.25 Hours per Day)	180	180 Days	16.00	16.00
				10,395.00	12,757.50
				15,120.00	
B02			Hourly	18.00	22.00
	Bus Driver (6.0 Hours per Day)	187	187 Days	26.00	26.00
	Bus Field Trip Coordinator	220	220 Days	20,196.	24,684.
	Bus Dispatcher	235	235 Days	29,172.	31,680.
	Bus Router	244	244 Days	38,720.	41,360.
				48,880.	33,840.
				50,752.	35,136.
B03			Hourly	19.00	23.00
	Bus Driver/Trainer	187	187 Days	27.00	27.00
				28,424.	34,408.
				40,392.	
B04			Hourly	20.00	25.00
	Payroll Clerk - Transportation	235	235 Days	30.00	30.00
	Mechanic- Transportation	261	261 Days	37,600.	47,000.
				56,400.	41,760.
B05			Hourly	22.00	28.50
	Safety Coordinator - Transportation	235	235 Days	35.00	35.00
				41,360.	53,580.
				65,800.	
B06			Hourly	25.00	30.00
	Lead Router – Transportation	244	244 Days	35.00	35.00
	Master Mechanic – Transportation	261	261 Days	48,800.	58,560.
				68,320.	52,200.
A04			Daily	212.80	255.32
	Safety Manager - Transportation	235	235 Days	297.90	297.90
				50,008.	60,000.
				70,006.	
A05			Daily	237.80	290.00
	HR Coordinator – Transportation	235	235 Days	342.20	342.20
	Maintenance Manager – Transportation	261	261 Days	55,883.	68,150.
				80,417.	62,065.
A07			Daily	286.90	327.90
	Operations Manager – Transportation	244	244 Days	368.90	368.90
				70,003.	80,007.
A40			Daily	380.81	453.34
	Director of Transportation	235	235 Days	525.87	525.87
				89,490.	106,535.
				123,579.	

NORTHWEST INDEPENDENT SCHOOL DISTRICT EXTRA DUTY STIPENDS

(Stipend Amounts may be adjusted based on student enrollment or participation)

ATHLETICS

Campus Athletic Coordinator (220 Days)	10,000
Head Coach 1 Sport/Coordinators	10,000
Second Sport for Head Coach	2,000
Asst. High School Football Coach	8,000
Second Sport for Asst. High School Football Coach	4,000
Asst. High School Coach	6,000
Second Sport for Asst. High School Coach	4,000
Asst. Golf/Tennis/Swim/Soccer/Wrestling	4,000
Second Sport for Asst. Golf/Tennis/Swim/Soccer/Wrestling	4,000
Asst. Coach for one Sport with two Seasons	8,000
Head Athletic Trainer	5,500 (224-day contract)
Assistant Athletic Trainer	5,500 (205-day contract)
Middle School Campus Coordinator	7,000
Middle School Coaches	6,000 (3 sports)
Middle School Coach (part-time) (cross country)	3,000

BAND/MUSIC

High School Band Director	6,500 (220-day contract)
High School Associate Band Director	9,500
High School Assistant Band Director	6,250
Middle School Head Band Directors	6,500
Middle School Assistant Band Directors	5,000
High School Head Choir Teacher	6,000
High School Assistant Choir Teacher	3,000
Middle School Head Choir Teachers	3,500
Middle School Asst. Choir Teacher	2,000

District Middle School Color/Winter Guard Facilitator	1,500
Elementary School Choral Music Teachers	300
District Elementary Honor Choir (3)	1,500
High School & Middle School Orchestra Director	6,500
Middle School Orchestra Asst. Director	5,000
DRAMA	
High School Drama Lead Teachers (includes extra PAC stipend)	6,000
High School Asst. Drama Teacher	3,000
Middle School Theater Director	2,000
DRILL TEAM/DANCE	
High School Drill Team/Dance Sponsor	3,500 (202-day contract)
Assistant High School Drill Team/Dance Sponsor	2,500
CHEERLEADING	
Middle School Cheer District Facilitator	1,500
High School Head Cheerleader Sponsor	3,500 (202-day contract)
High School Asst. Cheerleader Sponsor	2,500
Freshman Cheer Sponsor	2,000
Middle School Cheerleader Sponsor (total for campus)	3,000 (may be split among 2 or more people)
STUDENT COUNCIL/NATIONAL HONOR SOCIETY	
High School Student Council Sponsor	1,200 (202-day contract)
Assistant High School Student Council Sponsors	1,000
Middle School Student Council Sponsors	1,000
High School Honor Society Sponsor	1,000
Middle School Honor Society Sponsor	1,000

DEPARTMENT HEADS/TEAM LEADERS

High School, Middle School and Elementary Schools 1,500

MENTOR TEACHERS

High School 750
Middle Schools & Elementary Schools 750
Coordinator for Mentor Teachers 500 (for 1 to 5 teachers)
750 (for 6 to 15 teachers)
1,000 (for over 15 teachers)
2nd year mentor 250

CAMPUS INSTRUCTIONAL TEACHER

High School, Middle School and Elementary Schools 2,000

CAMPUS INSTRUCTIONAL TECH SPECIALIST

Assigned Campus 2,000
Technology/Video Teacher (High Schools) 1,000

DUAL LANGUAGE TEACHER

Elem. Bilingual Certified/Dual Language 3,000

TITLE 1 INTERVENTION SPECIALIST

Elementary Schools 1,500

ACADEMIC COACHES

High School Academic Decathlon 3,000
High School UIL Coordinator 1,800
High School UIL CX & Lincoln-Douglas Debate 1,500
High School UIL One-act Play 1,000
High School UIL (Coach for one Area) 600
Middle School UIL Coordinator 1,000
Middle School UIL (Coach for one Area) 500
Elementary UIL Coordinator 300

D.C. BEST (Career & Technology Competition)
(Denton Co. Boosting Engineering & Science Technology)

Destination Imagination Coordinator	300
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CTE Academic Competition Sponsor	500
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NEWSPAPER/YEARBOOK

High School Newspaper Sponsor	1,200
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Middle School Newspaper Sponsor	1,000
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High School Yearbook Sponsor	1,200
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Middle School Yearbook Sponsor	1,000
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SPECIAL ASSIGNMENTS

PAC Building Manager	7,000
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Asst. PAC Building Manager	2,000
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High School	400
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Middle School Sponsors	300
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DISTRICT FACILITATORS

Speech Pathologists, Gifted/Talented, Librarians, Fine Arts, Physical Education, Elem. Art, Secondary Art, Music, Elem. Counselors, Middle School Counselors, Mentors, CPR Lead, Diagnosticians & LSSP's	1,500
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DISTRICT INSTRUCTIONAL COACHES

Subject Area (Math, Literacy, etc.)	2,000
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Facilitator (assigned by C & I)	2,000
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TECHNOLOGY

Campus Technology Liaison	1,500
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EXTRA DUTY STIPENDS FOR OTHER PROFESSIONAL EMPLOYEES

Lead Teacher – Denton Creek	7,000
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Lead Counselor – High School	6,000
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Career Academy Facilitators	6,500
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Collegiate Academy Facilitator	6,500
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SPECIAL ED BEHAVIOR INTERVENTIONIST	1,000
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BEHAVIOR INTERVENTIONIST WITH BCBA CERT.	1,000
SPECIAL OLYMPICS	
Coach	1,000
AVID SITE COORDINATOR MS/HS	1,000
DUAL ENROLLMENT TEACHERS/ONRAMPS	1,500

Guest Educator/Substitute Salary Schedule

The salary rates for substitute teachers shall be set by the Northwest Independent School District Board of Trustees and recorded in Board minutes. The rates have been updated as of May 18, 2020 and are as follows for the 2021-2022 school year.

Professional Substitute Teaching Assignment Daily Rate

Non-Degreed or Teacher Certification:	\$90.00/day
One-half day (up to five hours)	\$50.00/day
Bachelor Degree or above	\$100.00/day
LVN/Medical Training	\$100.00/day
One-half day (up to five hours)	\$60.00/day
Bachelor Degree or above and hold a valid Teacher Certification	\$105.00/day
Registered Nurse	\$105.00/day
One-half day (up to five hours)	60.00/day

Professional Long-Term Substitute Teaching Assignment Tiered Rate

Tier One: After ten consecutive days within the same teaching assignment

Non-Degreed or Teacher Certification:	\$95.00/day
One-half day (up to five hours)	\$50.00/day
Bachelor Degree or above	\$105.00/day
LVN/Medical Training	\$105.00/day
One-half day (up to five hours)	\$60.00/day
Bachelor Degree or above and hold a valid Teacher Certification	\$110.00/day
Registered Nurse	\$110.00/day
One-half day (up to five hours)	\$60.00/day

Tier Two: After twenty-five consecutive days within the same teaching assignment, (Substitute must be degreed and certified)

Bachelor Degree or above and hold a valid Teacher Certification	\$134.00/day
Registered Nurse	\$134.00/day
One-half day (up to five hours)	\$70.00/day

Tier Three: After sixty consecutive days within the same teaching assignment, (Substitute must be degreed and certified)

Bachelor Degree or above and hold a valid Teacher Certification	\$200.00/day
Registered Nurse	\$200.00/day
One-half day (up to five hours)	\$70.00/day

Please note: Substitutes serving in a long-term assignment who miss more than two consecutive days will start at the Tier One rate upon their return. Starting Tier rate may be adjusted due to market availability for hard-to-fill positions and must be approved by the Assistant Superintendent for Administrative Services or the Executive Director of Human Resources. Substitutes who serve in consecutive long term assignments may be eligible to retain their current Tier rate.

Professional Long-Term Teaching Assignments- Vacant/Growth position

Substitutes assigned to a vacant or growth long-term teaching assignment must possess a Texas Teacher Certification and may be paid at a rate equal to the daily rate of a first year teacher and may be eligible for benefits. This must be approved by the Assistant Superintendent or Executive Director of Human Resources.

Paraprofessional Assignment Daily Rate and Long-Term Rate

The daily rate for paraprofessional assignments is the same regardless of the substitute's credentials with no tiered rating.

Educational Aide	\$75.00/day
One-half day (up to five hours)	\$40.00/day
Classroom Special Education Aide	\$85.00/day
One-half day (up to five hours)	\$50.00/day

TEMPORARY EMPLOYMENT COMPENSATION PLAN

Evaluating Temporary Employment Needs

Temporary employment may be appropriate in many situations, but the following examples are some of the most common:

- Additional help during period of abnormal or peak workloads;
- Assistance with special projects;
- Seasonal work; and
- Emergencies.

The nature of the work to be performed, duration of employment, work schedule, and budget constraints all play a role in determining temporary employment needs.

Determining if temporary employment is appropriate

The following example demonstrates how a supervisor might use the above guidelines to evaluate if hiring a temporary employment is appropriate:

- A department has an on-going need for someone to perform bookkeeping duties, but there is not enough work to justify a regular position. A qualified employee should be able to get the job done in about 10 to 12 hours per week. In this situation, the department could hire a temporary employee to work indefinitely as long as the hours worked per week do not exceed 19. Northwest ISD grants full benefits to employees working over 20 hours per week. The criteria established for a budgeted position would be that the job would have to be at least a 50% appointment (20 hours per week) for a minimum duration of one year.

Determining the Job Title and Level of Pay

Once the decision is made that an assignment meets the criteria for temporary employment, a determination should be made relative to the appropriate job title and level of pay. Any decision regarding the compensation level of a temporary employee must be determined based on the established pay structure for temporary positions within the

district. The pay rate must be lower than the compensation rate for regular district employees and comparable to other temporary positions.

The majority of positions filled through Temporary Employment Services are either clerical or technical in nature, with varying levels of expertise required depending on the job. The job categories allow you as a supervisor to determine the level of skill you need, whether in a clerical or technical position, and select a category accordingly. The categories are broad enough to cover a variety of situations. Minimum qualifications for each category should be established. The Executive Director of Human Resources and the Human Resource Specialist will assist you in determining the appropriate job title.

Determining the appropriate pay rate

Hourly rates will be determined from the pay scale specified for the respective title. The Human Resource Specialist will assist hiring departments in determining appropriate rates of pay given the temporary employee's education and experience relative to the minimum qualifications, pay rates for other similarly classified temporary employees, and department budget considerations. Generally the pay rate will not be less than the minimum specified for the respective title, assuming that the temporary employee meets the minimum qualifications for the job. The department will have some flexibility in determining an appropriate pay rate, generally within established ranges. Year of experience should serve as a guide in determining where temporary employees should be paid within the range. Pay rates must be reviewed by the Human Resources Specialist to ensure the rate is within the perimeters of the district pay structure. Rate quotes are not final until this review is completed. If a temporary employee does apply for a regular position and an offer is made, the rate that is offered may or may not necessarily be the same rate that they are receiving as a temporary employee.

Job Summaries for Jobs in Temporary Services

TES General Labor – work of a temporary or part-time basis, performs a variety of unskilled labor tasks such as removing debris and litter, cleaning, loading and unloading materials or supplies, operating various types of equipment.

T1 Salary range \$8.00 to \$10.00 per hour

TES Service – work of a temporary or part-time basis; responsible for work resulting in or contributing to the comfort, convenience, or hygiene of others or which contribute to the upkeep and care of building or facilities.

T2 Salary range \$8.00 to \$10.00 per hour

TES Clerical – work of a temporary or part-time basis; responsible for recording and retrieving data and/or information and other paperwork required in an office and responsible for internal and external communications.

T3 Salary range \$10.00 to \$12.00 per hour

TES Craft – work of a temporary or part-time basis; responsible for work requiring specialized manual or mechanical skills or training acquired through licensure or on-the-job training.

T4 Salary range \$10.00 to \$17.00

TES Technician – work of a temporary or part-time basis; responsible for work requiring basic scientific or technical knowledge and manual skill obtained through specialized post-secondary education or through equivalent on-the-job training.

T5 Salary range \$10.00 to \$25.00

TES Paraprofessional – work of a temporary or part-time basis; responsible for some of the duties of a professional or technician in a supportive role which usually requires less formal education and/or experience normally required for the professional or technical status.

T6 Salary range \$8.00 to \$12.00

TES Information Technology – work of a temporary or part-time basis; responsible for work involved in the application of system analysis techniques and procedures; the design, development, documentation, analysis, creation, testing, or modification of computer systems or computer programs.

T7 Salary range \$10.00 to \$25.00

TES Professional – work of a temporary or part-time basis; responsible for work requiring specialized and theoretical knowledge which is usually acquired through a prolonged course of specialized intellectual instruction or work that requires supervision of two or more employees in a professional setting.

T8 Salary range \$15.00 to \$35.00

Teacher/Professional –work of a temporary or part-time basis; work requiring professional preparation such as tutoring, nursing support, or hourly instructional employment. The temporary rate option is available only for positions that do not fit under the full or half-time substitute rate.

T/P Salary range \$15.00 to \$25.00 per hour.

AP Testing Coordinator – Long Term Sub Rate

Northwest ISD

2021-2022 New Hire Guide for Teachers		2021-2022 Salary Range for Teachers	
Proposed \$56,500. starting salary		Proposed \$56,500 starting salary	
Years of Experience	New Hire Salary	Hiring Salary Range	
0	\$56,500	10-Month Hiring Range Minimum:	\$56,500
1	\$56,650	10-Month Hiring Range Maximum:	\$70,100
2	\$56,850		
3	\$57,050		
4	\$57,250		
5	\$57,450	The salaries listed above are based on 10-month employment for the 2021-2022 school year. Salary plans are determined on an annual basis and salary advancement is not guaranteed. Pay increases are based on the annual pay raise budget approved by the Board of Trustees.	
6	\$57,750		
7	\$58,050		
8	\$58,450		
9	\$58,700		
10	\$58,950	Salaries are determined individually with consideration for job-related experience and credentials.	
11	\$59,300	\$2,000 General Master's Degree Stipend	
12	\$59,650		
13	\$60,000		
14	\$60,350		
15	\$60,700		
16	\$61,100		
17	\$61,500		
18	\$61,900		
19	\$62,300		
20	\$62,700		
21	\$63,350		
22	\$64,100		
23	\$64,850		
24	\$65,600		
25	\$66,350		
26	\$67,100		
27	\$67,850		
28	\$68,600		
29	\$69,350		
30+	\$70,100		

The salaries listed above are based on 10-month employment for the 2021-2022 school year. Salary plans are determined on an annual basis and salary advancement is not guaranteed. Pay increases are based on the annual pay raise budget approved by the Board of Trustees.

\$2,000 General Master's Degree Stipend



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: TASB Local Policy Update 116

Date: May 24, 2021

Background Information and Rationale:

Policy Update 116

Policy Update 116 changes four local policies: CQB, DCD, DCE, and FFAC.

Highlights include:

- Delegating responsibilities for the cybersecurity training program to the Superintendent (CQB)
- Clarifying that an employee's appeal of nonrenewal, dismissal, or termination would follow the District's grievance policy (DCD, DCE)
- Adding provisions on administering student medication for asthma and anaphylaxis (FFAC)

Thirty-four legal policies are updated. The majority of these changes are made to comply with changes in administrative rules or improve policy language to better align with statutes.

Documents for Review

1. Local Policy Comparison Packet
2. FFAC (Local), customized for NISD
3. Explanatory Notes
4. Update Packet (with Explanatory Notes, and all updated Legal and Local policies, as recommended by TASB)
5. Power Point slides for TASB Board Policy Update 116

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.

- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: N/A

Recommendations: Approve local policy changes as recommended by the Texas Association of School Boards and the NISD Administration for TASB Localized Policy Manual Update 116.

Respectfully submitted,



Ryder Warren, Ed.D.
Superintendent



Christie Hobbs
General Counsel

Instruction Sheet

TASB Localized Policy Manual Update 116

Northwest ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
A25	(INDEX)	Replace cross-index	Revised cross-index
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BJCB	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKB	(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
CQB	(LOCAL)	Replace policy	Revised policy
CX	(LEGAL)	Replace policy	Revised policy
DAA	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DCD	(LOCAL)	Replace policy	Revised policy
DCE	(LOCAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DH	(EXHIBIT)	Replace exhibit	Revised exhibit
DIA	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
FDD	(LEGAL)	Replace policy	Revised policy
FFAC	(LOCAL)	Replace policy	Revised policy

Instruction Sheet
TASB Localized Policy Manual Update 116

Northwest ISD

Code	Type	Action To Be Taken	Note
FFEB	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FL	(LEGAL)	Replace policy	Revised policy
GNC	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy
GRAA	(LEGAL)	Replace policy	Revised policy



(LOCAL) Policy Comparison Packet

This packet is generated by an automated process that compares the updated policy to the district's current policy as found in TASB records.

In this packet, you will find:

- Policies being recommended for revision (annotated)
- New policies (not annotated)
- Policies recommended for deletion (annotated in PDF; omitted in Word)

Annotations are shown as follows.

- *Deletions* are shown in a red strike-through font: ~~deleted text~~.
- *Additions* are shown in a blue, bold font: **new text**.
- Blocks of text that have been *moved* without alteration are shown in green, with double underline and double strike-through formatting to distinguish the text's destination from its origin: ~~moved text~~ becomes moved text.
- *Revision bars* appear in the right margin, as above.

Note: While the annotation software competently identifies simple changes, large or complicated changes—as in an extensive rewrite—may be more difficult to follow. In addition, TASB's recent changes to the policy templates to facilitate accessibility sometimes makes formatting changes appear tracked, even though the text remains the same.

For further assistance in understanding policy changes, please refer to the explanatory notes in your Localized Policy Manual update packet or contact your policy consultant.

Contact:	School Districts and Education Service Centers	Community Colleges
	policy.service@tasb.org	colleges@tasb.org
	800.580.7529 512.467.0222	800.580.1488 512.467.3689

Plan	The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.
Coordinator	The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.
Training	<p>The Board delegates to the Superintendent the authority to:</p> <ol style="list-style-type: none">1. DetermineEach District employee and Board member shall annually complete the cybersecurity training program to be annually completed designated by each employee and Board member; and2. Verifythe District. The District shall verify and report compliance with staff training requirements in accordance with guidance from te the Department of Information Resources. <p>The Additionally, the District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.</p>
Security Breach Notifications	<p>Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:</p> <ol style="list-style-type: none">1. Written notice.2. Email, if the District has email addresses for the affected persons.3. Conspicuous posting on the District's websites.4. Publication through broadcast media. <p>The District's cybersecurity coordinator shall disclose a breach involving sensitive, protected, or confidential student information to TEA and parents in accordance with law.</p>

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

Dismissal

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

Appeal of
Employment
Actions to Board

A dismissed employee may ~~appeal~~ request to be heard by the ~~dismissal~~ Board in accordance with DGBA(LOCAL).

EMPLOYMENT PRACTICES
OTHER TYPES OF CONTRACTS

DCE
(LOCAL)

**Non-Chapter 21
Contracts**

Non-Chapter 21 contracts shall be provided for positions included on the list approved by the Board. A non-Chapter 21 contract shall not be governed by Chapter 21 of the Education Code.

**Appeal of
Employment Actions**

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal ~~to the Board~~ in accordance with DGBA(LOCAL).

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

Student Illness

~~Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.~~

Accidents Involving Students

~~Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.~~

Emergency Treatment Forms

~~Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.~~

Administering Medication

No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as ~~authorized by this or other District policy~~ **provided below.**

Medication Exceptions

~~Employees authorized by the Parent Provided by Parent~~

The Superintendent shall designate the employees who are authorized to ~~or designee may~~ administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulations ~~to students:~~

1. Prescription medication in accordance with legal requirements, ~~for a period of up to ten days. [See FFAC(LEGAL)] A written request by a physician or other health care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period.~~
2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.
3. Herbal substances or dietary supplements provided by the parent and only if required by the **individualized education program** ~~Individualized Education Program~~ or Section 504 plan ~~for~~ a student with disabilities.
4. ~~Except as Nonprescription medication provided on an emergency basis by this policy, the District shall not purchase medication and consistent with:~~
 - a. ~~Protocols established by the District's medical advisor who must be licensed to practice medicine in the state of Texas; and~~
 - b. ~~Parental consent given on the emergency treatment form.~~

Medication Provided by District

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

Authorized Employees	Employees authorized to administer to a student medication to students shall include the Superintendent, principals, classroom teachers, supervisors, counselors, registered nurses, licensed vocational nurses, substitutes, teacher aides, secretaries, or any other classified personnel employed by the District.
Epinephrine	The District authorizes school personnel and volunteers school personnel and volunteers who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.
On Campus	<p>Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.</p> <p>The District shall ensure that at each campus a sufficient number of authorized individuals personnel and volunteers are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.</p>
Off Campus	Authorized and trained individuals may administer an unassigned epinephrine auto-injector to a person experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event when an unassigned epinephrine auto-injector is available.
Maintenance, Availability, and Training	The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals school personnel and volunteers in accordance with law; procedures for auto-injector use; and acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus, at off-campus events, and while in transit to and from a school event.
Notice to Parents	In accordance with law, the District shall provide notice to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.
Psychotropics	<p>Except as permitted by law Education Code 38.016, an employee shall not:</p> <ol style="list-style-type: none">1. Recommend to a student or a parent that the student use a psychotropic drug;

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

2. Suggest a particular diagnosis; or
1. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Medical Treatment

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

3. The District shall seek appropriate emergency care for a student as required or deemed necessary.

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

Student Illness	Procedures shall be established by the administration to ensure that proper attention is given to any student who becomes ill during the course of a school day.
Accidents Involving Students	Emergency procedures shall be established by the administration to ensure proper attention for any student injured at school. Records shall be maintained on all accidents that require the attention of a medical doctor.
Emergency Treatment Forms	Each year, students and parents shall complete and sign a form that provides emergency information and authorizes school officials to obtain emergency medical treatment, as provided by law.
Administering Medication	No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as <u>authorized by this or other District policy</u> provided below .
<u>Medication Exceptions</u> Employees authorized by the Provided by Parent Provided by Parent	<u>The Superintendent shall designate the employees who are authorized to or designee may administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulation</u> to students: <ol style="list-style-type: none">1. Prescription medication in accordance with legal requirements, for a period of up to ten days. [See FFAC(LEGAL)] A written request by a physician or other health-care professional with authority to write prescriptions shall be required when the medication must be administered for a longer period.2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education programIndividualized Education Program or Section 504 plan for of a student with disabilities.4. Except as Nonprescription medication provided on an emergency basis by this policy, the District shall not purchase medication and consistent with: <ol style="list-style-type: none">a. Protocols established by the District's medical advisor who must be licensed to practice medicine in the state of Texas; andb. Parental consent given on the emergency treatment form.
<u>Medication Provided by District</u>	

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

Authorized Employees	Employees authorized to administer to a student medication to students shall include the Superintendent, principals, classroom teachers, supervisors, counselors, registered nurses, licensed vocational nurses, substitutes, teacher aides, secretaries, or any other classified personnel employed by the District.
Epinephrine	The District authorizes school personnel and volunteers <u>school personnel and volunteers</u> who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.
On Campus	Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus. The District shall ensure that at each campus a sufficient number of authorized individuals <u>personnel and volunteers</u> are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.
Off Campus	Authorized and trained individuals may administer an unassigned epinephrine auto-injector to a person experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event when an unassigned epinephrine auto-injector is available.
Maintenance, Availability, and Training	The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals <u>school personnel and volunteers</u> in accordance with law; procedures for auto-injector use; and acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus, at off-campus events, and while in transit to and from a school event.
Notice to Parents	In accordance with law, the District shall provide notice to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.
<u>Asthma Medication</u>	<u>In accordance with law, the District shall acquire or purchase unassigned asthma medication to administer to students with diagnosed asthma.</u>

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

Each school nurse shall be authorized and assigned to administer unassigned prescription asthma medication to a student experiencing asthma symptoms but only on a school campus and only if the student's parent has provided written authorization that the student has been diagnosed as having asthma and that the school nurse may administer the medication.

The Superintendent shall develop administrative regulations and designate an administrator at each campus to coordinate and manage implementation of this policy in accordance with the regulations.

The regulations shall address:

- A process for parents to submit the required written authorization;
- The required notifications to parents and health-care providers when medication is administered;
- Acquisition or purchase of at least the minimum required amount of medication for each campus and any processes to determine whether additional doses are needed;
- A list of authorized school nurses and their training requirements;
- Locations and security of medication storage;
- Procedures for administration, maintenance, expiration monitoring, disposal, and timely replacement of medication; and
- Required records retention.

In accordance with law, the District shall provide notice to parents regarding the unassigned prescription asthma medication program, including notice of any change to or discontinuation of this program.

Psychotropics

Except as permitted by ~~law~~Education Code 38.016, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

Medical Treatment

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

The District shall seek appropriate emergency care for a student as required or deemed necessary.

Explanatory Notes

TASB Localized Policy Manual Update 116

Northwest ISD

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

New! Local Policy Overview for Update 116: The newly redesigned publication *Local Policy Overview* is available in the myTASB Policy Service Resource Library. *Local Policy Overview* is presented in both video and written document formats and replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. This resource has been redesigned to better present the information and to meet accessibility standards for individuals with visual impairments. Both the video and written formats of the *Local Policy Overview* are available on myTASB in [Policy Manual Update Re-sources](#). From there, you may forward them electronically or print the written document for distribution to staff and board members.

(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

A25(INDEX)

CROSS-INDEX

The cross-index has been updated to reflect new terms and revisions to content and coding in the policy manual.

AIA(LEGAL)

ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions from Administrative Code rules incorporate details previously included in the [Local Accountability Systems Guide](#). The *Guide* is no longer adopted by reference in the Administrative Code but is available online.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

We have added revised Administrative Code rules addressing Results Driven Accountability, a framework to evaluate district performance in regard to certain populations of students in select program areas.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Provisions regarding Monitoring Reviews and On-Site Investigations have been revised to better reflect statute.

BE(LEGAL)

BOARD MEETINGS

Provisions at Persons with Hearing Impairments have been revised to better reflect statute.

BJCB(LEGAL)

SUPERINTENDENT: PROFESSIONAL DEVELOPMENT

Details from revised Administrative Code rules have been added to the provision requiring superintendents to receive training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

C(LEGAL)

BUSINESS AND SUPPORT SERVICES

The title of CX has been revised to Contracts for Facilities to better reflect the content.

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions to this legally referenced policy are based on Office of Management and Budget (OMB) amendments to federal regulations addressing awards and grants.

Explanatory Notes

TASB Localized Policy Manual Update 116

Northwest ISD

CCG(LEGAL)

LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions, effective January 1, 2021, from Senate Bill 2, 86th Legislative Session, have been added and address:

- Use and submission of the comptroller's tax rate calculation forms to calculate the no-new-revenue and voter-approval tax rates; and
- Taxpayer injunctions restraining the collection of taxes and prohibiting a district from adopting a tax rate if certain requirements are not met.

Guidance from the Texas Tax Code on calculating the voter approval tax rate has also been added.

CE(LEGAL)

ANNUAL OPERATING BUDGET

We have added a provision requiring the board to attach the forms used to calculate the no-new-revenue and voter-approval tax rates as an appendix to the district's budget. The provision is effective January 1, 2021, and is from Senate Bill 2, 86th Legislative Session.

CFC(LEGAL)

ACCOUNTING: AUDITS

Revised Administrative Code rules clarify that the district's independent auditor must be associated with a certified public accountancy firm licensed by the Texas State Board of Public Accountancy or a state licensing agency from another state.

CKB(LEGAL)

SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

New Administrative Code rules on mandatory school drills have been added.

CO(LEGAL)

FOOD AND NUTRITION MANAGEMENT

We have updated web links in this legally referenced policy.

COA(LEGAL)

FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

We have updated web links in this legally referenced policy.

COB(LEGAL)

FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

We have updated web links in this legally referenced policy.

CQA(LEGAL)

TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

A new required internet posting has been added from revised Administrative Code rules. A district with a local accountability system must post on the district's website an explanation of the methodology used to assign local campus accountability performance ratings.

CQB(LOCAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

To ease compliance with state law provisions requiring the board to select a cybersecurity training program and verify and report cybersecurity training by district employees, recommended revisions to this policy provide for the board to delegate these responsibilities to the superintendent.

Explanatory Notes

TASB Localized Policy Manual Update 116

Northwest ISD

CX(LEGAL)

CONTRACTS FOR FACILITIES

The title to this legally referenced policy has been changed to Contracts for Facilities, and the text has been revised to better reflect statute.

DAA(LEGAL)

EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been significantly reorganized to focus on discrimination in hiring and discharging employees. Some details on disability discrimination have been moved to DIA, addressing discrimination, harassment, and retaliation in other aspects of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DBA(LEGAL)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

This legally referenced policy has been updated to clarify that holders of intern or probationary certificates may be employed on an emergency permit under certain circumstances.

DCD(LOCAL)

EMPLOYMENT PRACTICES: AT-WILL EMPLOYMENT

Recommended revisions clarify that an at-will employee's appeal of dismissal would follow the district's employee grievance policy and not begin with the board.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to [this policy topic](#).

DCE(LOCAL)

EMPLOYMENT PRACTICES: OTHER TYPES OF CONTRACTS

Recommended revisions clarify that an appeal by an employee whose non-Chapter 21 contract is not re-issued at the end of the contract period would follow the district's employee grievance policy and not begin with the board.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to [this policy topic](#).

DEAA(LEGAL)

COMPENSATION PLAN: INCENTIVES AND STIPENDS

References have been added to new Administrative Code rules on optional local teacher designation systems and mentor teacher training programs.

DH(EXHIBIT)

EMPLOYEE STANDARDS OF CONDUCT

The Educators' Code of Ethics has been updated to reflect current Administrative Code rules.

DIA(LEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been significantly reorganized to focus on the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

Explanatory Notes

TASB Localized Policy Manual Update 116

Northwest ISD

DP(LEGAL)

PERSONNEL POSITIONS

Revised Administrative Code rules implement House Bill 1501 from the 86th Legislative Session, which created the Texas Behavioral Health Executive Council to regulate psychological services in public schools, including services provided by a licensed specialist in school psychology.

EHAC(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

Revisions from amended Administrative Code rules align the required secondary curriculum with changes to the technology applications and CTE TEKS and legislation from the 86th Legislative Session.

In addition, provisions on personal financial literacy were moved within the policy for clarity.

EHBC(LEGAL)

SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

From amended Administrative Code rules, we have added provisions explaining:

- How educationally disadvantaged students are defined for the compensatory education allotment and the methods a district may use to verify eligibility; and
- The approval process a district must use to claim students receiving a full-time virtual education through TXVSN in their counts of educationally disadvantaged students.

EIF(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

We have added a new Administrative Code rule addressing the option for an elementary school student to complete a course in American Sign Language to satisfy one of the required graduation credits for languages other than English.

EKB(LEGAL)

TESTING PROGRAMS: STATE ASSESSMENT

Amended Administrative Code rules require a student in grades 3 through 8 who is enrolled in an accelerated course and who will complete the high school end-of-course assessment for the content area prior to high school to take the ACT or SAT in high school.

Revisions at Accountability Testing are to better match statutory wording.

EKBA(LEGAL)

STATE ASSESSMENT: ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Revised Administrative Code rules address the administration of the alternate English language proficiency assessment for students with the most significant cognitive disabilities and amend terminology in some places from *English language learner* to *English learner*.

FDD(LEGAL)

ADMISSIONS: MILITARY DEPENDENTS

Under new Administrative Code rules, a campus may qualify to earn a Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected students.

FFAC(LOCAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Policy Service recommends several revisions to this local policy on student medical treatment to reflect current guidance from the Texas Department of State Health Services (DSHS) and common district practices.

- Administrative details on student illness and accidents are recommended for removal.

Explanatory Notes

TASB Localized Policy Manual Update 116

Northwest ISD

- Provisions on administering medication provided by parents direct the superintendent to designate the employees authorized to administer medication and refer to administrative regulations for detailed requirements.
- In accordance with DSHS guidance, the policy reflects that the district shall not purchase nonprescription medication to administer to students, except as provided by the policy, which addresses administration of unassigned epinephrine auto-injectors. **Contact the district's policy consultant if the district purchases or provides any other medication for students, including providing non-prescription medication in the district's athletic program or unassigned prescription asthma medication.**
- Medical treatment provisions have been updated to clarify who may complete medical treatment authorization forms and reflect that the district shall seek appropriate emergency care for a student as required or deemed necessary. This new text is recommended to replace previous text that covered emergency treatment forms.

See FFAC in the [TASB Regulations Resource Manual](#) for updated procedures and forms.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to [this policy topic](#).

FFEB(LEGAL)

COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

Revised Administrative Code rules adopted by the Texas Behavioral Health Executive Council address consent regarding school psychological services provided by a licensed specialist in school psychology.

FFG(LEGAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions at SBEC Disciplinary Action are from amended Administrative Code rules. We have also added a Note connecting the general child abuse and neglect investigation provisions in this legally referenced policy with the more specific provisions at GRA(LEGAL) addressing investigations of abuse and neglect at school.

FFH(LEGAL)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

A revision clarifies that the notification of nondiscrimination required by Title IX does not need to state that it extends to admission.

FL(LEGAL)

STUDENT RECORDS

Revisions have been made to reorganize the provisions for better flow and to better match statutory text. Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to GRAA(LEGAL). Provisions regarding student information a district receives from law enforcement have been removed, as these provisions are duplicated at GRAA(LEGAL).

GNC(LEGAL)

RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

Details on contracting with an institution of higher education for design or construction of instructional or athletic facilities have been removed, as this information is located in CX(LEGAL).

Explanatory Notes

TASB Localized Policy Manual Update 116

Northwest ISD

GRA(LEGAL)

RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

New Administrative Code rules implement the Child Abuse and Treatment Act, resulting in extensive revisions to this legally referenced policy addressing Department of Family and Protective Services investigations of abuse and neglect at school.

GRAA(LEGAL)

STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES

Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to this code from FL(LEGAL).

New! *Local Policy Overview* is replacing *Vantage Points*

Beginning with Update 116, Policy Service has a newly redesigned publication, *Local Policy Overview*, available in both video and written document formats under [Policy Manual Update Resources](#)¹ on myTASB. The *Local Policy Overview* replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

<p>Update 116 contains (LOCAL) policies that require board action before we can incorporate Update 116 into your district's Policy On Line manual.</p> <p>Please notify Policy Service of your policy adoption by completing the electronic Notify TASB of Policy Adoption form* on myTASB. As an alternative option, you may complete, scan, and submit this form via email to pol-support@tasb.org.</p> <p>061911 Northwest ISD</p> <p>Your Name: _____</p> <p>Your Email: _____</p> <p>Previous Updates</p> <p><input type="checkbox"/> I confirm that all updates prior to Update 116 have been adopted. (Visit Local Manual Updates[†] to see updates pending adoption. If your district prints its own hard copies, be sure to save a copy of the "Update Packet (PDF)." Local Manual Updates is not a permanent archive.)</p> <p>Update 116 Adoption Date: _____</p> <p>Status (please check one):</p> <p><input type="checkbox"/> Adopted as presented by TASB—place online immediately</p> <p><input type="checkbox"/> Adopted with further changes, described below</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>Policy Changes</p> <p>If you wish to make changes to policies issued in Update 116, submit those changes with your adoption notification. If you wish to make changes to policies not issued in Update 116, please email those changes directly to your policy consultant.</p> <p>Changes will be processed as a Local District Update. Your policy consultant may contact you about policy changes if necessary.</p> <p>If you have questions, please call Travis Damron at 800-580-7529.</p> <p>* Notify TASB of Policy Adoption: https://www.tasb.org/apps/PolicyAdmin/</p> <p>† Local Manual Updates: https://www.tasb.org/apps/policyUpdates/index.aspx*</p>	<div> <div>Update 116</div> <div> <div>Policy On Line®</div> <div>Adoption Notification Form</div> </div> </div>
<p align="center">TASB Policy Service</p>	

Localized Policy Manual Update 116

Northwest ISD

You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more under [Local Manual Updates](#)² in the myTASB Policy Service Resource Library.

Other materials, including an overview video of the (LOCAL) policy changes, are available under [Policy Manual Update Resources](#).³

Need help? Please call your policy consultant at 800-580-7529 or email Policy.Service@TASB.org.

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Overview

Update 116 includes policy revisions in response to revised state rules and provisions from the 86th Legislative Session that are effective January 1, 2021.

Your Localized Update 116 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice. Explanatory notes may also provide important information about policies not included in the update packet.
- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

New! Local Policy Overview for Update 116

The newly redesigned publication *Local Policy Overview* is available in the myTASB Policy Service Resource Library. *Local Policy Overview* is presented in both video and written document formats and replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. This resource has been redesigned to better present the information and to meet accessibility standards for individuals with visual impairments. Both the video and written formats of the *Local Policy Overview* are available on myTASB in [Policy Manual Update Resources](#).⁴ From there, you may forward them electronically or print the written document for distribution to staff and board members.

Legal Services Update Memo

TASB Legal Services' [Legal Issues in Update 116 memo](#)⁵ (available in the myTASB Policy Service Resource Library under Policy Manual Update Resources) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

(LEGAL) vs. (LOCAL) Policies: Remember the Difference

(LEGAL) policies:

- Reflect the ever-changing legal context for governance and management of the district
- Should inform local decision making
- Should NOT be adopted, but only reviewed

(LOCAL) policies:

- Require close attention by both the administration and the board
- Must reflect the practices of the district and the intentions of the board
- May only be changed by board action (adopt, revise, or repeal)

If your board adopts changes to the (LOCAL) policies contained in this packet, please notify your policy consultant.

How to Place Policy Changes on the Agenda for Board Action

TASB recommends that the district address this update on the agenda as follows:

“Policy Update 116:

- *(LEGAL) policies*
- *(LOCAL) policies (see attached list of codes)”*

(LEGAL) policies sub-item: TASB recommends that the board review, but not adopt, the (LEGAL) policies issued in the update. If the board may discuss certain issues addressed by the updated (LEGAL) policies, particularly if those issues are of interest to the public, then, for purposes of discussion, the relevant policy codes, titles, and subtitles should be listed under the sub-item.

(LOCAL) policies sub-item: Board action on the (LOCAL) policies included in the update must occur within a properly posted, open meeting of the board.

- You may use the “(LOCAL) Policy Action List” provided online in Local Manual Updates and include the list under the sub-item, or you may compile a list of (LOCAL) policy codes, titles, and subtitles from the Instruction Sheet and Explanatory Notes included in the update packet.
- A suggested motion for board action on the (LOCAL) policies included in the update:

“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 116 [with the following changes:]”

How to Notify Policy Service of Board Action

Notify Policy Service of the board’s action on Update 116 by completing the electronic [Notify TASB of Policy Adoption](#)⁶ form on myTASB or by using the Update 116 Adoption Notification Form, enclosed, so Policy Service records remain accurate.

How to Keep Minutes

The board's action on Localized Update 116 must be reflected in board minutes. Your minutes should include:

- The list of proposed (LOCAL) policy actions, such as the Instruction Sheet—annotated to reflect any changes made by the board
- The Explanatory Notes for the update (filed as an attachment to the minutes)
- Copies of new, replaced, or rescinded (LOCAL) policies

How to Maintain Your Historical Record

To construct a separate historical record of the manual, you must track the history of individual (LOCAL) policies. You should maintain a permanent historical record of every (LOCAL) policy adopted, revised, or rescinded by the board.

At a minimum, this record should include the following key pieces of information:

- Policy code
- Date of board action
- Text of policy

For more guidance on maintaining this record, please refer to:

- [The Administrator's Guide to Policy Management](#)⁷
- [Tutorial videos](#)⁸ on handling an update

These guides are available in the myTASB Policy Service Resource Library.

How to Keep Your Administrative Regulations Current

[Regulations Resource Manual](#)⁹ Update 62, which includes revisions to model regulations and forms corresponding with Update 116, is now available on myTASB.

Inspect your district's administrative procedures and documents—including (EXHIBIT)s, (REGULATION)s, handbooks, and guides—that may be affected by Update 116 policy changes.

If you must make changes to the (REGULATION)s or (EXHIBIT)s contained in your board policy manual, please notify your policy consultant.

Disclaimer and Copyright

PLEASE NOTE: This information is provided for educational purposes only to facilitate a general understanding of the law or other regulatory matter. This information is neither an exhaustive treatment on the subject nor is this intended to substitute for the advice of an attorney or other professional adviser. Consult with your attorney or professional adviser to apply these principles to specific fact situations.

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¹ Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

² Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

³ Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

⁴ Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

⁵ Legal Issues memo: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u116_legal_issues.aspx

⁶ Notify TASB of Policy Adoption: <https://www.tasb.org/apps/PolicyAdmin/>

⁷ Administrator's Guide to Policy Management: <https://www.tasb.org/services/policy-service/mytasb/guidance-for-policy-administrators.aspx>

⁸ Tutorials: <https://www.tasb.org/services/policy-service/mytasb/tutorials.aspx>

⁹ *TASB Regulations Resource Manual*: <https://www.tasb.org/services/policy-service/mytasb/regulations-resource-manual.aspx>

Instruction Sheet

TASB Localized Policy Manual Update 116

Northwest ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
A25	(INDEX)	Replace cross-index	Revised cross-index
AIA	(LEGAL)	Replace policy	Revised policy
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
BE	(LEGAL)	Replace policy	Revised policy
BJCB	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CE	(LEGAL)	Replace policy	Revised policy
CFC	(LEGAL)	Replace policy	Revised policy
CKB	(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
CQB	(LOCAL)	Replace policy	Revised policy
CX	(LEGAL)	Replace policy	Revised policy
DAA	(LEGAL)	Replace policy	Revised policy
DBA	(LEGAL)	Replace policy	Revised policy
DCD	(LOCAL)	Replace policy	Revised policy
DCE	(LOCAL)	Replace policy	Revised policy
DEAA	(LEGAL)	Replace policy	Revised policy
DH	(EXHIBIT)	Replace exhibit	Revised exhibit
DIA	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EHAC	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EKBA	(LEGAL)	Replace policy	Revised policy
FDD	(LEGAL)	Replace policy	Revised policy
FFAC	(LOCAL)	Replace policy	Revised policy

Instruction Sheet
TASB Localized Policy Manual Update 116

Northwest ISD

Code	Type	Action To Be Taken	Note
FFEB	(LEGAL)	Replace policy	Revised policy
FFG	(LEGAL)	Replace policy	Revised policy
FFH	(LEGAL)	Replace policy	Revised policy
FL	(LEGAL)	Replace policy	Revised policy
GNC	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy
GRAA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 116

Northwest ISD

ATTN(NOTE)

GENERAL INFORMATION ABOUT THIS UPDATE

New! Local Policy Overview for Update 116: The newly redesigned publication *Local Policy Overview* is available in the myTASB Policy Service Resource Library. *Local Policy Overview* is presented in both video and written document formats and replaces *Vantage Points*, previously provided on yellow paper in mailed update packets and available online.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. This resource has been redesigned to better present the information and to meet accessibility standards for individuals with visual impairments. Both the video and written formats of the *Local Policy Overview* are available on myTASB in [Policy Manual Update Re-sources](#). From there, you may forward them electronically or print the written document for distribution to staff and board members.

(LEGAL) policies provide the legal framework for key areas of district operations; they are not adopted by the board.

A25(INDEX)

CROSS-INDEX

The cross-index has been updated to reflect new terms and revisions to content and coding in the policy manual.

AIA(LEGAL)

ACCOUNTABILITY: ACCREDITATION AND PERFORMANCE INDICATORS

Revisions from Administrative Code rules incorporate details previously included in the [Local Accountability Systems Guide](#). The *Guide* is no longer adopted by reference in the Administrative Code but is available online.

AIB(LEGAL)

ACCOUNTABILITY: PERFORMANCE REPORTING

We have added revised Administrative Code rules addressing Results Driven Accountability, a framework to evaluate district performance in regard to certain populations of students in select program areas.

AIC(LEGAL)

ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Provisions regarding Monitoring Reviews and On-Site Investigations have been revised to better reflect statute.

BE(LEGAL)

BOARD MEETINGS

Provisions at Persons with Hearing Impairments have been revised to better reflect statute.

BJCB(LEGAL)

SUPERINTENDENT: PROFESSIONAL DEVELOPMENT

Details from revised Administrative Code rules have been added to the provision requiring superintendents to receive training on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children.

C(LEGAL)

BUSINESS AND SUPPORT SERVICES

The title of CX has been revised to Contracts for Facilities to better reflect the content.

CBB(LEGAL)

STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Extensive revisions to this legally referenced policy are based on Office of Management and Budget (OMB) amendments to federal regulations addressing awards and grants.

Explanatory Notes

TASB Localized Policy Manual Update 116

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CCG(LEGAL)

LOCAL REVENUE SOURCES: AD VALOREM TAXES

Provisions, effective January 1, 2021, from Senate Bill 2, 86th Legislative Session, have been added and address:

- Use and submission of the comptroller's tax rate calculation forms to calculate the no-new-revenue and voter-approval tax rates; and
- Taxpayer injunctions restraining the collection of taxes and prohibiting a district from adopting a tax rate if certain requirements are not met.

Guidance from the Texas Tax Code on calculating the voter approval tax rate has also been added.

CE(LEGAL)

ANNUAL OPERATING BUDGET

We have added a provision requiring the board to attach the forms used to calculate the no-new-revenue and voter-approval tax rates as an appendix to the district's budget. The provision is effective January 1, 2021, and is from Senate Bill 2, 86th Legislative Session.

CFC(LEGAL)

ACCOUNTING: AUDITS

Revised Administrative Code rules clarify that the district's independent auditor must be associated with a certified public accountancy firm licensed by the Texas State Board of Public Accountancy or a state licensing agency from another state.

CKB(LEGAL)

SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

New Administrative Code rules on mandatory school drills have been added.

CO(LEGAL)

FOOD AND NUTRITION MANAGEMENT

We have updated web links in this legally referenced policy.

COA(LEGAL)

FOOD AND NUTRITION MANAGEMENT: PROCUREMENT

We have updated web links in this legally referenced policy.

COB(LEGAL)

FOOD AND NUTRITION MANAGEMENT: FREE AND REDUCED-PRICE MEALS

We have updated web links in this legally referenced policy.

CQA(LEGAL)

TECHNOLOGY RESOURCES: DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

A new required internet posting has been added from revised Administrative Code rules. A district with a local accountability system must post on the district's website an explanation of the methodology used to assign local campus accountability performance ratings.

CQB(LOCAL)

TECHNOLOGY RESOURCES: CYBERSECURITY

To ease compliance with state law provisions requiring the board to select a cybersecurity training program and verify and report cybersecurity training by district employees, recommended revisions to this policy provide for the board to delegate these responsibilities to the superintendent.

Explanatory Notes

TASB Localized Policy Manual Update 116

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CX(LEGAL)

CONTRACTS FOR FACILITIES

The title to this legally referenced policy has been changed to Contracts for Facilities, and the text has been revised to better reflect statute.

DAA(LEGAL)

EMPLOYMENT OBJECTIVES: EQUAL EMPLOYMENT OPPORTUNITY

This legally referenced policy has been significantly reorganized to focus on discrimination in hiring and discharging employees. Some details on disability discrimination have been moved to DIA, addressing discrimination, harassment, and retaliation in other aspects of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

DBA(LEGAL)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: CREDENTIALS AND RECORDS

This legally referenced policy has been updated to clarify that holders of intern or probationary certificates may be employed on an emergency permit under certain circumstances.

DCD(LOCAL)

EMPLOYMENT PRACTICES: AT-WILL EMPLOYMENT

Recommended revisions clarify that an at-will employee's appeal of dismissal would follow the district's employee grievance policy and not begin with the board.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to [this policy topic](#).

DCE(LOCAL)

EMPLOYMENT PRACTICES: OTHER TYPES OF CONTRACTS

Recommended revisions clarify that an appeal by an employee whose non-Chapter 21 contract is not re-issued at the end of the contract period would follow the district's employee grievance policy and not begin with the board.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to [this policy topic](#).

DEAA(LEGAL)

COMPENSATION PLAN: INCENTIVES AND STIPENDS

References have been added to new Administrative Code rules on optional local teacher designation systems and mentor teacher training programs.

DH(EXHIBIT)

EMPLOYEE STANDARDS OF CONDUCT

The Educators' Code of Ethics has been updated to reflect current Administrative Code rules.

DIA(LEGAL)

EMPLOYEE WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

This legally referenced policy has been significantly reorganized to focus on the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment.

For clarification a Note has been added to indicate that Title VII, the Americans with Disabilities Act, and the Genetic Information Nondiscrimination Act only apply to employers with 15 or more employees as described in the Note.

Explanatory Notes

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DP(LEGAL)

PERSONNEL POSITIONS

Revised Administrative Code rules implement House Bill 1501 from the 86th Legislative Session, which created the Texas Behavioral Health Executive Council to regulate psychological services in public schools, including services provided by a licensed specialist in school psychology.

EHAC(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (SECONDARY)

Revisions from amended Administrative Code rules align the required secondary curriculum with changes to the technology applications and CTE TEKS and legislation from the 86th Legislative Session.

In addition, provisions on personal financial literacy were moved within the policy for clarity.

EHBC(LEGAL)

SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

From amended Administrative Code rules, we have added provisions explaining:

- How educationally disadvantaged students are defined for the compensatory education allotment and the methods a district may use to verify eligibility; and
- The approval process a district must use to claim students receiving a full-time virtual education through TXVSN in their counts of educationally disadvantaged students.

EIF(LEGAL)

ACADEMIC ACHIEVEMENT: GRADUATION

We have added a new Administrative Code rule addressing the option for an elementary school student to complete a course in American Sign Language to satisfy one of the required graduation credits for languages other than English.

EKB(LEGAL)

TESTING PROGRAMS: STATE ASSESSMENT

Amended Administrative Code rules require a student in grades 3 through 8 who is enrolled in an accelerated course and who will complete the high school end-of-course assessment for the content area prior to high school to take the ACT or SAT in high school.

Revisions at Accountability Testing are to better match statutory wording.

EKBA(LEGAL)

STATE ASSESSMENT: ENGLISH LANGUAGE LEARNERS/LEP STUDENTS

Revised Administrative Code rules address the administration of the alternate English language proficiency assessment for students with the most significant cognitive disabilities and amend terminology in some places from *English language learner* to *English learner*.

FDD(LEGAL)

ADMISSIONS: MILITARY DEPENDENTS

Under new Administrative Code rules, a campus may qualify to earn a Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected students.

FFAC(LOCAL)

WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Policy Service recommends several revisions to this local policy on student medical treatment to reflect current guidance from the Texas Department of State Health Services (DSHS) and common district practices.

- Administrative details on student illness and accidents are recommended for removal.

Explanatory Notes

TASB Localized Policy Manual Update 116

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- Provisions on administering medication provided by parents direct the superintendent to designate the employees authorized to administer medication and refer to administrative regulations for detailed requirements.
- In accordance with DSHS guidance, the policy reflects that the district shall not purchase nonprescription medication to administer to students, except as provided by the policy, which addresses administration of unassigned epinephrine auto-injectors. **Contact the district's policy consultant if the district purchases or provides any other medication for students, including providing non-prescription medication in the district's athletic program or unassigned prescription asthma medication.**
- Medical treatment provisions have been updated to clarify who may complete medical treatment authorization forms and reflect that the district shall seek appropriate emergency care for a student as required or deemed necessary. This new text is recommended to replace previous text that covered emergency treatment forms.

See FFAC in the [TASB Regulations Resource Manual](#) for updated procedures and forms.

The *Legal Issues in Update 116* memo describes common legal concerns and best practices specific to [this policy topic](#).

FFEB(LEGAL)

COUNSELING AND MENTAL HEALTH: MENTAL HEALTH

Revised Administrative Code rules adopted by the Texas Behavioral Health Executive Council address consent regarding school psychological services provided by a licensed specialist in school psychology.

FFG(LEGAL)

STUDENT WELFARE: CHILD ABUSE AND NEGLECT

Revisions at SBEC Disciplinary Action are from amended Administrative Code rules. We have also added a Note connecting the general child abuse and neglect investigation provisions in this legally referenced policy with the more specific provisions at GRA(LEGAL) addressing investigations of abuse and neglect at school.

FFH(LEGAL)

STUDENT WELFARE: FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

A revision clarifies that the notification of nondiscrimination required by Title IX does not need to state that it extends to admission.

FL(LEGAL)

STUDENT RECORDS

Revisions have been made to reorganize the provisions for better flow and to better match statutory text. Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to GRAA(LEGAL). Provisions regarding student information a district receives from law enforcement have been removed, as these provisions are duplicated at GRAA(LEGAL).

GNC(LEGAL)

RELATIONS WITH EDUCATIONAL ENTITIES: COLLEGES AND UNIVERSITIES

Details on contracting with an institution of higher education for design or construction of instructional or athletic facilities have been removed, as this information is located in CX(LEGAL).

Explanatory Notes

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GRA(LEGAL)

RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

New Administrative Code rules implement the Child Abuse and Treatment Act, resulting in extensive revisions to this legally referenced policy addressing Department of Family and Protective Services investigations of abuse and neglect at school.

GRAA(LEGAL)

STATE AND LOCAL GOVERNMENTAL AUTHORITIES: LAW ENFORCEMENT AGENCIES

Provisions on flagging records of missing children and notifying law enforcement of subsequent requests for those records have been moved to this code from FL(LEGAL).

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.

CROSS-INDEX

- A -

- absences
 - personnel DEC, DED, DFE, DMD
 - student FEA, FEB, FEC, FM
- abstention from voting, board members BBFA
- abuse, child BBD, BQ, DG, DGC, DH, DIA, DMA, FFEB, FFG, FFH, GRA
- abuse of office BBC, BBFB, DBD, DH
- academic freedom EMA, EMB
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 - extracurricular activities FM, FMF
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 - field trips CNC, FNG, FMG
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- administrative personnel (See paraprofessional personnel and professional personnel and support staff)
- administrative regulations BP
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 - children of nonresident staff FDA
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 - exchange students FD
 - expelled students FD, FOD, FODA, FOF
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 - homeschool transfers FDA, FEA
 - nonresident students FD, FDA
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 - tuition EHBG, FDA
- adoption, board action
 - assessment instruments BEC
 - budget CE
 - college, career, and military readiness plans EA
 - cybersecurity policy CQB
 - discipline management program FNC
 - district and campus plans BQ, BQA, BQB
 - early childhood literacy and mathematics plans EA
 - financial exigency CEA
 - instructional materials BBFB, EFA
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 - supplementary materials EFA
 - tax rate CCG
 - vision statement and goals AE
- adult education program EHBI
- advanced/distinguished achievement program EIC, EIF
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 - in student publications GKB
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 - use of district mail system CPAB
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- alcohol awareness instruction EHAC
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 - by board members BBC
 - by employees BJCF, DFBB, DH, DHE
 - by students FNCF, FNF, FOC, FOD, FOF
 - by visitors GKA, GKD
- alternate recording time (See attendance)
- alternative assessment EIE
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 - board policy BF
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 - student records FL
- Americans With Disabilities Act Amendments Act of 2008 (ADA)
 - access to facilities GA
 - employment procedures DAA
 - grievance procedures DGBA, DIA, GF
 - medical examinations DBB
- anabolic steroids FM, FNCF
- anaphylaxis FFAC, FFAF
- animals in the school DAA, EMG, FBA
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 personnel DN, DNA, DNB
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 appraisal district CCG, CCH
 apprenticeships EHAD
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 CVB, CVC, CVD, CVE, CVF
 ARD (Admission, Review, and Dismissal) committee EHBA,
 EHBAA, EHBAB, EHBAC, EHBAD, EHBAE, EIE, EIF,
 EKB, FOF
 arrest of students GRA, GRAA
 asbestos CKA
 assault (See also discipline, student) DIA, EHBK, FDE, FFB,
 FFH, FNCH, GRAA
 assault (recuperative) leave (See leaves and absences, em-
 ployees)
 assemblies FNCI, GKA
 assessments EIE, EK, EKB, EKBA, EKC, EKD
 assignment of personnel BJA, DK, DP
 assignment of students
 attendance zones FC, FDB
 disciplinary settings (See discipline, student)
 from home schools FD
 intradistrict FDB
 parental request FDB, FNG
 residence requirements FD, FDA, FDB
 special education EHBA, EHBAA, EHBAB, EHBAC,
 EHBAD, EHBAE
 assistance and counseling, student EHBH, FFB, FFBA,
 FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
 assistance animal (See service animals)
 asthma FFAC
 athletics
 awards FG
 facilities CCE, CX, GKD
 insurance CR, CRB, FFD
 program FM, FMF
 stadium CCA, CCE, CX
 at-risk students EHBC, EIE, FDAA
 attendance
 employees DEC
 records and reports DEC, FEC, FED
 students FDA, FDB, FE, FEA, FEB, FEC, FED, FEE,
 FEF
 accounting FEB
 attendance officer FED
 compulsory FEA
 for credit or final grade FEC
 open/closed campus FEE
 release time FEF
 zones FC
 attorney, board BDD
 at-will employment DC, DCD
 audio-visual materials CY, EF, EFA, EFB
 auditors, independent CFC
 audits
 assessments EHDC

efficiency CCG
 energy CL
 federal awards CBB
 fiscal accounts CFA, CFC
 investments CDA
 records GBA
 safety and security CK
 school activity funds CFD
 authorization agreement FD
 automated external defibrillator (AED) CH, CKD, DBA, DMA,
 FFAC, FM
 automatic admission EIC, FFEA
 automobile use by students CLC, FFFD
 available school fund CBA
 average daily attendance FEB
 award of credit or final grade EI, FEC
 awards
 board members BBG
 employees DJ
 students FG

- B -

band program EHAD, FM, FMF
 bank depository BBFA, BBFB, BDAE
 bankruptcy discrimination DAA
 basic instructional program EHAA
 before/after-school activities FM, FNAB
 behavioral intervention plan EHBAB
 benefits, employment CRD, CRE, CRG, DE, DEA, DEAA,
 DEAB, DEB, DEC, DECA, DECB, DED, DEE, DEG
 bicycle use FFFD
 bidding
 bus leases CH
 competitive CH, CV, CVA
 emergency repairs CH, CV
 maintenance CH, CV
 personal property CH
 professional services CH, CV
 bids, school depository BDAE
 bilingual instruction EHBE
 birth certificate FD
 block schedules EEC, EED, FM
 bloodborne pathogens DBB, FFAC
 board meetings
 certified agenda BEC
 closed meeting BE, BEC
 generally BE
 media BE, BEE
 minutes BE
 organizational meeting after election BDAA
 press services BEE
 public hearing (See public hearings)
 public participation BEC
 quorum BBBB, BBE, BDB, BE
 transacting business BBE, BE
 board of managers AIC
 board of trustees
 advisory committees BDF
 agenda for meetings BE
 appointment BBC
 attorney BDD
 authority BA, BAA, BBE
 campaigning on school grounds BBBC, GKD
 candidate qualifications BBA

committees BDB
 conflict of interest CBB, BBFA, BBFB
 consultants BDE
 conventions, conferences, workshops BBD, BBG, BE
 duties, general and specific BAA, BDAA
 election campaign funds BBBC
 election of officers BDAA
 elections BBB, BBBA, BBBB, BBBC, BBBB
 employment, former board member BBC, DC
 ethics BBBB, BBF, BBFA, BBFB, CAA, CBB
 evaluation of superintendent BJCD
 expense reimbursement BBG, DEE
 financial statement BBFA
 goals AE, BBD
 immunity from liability BBE
 legal status BA
 liability insurance CR, CRB
 meetings (See board meetings)
 memberships BC
 oaths BBBB
 officers/internal organization BDAA
 online message board BBI
 orientation BBD
 policies, development/amendment of BF
 powers and duties BAA, BDAA
 quorum for board meetings BBBB, BBE, BDB, BE
 quorum for canvassing election results BBBB
 records responsibility BBE, CDC
 reimbursement of expenses BBG
 reorganization of officers BDAA
 resignation, removal from office BBC, DBE
 self-evaluation BG
 team building BBD, BJCB
 technology resources BBI
 term of office BBB
 training and orientation BBD
 travel BBG
 vacancy BBC
 visits to district facilities BBE
 bomb threats CKK
 bonded employees CG, CKEA
 bonds
 bonds and bond taxes CCA
 campaigns CCA
 payment and performance CL, CV, CVD, CVE, CVF
 proceeds CDA
 recreational facilities CCA, CCD, CCE
 revenue CCA, CCD, CCE, CDBA
 booster organizations GE
 borrowing funds CCF
 Boy Scouts of America GKD
 breakfast program (See food service)
 breast milk, right to express DG
 bribery BBFB, DBD
 broadcasting and taping
 school board meetings BE
 sports and special events GBB, GBBA
 budget (See annual operating budget)
 budget and finance
 accounting system CFA
 depository, bank BBFA, BBFB, BDAE
 financial exigency CEA
 payroll procedures CFE, CFEA, DEA
 buildings, equipment, grounds
 ADA compliance GA
 ejection from CLA, GKA
 facility standards CS
 leasing and renting GKD

maintenance and operations CL, CLB
 safety and security CK, CKA, CKB, CKC, CKE, CLA,
 CLC
 structural pest control CLB, DI, FD
 bullying CQ, FFH, FFI
 bus (See also transportation)
 accident reports CNC
 conduct, student CNC, FO
 contracted bus service CNA
 drivers, commercial driver's license DBA, DBAA, DBB,
 DBE, DHE
 emergency evacuation of CNC
 maintenance CNB, CNBA
 purchase or lease CH, CNB
 routes CNA
 seat belts CNB, CNC
 video cameras FO
 businesses, relations with GKE
 bylaws (See policy system)

- C -

cafeteria plan deductions/reductions CFEA
 cafeteria, school CO, COA, COB
 cafeteria workers (See support staff)
 calendar
 annual, school year EB
 appraisal/evaluation of employees BJCD, DN, DNA,
 DNB
 budget CE
 cameras
 body-worn CKE, CKEA, GBA
 special education classrooms EHBAF
 student surveillance FO
 campaign funds BBBC
 campaigning on district premises BBBB, CPAB, DGA, GKD
 campus behavior coordinator (CBC) (See discipline, stu-
 dent)
 campus improvement plans and objectives AIC, BQ, BQA,
 BQB
 Campus Intervention Team (CIT) AIC
 campus, open or closed FEE
 campus planning and decision-making process BQ, BQB
 campus program charter EL, ELA
 campus ratings AIA, AIB, AIC, AID
 campus turnaround plans AIC
 cannabis FFAC
 capital appreciation bonds CCA
 cardiopulmonary resuscitation CKD, DBA, DMA, EHAC, EI
 career and technical education CNA, EEL, EHBF, EIF
 catastrophes and disasters (See also emergencies)
 ad valorem taxes CCG, CCGA
 board meetings BE, BEC
 drills (See drills, disaster)
 emergency repairs CH, CLB, CV
 emergency medical equipment and procedures CKD
 financial exigency CEA
 immunity for shelter workers DGC, GKG
 pay provisions DEA
 plans CK, CKC
 purchasing CH, CV
 records GBA
 suspension of public information requirements GBAA
 waiver of contract and operational requirements DC, EB,
 FEB

CBC (See campus behavior coordinator)
 cellular phones FNCE
 censorship (See First Amendment)
 ceremonies and observances CLE
 certificate of coursework completion EI, EIF
 certificate of indebtedness CCC, CDA
 certification
 educator, failure to maintain DFBB
 generally DBA
 lack of DBA, DK, DPB
 certified agenda BEC, GBA
 certified personnel (See educator certification/credentials)
 change orders CH, CV
 character education EHAA, EHBK
 charter schools AF, AG, AH, CDB, EL, ELA
 checking accounts CFF
 cheerleaders FM, FMF
 chemicals, hazardous CKA, CLB, DI
 child abuse BBD, BQ, DG, DGC, DH, DIA, DMA, FFEB,
 FFG, FFH, GRA
 childcare, district provided FM, FFC
 Children's Internet Protection Act (CIPA) CQ
 child support CFEA
 chronic health conditions DIA, FFAC, FFAF
 church, use of school facilities GKD
 CIPA (See Children's Internet Protection Act)
 civic organizations GKE
 civil defense CNB, GKD
 civil rights DAA, DIA, FB, FFH, FNA, FNAA, FNAB, GA
 classification of students by grade EIE
 class interruptions and disruptions EC, EKB, FNCI, GKA
 class rankings EIC
 class size EEB
 closed board meetings BE, BEC
 closed campus FEE
 closing of school, emergencies CKK
 clubs FM, FNAB, FNCC, FP
 COBRA (Consolidated Omnibus Budget Reconciliation Act)
 (See insurance)
 code of conduct (See discipline, student)
 code of ethics
 board members BBBB, BBF, BBFA, BBFB, CAA, CBB
 financial CAA
 personnel CAA, CBB, DBD, DH
 college course work EHDD
 college preparatory program EHBC, EHDD, EIC, EK, EKB
 colleges and universities, relations with GNC
 college visits FEA
 commencement FMH
 commercial advertising and sponsorship GKB
 commercial motor vehicle operators DBA, DBAA, DBB,
 DBE, DHE
 commissioner, appeals to DFD, DGBA, FNG, GF
 committees
 administrative councils, cabinets, committees BM
 admission, review, dismissal (ARD) EHBA, EHBA,
 EHBAB, EHBAC, EHBAD, EHBAE, EIE, EIF, EKB,
 FOF
 attendance DGC, FEC
 board BDB, BDF
 curriculum development (design) EH
 gifted and talented, selection EHBB
 grade placement EIE
 language proficiency assessment EHBAB, EHBE, EIE,
 EKBA
 local school health advisory council (SHAC) BDF, BQ,
 EFA, EHAA, FFA
 nursing peer review DP

parent BDF, BQ, BQA, BQB, EHAA, EHBD, FFA, GE
 placement review FOC
 planning and decision-making BQ, BQA, BQB, DNA,
 DNB
 special education advisory EHBH
 communicable diseases DIA, DBB, EHAA, FFAD, FL
 community
 access to programs, services, activities GA
 complaints GF
 conduct GKA
 distribution of literature GKDA
 public information requests GBA, GBAA
 representatives of patriotic societies GKE
 use of school facilities GKD
 visitors to facilities GKC
 volunteers GKG
 community colleges, high school credit program EHDD
 community involvement
 budget planning CE
 in board meetings BED
 instructional resources EF
 parent-teacher organizations GE
 planning and decision-making BQ, BQA, BQB
 policy development BF
 school health advisory council (SHAC) BDF, BQ, EHAA,
 FFA
 site-based decision-making BQ, BQA, BQB
 staff participation in community activities DGA
 volunteers in public schools GKG
 walking transportation programs CNA
 comparability assurances EHBD
 compensation and benefits
 board members BBG
 employees CRD, CRE, CRG, DE, DEA, DEAA, DEAB,
 DEB, DEC, DECA, DECB, DED, DEE, DEG
 superintendent BJCA
 compensation for extra duties DEA, DEAA, DEAB, DK
 compensatory instruction EHBC, EIE
 compensatory time/pay, nonexempt employees DEAB
 competitions, student FG, FM, FMF
 competitive purchasing CBB, CH, CV, CVA, CVB, CVF
 complaints/grievances
 against peace officers CKEA
 by personnel DGBA
 by public EFA, GF
 by student/parent FNG
 whistleblower complaints DG, DGBA
 comprehensive guidance program DP, FFEA
 compulsory attendance FEA, FED
 concessions CDG, CFD
 concussions DMA, FM, GKG
 conditions of employment (See employment)
 conduct
 on buses FO, FFFF
 on school premises, public GKA
 personnel DH
 students FNC, FNCA, FNCA, FNCC, FNCD, FNCE,
 FNCF, FNCG, FNCH, FNCI, FO
 conferences and conventions
 board meeting videoconference calls BE
 board member attendance BBH
 disciplinary FOA, FOC, FOD
 parent EIA, FFC
 personnel DMA, DMD
 confinement (See restraint of students)
 conflict of interest
 board members CBB, BBFA, BBFB
 meal service COA

personnel CBB, DBD, DGA, DH
 conservatorship, student CNA, EHBAB, EHBAE, EHDC,
 EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA,
 FO
 construction projects CH, CS, CV, CVA, CVB, CVC, CVD,
 CVE, CVF
 consultants
 access to student records FL
 board, external BDE
 bonds CCA
 facilities CS
 federal level lobbyists GR
 outside consulting by staff DBD
 procuring CH
 consumer credit reports DBAA
 contagious diseases (See communicable diseases)
 contests for students FG, FM, FMF
 continuing contracts
 employment practices DC, DCC
 reduction in force DFF, DFCA, DFFC
 resignation DFE
 return to probationary status DFAC
 suspension/termination DFCA
 contracting for instruction with outside agencies EEL, FFC,
 GN, GNA, GNB, GNC, GND, GNE
 contractors and agents
 aiding and abetting CJ
 criminal history CJA
 federal awards CBB
 contracts
 construction (See construction projects)
 contingent fee for legal services CH
 depository BBFA, BBFB, BDAE
 employment BJC, DC, DCA, DCB, DCC, DCE, DK
 food programs COA
 outside services EEL
 professionals (lawyer, engineer, auditor) BDD, CH
 required provisions CH
 resignation DFE
 terminations (See termination, personnel)
 controlled substances DBAA, DGC, DH, DHB, DHE, FNCF,
 FNF, FOB, FOC, FOD, FOF, GRAA
 controversial issues EFA, EMB
 controversial speakers EMB
 cooperative purchasing agreements CBB, CH
 coordinated health program BQ, EHAA
 copyrighted material CY
 corporal punishment FO
 correspondence courses EHDE
 counseling and guidance programs EHBH, FFB, FFBA,
 FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
 county tax officials CCG
 countywide appraisal district CCG, CCH
 course credit EI, EIA, EIF, FEC
 course offerings EHA, EHAA, EHAB, EHAC, EHAD
 court-related students FFC
 CPR (See cardiopulmonary resuscitation)
 credit or final grade, award of EI, FEC
 credit by exam
 with prior instruction EHDB
 without prior instruction EHDC
 credit recovery EHDB, FEC, FFC
 criminal activity, reports of DH, DHB, DHC, FL, FOD, GRA
 criminal history record
 contractors CJA
 employees DBAA
 volunteers GKG
 crisis management/intervention CKC, FFB, FFBA, FFEB

crossing guards GRB
 crowd control GKA
 crowdfunding CDC
 cultural institutions relations GKF
 curriculum
 development/design EH, EHA
 elective instruction EHAD
 enrichment EHAA
 extended instructional programs EHDD, EHDE
 college course work EHDD
 distance learning EHDE
 honors program EHBH
 summer programs EHBC, EHBE, EHDA
 travel study EHBH
 foundation EHAA
 innovative programs EHBH
 language other than English EHAB, EHAC
 magnet schools and programs EHBH
 parental requests EHA
 required instructional program EHAA, EHAB, EHAC
 sex education EFA, EHAA
 special programs
 adult education EHBI
 at-risk students EHBC, EIE, FDDA
 bilingual education EHBE
 career and technical education CNA, EEL EHBH, EIF
 character education EHBK
 community education EHBI
 compensatory education EHBC, EIE
 deaf or hearing-impaired BE, EHBA, EHBA, EHBA,
 EHBAB, EHBAC, EHBH, FBA
 dual language program EHBE
 English as a second language EHBE
 gifted and talented EHBB
 high school equivalency EHBL
 homebound instruction EEH
 prekindergarten EHBG
 special education EHBA, EHBA, EHBAB, EHBAC,
 EHBAD, EHBAE
 Title I EHBH
 custodial services CLB
 custodian of records CPC, FL, GBA
 cyberbullying CQ, FFH, FFI
 cybersecurity CQB, DMA, EHAD, GBA

- D -

dairy products, purchase of COA
 data management BBI, CPC, CQ, CQB
 dating violence BQ, FFB, FFH
 days of service DC
 deaf or hearing-impaired BE, EHBA, EHBA, EHBAB,
 EHBAC, EHBH, FBA
 debt service
 bonds CCA
 certificates CCC
 investments CDA
 loans and notes CCF
 reports CFA
 revenue bonds CCD
 tax rate and budget CCG, CE
 warrants CCB
 deductions/reductions, salary CFEA, CRG, DEA, DFFA
 deferred compensation CFEA, CRG

defibrillators, automated external (AED) CH, CKD, DBA, DMA, FFAC, FM
 delinquent taxes (See tax)
 demonstrations and strikes DGA, FNCI, GKA
 depository, bank BBFA, BBFB, BDAE
 deputy voter registrar (See voter registrar)
 destruction of records (See records)
 detention (See discipline, student)
 dextromethorphan FFAC
 diabetes
 management treatment plan FFAF
 screening FFAA, FL
 dietary supplements DH, FFAC, FM
 diplomas EIF, FMH
 directory information FL
 disabilities (See also discrimination and harassment)
 ADA (See Americans with Disabilities Act Amendments Act of 2008)
 IDEA (Individuals with Disabilities Education Act) (See special education)
 Section 504 (students) EHB, EHBH, EHDE, EIF, FB, FFC, FNG, FOF, GF
 temporary (employees) DBB, DEC
 disasters and catastrophes (See also emergencies)
 ad valorem taxes CCG, CCGA
 board meetings BE, BEC
 drills (See drills, disaster)
 emergency medical equipment and procedures CKD
 emergency repairs CH, CLB, CV
 financial exigency CEA
 immunity for shelter workers DGC, GKG
 pay provisions DEA
 plans CKC
 purchasing CH, CV
 records GBA
 suspension of public information requirements GBAA
 waiver of contract and operational requirements DC, EB, FEB
 disciplinary alternative education program (DAEP) (See discipline, student)
 discipline, employee
 board meetings BEC
 conflicts of interest CBB
 contract termination (See termination, personnel)
 dismissal DCD
 prohibitions and protections DEC, DG
 standards of conduct DH
 discipline, student
 board meetings BEC
 campus behavior coordinator (CBC) FO, FOA
 code of conduct FN, FNC, FO
 corporal punishment FO
 county juvenile board FODA
 detention FO
 disciplinary alternative education program (DAEP), placement in FOC
 discipline management program BQ, FNC, FO, FOB, FOC, FOD, FOE
 discipline management techniques DMA, FO
 due process, student discipline FOD, FOE, FOF
 emergency placement FOE
 expulsion FOD, FODA, FOE
 extracurricular standards of behavior FO
 fraternities, gangs, sororities, and other secret organizations FNCC
 juvenile justice system FODA
 notice to parents FO, FOA, FOC, FOCA, FOD, FOE
 records FL, FO
 removal by bus driver or teacher FOA
 suspension FM, FO, FOB
 training DMA
 with disabilities EHBA, FOF
 disclosure, conflict of interest (See conflict of interest)
 disclosure of interested parties CH
 discretionary personal leave (See leaves and absences, employees)
 discrimination and harassment
 bankruptcy DAA
 complaint procedures DGBA, DH, DIA, FFH, FNG, GF
 employment DAA, DAB, DAC, DECA, DH, DIA
 Genetic Information Nondiscrimination Act (GINA) DAB, DECA
 interns DIA
 programs and services CS, DAA, DIA, FB, GA
 Religious Freedom Restoration Act (RFRA) GA
 student EHBA, FB, FD, FDA, FDAA, FFH, FNA
 Title IX DAA, DIA, DGBA, FB, FFH, FNG
 dismissal, early (of school day) EC
 dismissal, employees (See also termination, personnel)
 DCD
 disorderly student conduct (See conduct: students)
 disposal
 buses CNB
 equipment and supplies (See equipment and supplies)
 instructional materials CMD
 law enforcement vehicles CI
 personal property CI
 real property CDB, CDBA
 dispute resolution, homeless students FDC
 disruptions
 of board meetings BED
 of instruction EC, EKB, FNCI, GKA
 distance learning EHDE
 distinguished achievement program EIC, EIF
 distribution of equipment (See equipment and supplies)
 distribution of printed material CPAB, FMA, FNAA, GKDA
 district-level planning and decision-making process BQ, BQA
 district teaching permit DBA
 districts of innovation (See innovation districts)
 dogs, searches DHE, FNF
 donations
 by district CE, CO
 to district CDC, GE
 of leave (See leaves and absences, employees)
 DOT (U.S. Department of Transportation) DHE
 dress and personal grooming
 personnel DH
 student FNCA
 uniforms FNCA
 drills, disaster CKC
 driver education EHAD
 drivers DBA, DBAA, DBB, DBE, DHE
 drones GKA
 dropout prevention/reduction BQA, BQB, EHBC
 dropout recovery program GNC
 dropout recovery interventions AIC
 Drug-Free Schools Act DH, FNCF
 Drug-Free Workplace Act DH
 drug screening/testing
 athletes/students FNF
 bus drivers DHE
 employees DHE
 drug searches by trained dogs DHE, FNF
 dual contracts DCB, DK
 dual credit EHDD

dual language immersion program (DLIP) EHBE
 due process
 complaints alleging violation of constitutional rights
 DGBA, FNG, GF
 contracts BJCE, BJCF, DFAA, DFBA, DFBB, DFCA,
 DFD
 student (*See* discipline, student)
 dues, membership for professional organizations CFEA
 duplicating and printing CPAA, FL, GBAA
 duty-free lunch DL
 duty schedule DK
 dyslexia and related disorders BQ, EHB, EHBC, EIE, EKB,
 EKC, EL

- E -

early graduation EI, EIC, EIF, FMH
 early mental health intervention BQ, DMA, FFB, FFEB
 early voting (*See* elections)
 early voting clerk (*See* elections)
 e-cigarettes (*See* electronic cigarettes)
 ECPA (*See* Electronic Communication Privacy Act)
 EDGAR (*See* Education Department General Administrative
 Regulations)
 education agency relations
 regional service center GNB
 state agency GND
 voluntary accreditation agency GNE
 Education Department General Administrative Regulations
 CB, CBB
 education media and service centers GNB
 education service centers
 board member training BBD
 generally GNB
 participation in GNB
 educational philosophy AE
 educational program access EHA
 educational specifications, facilities CS
 educator certification/credentials DBA, DCB, DFBB, DK,
 DPB
 educator excellence innovation program (EEIP) DEAA
 EEIP (*See* educator excellence innovation program)
 elections
 board members BBB, BBBA, BBBB, BBBC, BBBD
 board officers BDAA
 clerks BBBA, EIA, FEA, FEB, FEC
 early BBBA
 student government FMB
 electioneering BBBA, BBBD, CCA
 elective instruction (*See* curriculum)
 electronic bids and proposals CH
 electronic cigarettes BDF, DH, EHAA, FNCD, GKA, GKD
 electronic communication BBI, CQ, CQB, DH, FNCE
 Electronic Communication Privacy Act (ECPA) CQ
 electronic courses, defined EHDE
 electronic devices, possession or use of CQ, FNCE
 electronic storage CQ
 electronic textbook CMD, EFA
 elementary instruction, required (*See* curriculum)
 emergencies (*See also* catastrophes and disasters)
 board meetings BE, BEC
 budget CE
 bus emergency evacuation training CNC
 contractor access CJA
 crisis intervention, students FFB

first aid CKD, FFAC
 immunity for shelter workers DGC, GKG
 management GRC
 medical equipment and procedures CKD
 permits, employment DBA
 pipeline emergency response plan CS
 placement, student discipline FOE
 plans and procedures, drills CK, CKC
 records, student in health or safety emergency FL
 removals, students FFH
 repairs CH, CLB, CV
 school closings CKC
 suicide attempts/threats FFB, FFEB
 volunteer emergency services personnel GKA
 emotionally disturbed students (*See also* special education)
 FFB, FFEB
 employees (*See* personnel)
 employment
 after retirement DC
 aiding and abetting CJ, DC
 application DC
 annualized salary DEA
 architects and engineers (*See* architects and engineers)
 benefits CRD, CRE, CRG, DE, DEA, DEAA, DEAB,
 DEB, DEC, DECA, DECB, DED, DEE, DEG
 board members, former BBC, DC
 conflict of interest DBD
 contracts BJC, DC, DCA, DCB, DCC, DCE, DK
 credentials and records DBA, DK
 criminal history record DBAA
 furlough program DEA
 hiring
 at-will (noncontractual) DC, DCD
 authority BJA, DC
 contractual DC, DCA, DCB, DCC, DCE
 internal auditor CFC, DC
 nepotism (*See* nepotism)
 practices DAC, DC
 superintendent BJB
 medical examinations, screenings DBB, DEC, DECA
 outside consultants BDE
 residency requirements DB
 restrictions
 on employing/assigning relatives of personnel DC,
 DK
 on nonschool employment DBD
 nepotism (*See* nepotism)
 status
 at-will DC, DCD
 continuing contract DC, DCC
 leave (*See* leaves and absences, employees)
 non-Chapter 21 contract DC, DCE
 noncontract DC, DCD
 probationary DC, DCA
 reasonable assurance CRF
 return to probationary status DFAC
 temporary teacher contract DC, DCB, DPB
 term contract (educator) DC, DCB
 vacancies DC
 end-of-course (EOC) assessments EI, EIA, EIC, EKB, FMH
 endorsements, graduation plan EIF
 energy conservation CH, CL
 engineers and architects selection BEC, CBB, CH, CS, CV,
 CVA, CVB, CVC, CVD, CVE, CVF
 English as a second language EHBE
 English language learners EHBC, EHBE, EHBG, EIE,
 EKB, EKBA
 enrichment curriculum (*See also* curriculum) EHAA

enrollment
 age and residence requirements FD, FDA
 by attendance zone FC, FDB
 expelled transfer students FD, FOD
 health requirements FD, FFAA, FFAB
 immunizations FD, FDD, FFAB
 transfers from other districts FDA
 tuition EHBG, FDA
 voluntary, students 19 and over FEA
 epinephrine auto-injectors CKEA, FFAC, FFAF
 Equal Access Act FNAB, GKD
 equal educational opportunities EHBA, FB
 equal employment opportunities DAA, DAB, DAC, DIA
 equipment and supplies
 borrowing/loaning CMB, CQC, DG
 disposal/sales CI
 distribution CM, CMA, CMB, CMD
 equipment maintenance CLB
 insurance program CR, CRA, CRB
 inventory CBB, CFB, CMA
 leasing CMB
 receiving/warehousing CMA
 repair CLB
 ESSA (See Every Student Succeeds Act)
 E-rate CQ
 ethics
 board members BBBB, BBF, BBFA, BBFB, CAA, CBB
 financial CAA
 personnel CAA, CBB, DBD, DH
 evacuation diagrams CKK
 evaluation
 administrative goals and objectives BI
 board self-evaluation BG
 campus charter and program charter schools EL, ELA
 existing facilities CS
 personnel DN, DNA, DNB
 programs BQ
 superintendent BJCD
 Every Student Succeeds Act (ESSA)
 credentials, personnel DBA, DK, EHBD
 migratory child EEB
 parent and family engagement BQ
 recruiters, military FL, GKC
 school restructuring AIC, EHBD
 student/parent rights EF
 technology CQ
 examinations/assessments
 for acceleration EHDC
 credit by examination
 with prior instruction EHDB
 without prior instruction EHDC
 final EIAA
 state-mandated EKB
 exchange students FD, FDA, EIF
 executive session (See board meetings)
 exempt/nonexempt personnel DEA
 exit interviews DC
 exit-level assessment EI, EIF, EKB, FMH
 expenditures of funds CE, CFD
 expense reimbursement
 board members BBG, DEE
 personnel DEE
 superintendent BJCA
 expulsion of students (See discipline, student)
 extended instructional programs EB, EHBA, EHBC, EHDA,
 EIE
 extracurricular activities
 absences FM

attendance accounting FEB
 concussions FM
 eligibility EHBL, FM, FOA, FOC
 fees FP
 generally FM
 immunity, volunteers GKG
 safety training, employees DMA
 standards of behavior FO
 students who are homeless or in foster care FFC
 suspension and reinstatement FM
 transportation to CNA, FMG
 eye-protective devices CKB

- F -

facilities
 community use of GKB, GKD
 naming CW
 planning and construction CS, CT, CV, CVA, CVB, CVC,
 CVD, CVE, CVF
 portable buildings CS
 standards CS
 faculty advisory council BQA, BQB
 Fair Labor Standards Act (FLSA) DEAB
 falsification of records (See ethics)
 Family Educational Rights and Privacy Act (FERPA) FL
 Family and Medical Leave Act (FMLA) (See leaves and ab-
 sences, employees)
 FAPE (See Free Appropriate Public Education)
 federal funds CBB, EHBD
 Federal Gun-Free Schools Act FNCG, FOD
 Federal Gun Free School Zones Act GKA
 fees, fines, and dues
 copies of records FL, GBAA
 student FP
 transcript FL
 tuition EHBG, FDA
 felony offenses BBA, BBC, CJA, DBAA, DF, DH, DHB, DHC,
 DP, FFG, FNCC, FOC, FOD, FODA, FOE, GKA,
 GRAA
 FERPA (See Family Educational Rights and Privacy Act)
 field trips CNC, FNG, FMG
 filling employment vacancies DC
 final examinations EIAA
 finality of grades EIE, DGBA, FNG
 finance
 foundation school program CBA
 fund balance CE
 financial accountability rating system CFC
 financial ethics BBBB, BBFA, BBFB, CAA, CBB, DBD
 financial exigency BJC, BJCG, CEA, DFAA, DFBA, DFBB,
 DFCA, DFD, DFF, DFFA
 financial reports and statements BR, CFA, CFC
 firearms CNC, DH, EHAD, FNCG, FOC, FOD, GKA
 firearm accident prevention program CKEC
 fire drills CKB, CKC
 fireworks GKA
 first aid CKD, FFAC
 First Amendment BED, CPAB, DG, EMI, FMA, FNA, FNAA,
 GKDA
 fiscal management CA, CAA
 fiscal year CE
 fixed assets CFB
 flag display CLE
 FLSA (See Fair Labor Standards Act)

FMLA (See leaves and absences, employees)
 food allergy management plan FFAF
 food service
 conflicts of interest COA
 free and reduced-price COB
 food donation CO
 meal programs COB
 nutrition standards CO, FFA
 procurement COA
 unpaid meal charges CO
 vending/food dispensing machines CFD, COC, FFA
 foreign exchange students FD, FDA, EIF
 foreign language instruction (See curriculum)
 foster care CNA, EHBAB, EHBAE, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
 foundation curriculum (See also curriculum) EHAA
 foundation high school program EIF
 foundation school program (See also finance) CBA
 four-year-olds EHBG, FD
 fraud (See ethics)
 Free Appropriate Public Education (FAPE) EHBA, EHBA, EHBAB, EHBAC, EHBAD, EHBAE
 free and reduced-price meals program (See food service)
 freedom of association DGA
 free speech (See First Amendment)
 fringe benefits (See employment: benefits)
 fund balance (See finance)
 fundraising activities CDC, CO, FJ, GKB
 furlough, gifted and talented EHBB
 furlough program, employees DEA

- G -

gangs, gang-related activities FNCC
 gate receipts CDG
 GED (See general equivalency diploma)
 gender-based harassment DAA, DIA, FB, FFH, FNC
 general educational development EHBC, EHBL
 general equivalency diploma (GED) EHBL, FD, FEA
 Genetic Information Nondiscrimination Act (GINA) DAB, DECA
 geographic boundaries AC
 gifted and talented student programs EHBB
 gifts
 bequests to the district BAA, CDC
 board members BAA, BBFA, BBFB, BBG, EFA
 employees CAA, CDC, DBD, DHA
 instructional materials BBFB, EFA
 public CDC
 special education video/audio equipment EHBAF
 student CFD
 GINA (See Genetic Information Nondiscrimination Act)
 goals and objectives
 administration BI
 board BG
 district AE
 government, student FMB
 grade advancement testing EIE
 GPA (See grades)
 grade placement committee (GPC) EIE
 grades
 class rank EIC
 computation EIA, EIC
 credit or final grade, award of EI, FEC

end-of-course (EOC) assessments (See end-of-course (EOC) assessments)
 finality of EIA, DGBA, FNG
 guidelines EIA
 partial credit EI
 recording/reporting to parents EIA
 graduation
 assessments EKB
 early EI, EIC, EIF, FMH
 endorsements EIF
 exercises FMH
 honor graduates EIC
 individual graduation committee (IGC) EIF, EKB
 of student in conservatorship of DFPS EIF
 prayer FMH, FNA
 ranking of graduates EIC
 requirements EIF
 special education students EIF, FMH
 grandparent (resident caretaker) CNA, CO, FD
 grants
 classroom supply reimbursement DEE
 employment related DEAA
 federally funded CBB
 prekindergarten expansion EHBG
 public education (PEG) FDAA
 student FFEA
 technology lending grant program CQC
 tobacco education grant funds CH
 grievance procedures (See complaints/grievances)
 grooming standards DH, FNCA
 grounds management CLB
 group health and life insurance CR, CRD
 grouping for instruction EEA
 guest speakers GKC, GKE
 guidance program
 academic FFEA
 student assistance/counseling EHBH, FFB, FFBA, FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
 guns (See also discipline, student) CKC, CKE, CKEA, CKEB, CKEC, DH, EHAD, FNCG, GKA

- H -

handbooks
 administrative regulations BP
 student FN
 harassment (See discrimination and harassment)
 hate literature FNAA, GKDA
 Hazard Communication Act DI
 hazardous routes CNA
 hazing FFI, FNCC, FOD
 health
 administering medication FFAC, FFAF
 care plans FFAF
 communicable diseases DIA, DBB, EHAA, FFAD, FL
 examinations/screenings
 diabetes FFAA
 drug/alcohol DHE, FNF
 dyslexia EHB
 hearing and vision, scoliosis FFAA
 personnel DBB, DHE
 student health FFAA
 immunizations FFAB
 insurance CRD, FFD
 mental health BQ, DMA, FFB, FFEB

services DBB, FFA, FFAA, FFAC, FFAF
 school-based health centers FFAE
 wellness policy, student FFA
 Health Information Portability Accountability Act (HIPAA)
 DAB, CRD
 hearing examiners BJCE, BJCF, DFAA, DFBA, DFBB,
 DFCA, DFD, DFF, DFFA, DFFB, DFFC
 hearing impaired BE, EHBA, EHBAA, EHBAB, EHBAC,
 EBBH, FBA
 hearings
 challenging content of student records FL
 complaints/grievances DGBA, FNG, GF
 employment related BJCF, DFAA, DFBA, DFBB, DFCA,
 DFD, DFF, DGBA
 independent hearing examiner (*See* hearing examiners)
 public hearings AF, AIB, AIC, CCG, CDB, CE, CFA,
 CKC, CQ, DEA, EFB, EHBC, EHL, EL, ELA,
 GKA
 student discipline FOD, FOE, FOF
 higher education visits FEA
 High School Equivalency Program (HSEP) EHBL
 highly mobile students FFC
 HIPAA (*See* Health Information Portability Accountability Act)
 hiring
 at-will (noncontractual) DC, DCD
 authority BJA, DC
 contractual DC, DCA, DCB, DCC, DCE
 internal auditor CFC, DC
 nepotism (*See* nepotism)
 practices DAC, DC
 superintendent BJB
 HIV (*See* communicable diseases)
 holidays and vacations
 personnel DED
 religious holidays DEC, FEA, FEB
 school vacations EB
 holdover doctrine BBC, DBE
 homebound instruction EEH, EHBA
 homeland security BEC, CKC, FD, GRC
 homeless students CNA, EHBAB, EHBC, EHBD, EHDC, EI,
 FB, FD, FDC, FFAB, FFC
 home-rule school district or charter AG
 homeschool students EHBAA, FD, FEA
 homework EIA
 honor graduates EIC
 honors courses EHCN, EIC
 hours of school day EC
 HSEP (*See* High School Equivalency Program)
 human sexuality education EFA, EHAA
 hunter safety education EHAD
 hurricanes (*See* catastrophes and disasters *and* emergen-
 cies)

- I -

IDEA (Individuals with Disabilities Education Act) EHBA,
 EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
 illness
 personnel DBB, DEC, DECA
 student FEC, FFAC, FFAD
 immunity (*See* liability)
 immunizations FD, FFAB
 incentives BQB, DEAA, DEC
 inclement weather procedures (*See* also catastrophes and
 disasters) CKC

income tax, salary deductions for CFEA
 increments, salary DEA
 independent auditors CFC
 independent hearing examiners BJCE, BJCF, DFAA, DFBA,
 DFBB, DFCA, DFD, DFF, DFFA, DFFB, DFFC
 individual graduation committee (IGC) EIF, EKB
 individualized education program (IEP) EHBA, EHBAA,
 EHBAB, EHBAC, EHBAD, EHBAE
 individualized health-care plan FFAF
 individualized services plan EHBAC
 infection control officer GRC
 infrastructure partnerships CDH
 information (*See* records)
 innovation districts AF
 innovative programs EHCJ
 inoculations FFAB
 inspections, district
 district vehicles CNB
 facility CS, CV
 maintenance CLB
 safety CKA
 instructional arrangements EE, EEA, EEB, EEC, EED, EEH,
 EEJ, EEL, EEM, EEP
 instructional contracts with outside agencies EEL, EHBA,
 EHBAC
 instructional day EC
 instructional facilities allotment CBA, CCA, CS
 instruction facilities design CS
 instructional goals and objectives (*See* instructional pro-
 gram)
 instructional materials
 accelerated instruction EKB
 allotment CMD
 college preparatory courses EHBC
 complaints concerning EF
 conflict of interest BBFB, DBD, EFA
 copyrighted material CY
 generally CMD, EFA
 lesson plans EEP
 library, media center EFB
 parental access to EF, EHAA, FNG
 responsibility for CMD, DG
 selection and adoption BBFB, DBD, EF, EFA
 instructional program (*See also* special programs)
 college course work EHDD
 curriculum (*See* curriculum)
 disciplinary alternative education program FOCA
 distance learning EHDE
 evaluation of BQ, BQA, BQB
 extended instructional program EB, EHBA, EHBC,
 EHDA, EIE
 goals and objectives BQ, BQA, BQB, EA
 innovative and magnet programs EHCJ
 organization of instruction ED
 required instructional program EHAA, EHAB, EHAC
 insurance
 construction CV
 deductions/reductions from salary CFEA
 generally CR
 Health Insurance Portability and Accountability Act
 (HIPAA) DAB, CRD
 health, life, disability CRD
 liability CRB
 property CR, CRA
 retiree contributions DEA
 student FFD
 unemployment CRF
 workers' compensation CRE, CV

intellectual property rights CY
intensive math and science program EHBC
interlocal agreements CH, CNA, CRB, CRE, CV, CVF, GRB
internal auditor CFC, DC
international baccalaureate program DK, EHDD, EIC, EIF, EK, FM
internet (See also website postings)
 board meetings BE
 Children's Internet Protection Act CQ
 posting CQA
 use of, by board members BBI
 use of, by employees/students CQ, FNCE
intern program DBA, DIA
interruption of instruction EC, EKB, FNCI, GKA
interscholastic activities/athletics FM, FMF, GKA
Interstate Compact on Educational Opportunity for Military Children EHBAB, EIF, EKB, FB, FDD, FEA, FFAB, FL, FM
intoxicants BBC, BJCF, DFBB, DH, DHE, FNCF, FNF, FOC, FOD, FOF, GKA, GKD
intramural sports FMF
intrastate pipeline emergency response plan CS
inventories CFB
investments CDA

- J -

job order contracts CVF
JROTC program CG, DBA, EEL, EHAD, EIF
junior colleges, high school credit program EHDD
jurisdiction
 district, over students FNC, FO
 peace officers CKE, CKEA
jury duty DEC, DG
juvenile justice system (See discipline, student)
juvenile case manager, compulsory attendance FED
juvenile residential facilities EEM
juvenile service providers FL, GRAC

- K -

key control CLA
kindergarten
 acceleration EHDC
 class size EEB
 eligibility FD
 instructional requirements EHAB
 progress reports EIA
 retention EIE
 school day EC
knives DH, FNCG, GKA

- L -

labor organizations DGA, DGB
land, sale of BAA, CDB, CDBA
language other than English (See curriculum)
law enforcement

agencies GRAA
district peace officers CKE, CKEA, GKA
officers on district property GKA, GRA
records FL, GRAA
reports to and from GRAA
school resource officers CKE, CKEC, GKA
vehicles CI
lay-offs (See reduction in force)
learning disabilities (See special education)
leasing and renting
 authority BAA, GKD
 buses CH, CNB
 charges by district CDD, GKD
 commitment of funds CE
 equipment and supplies (See equipment and supplies)
 facilities, buildings, and grounds CDB, GKD
 lease-purchase agreement CHG, CL
 prekindergarten facilities EHBG
 lease of real property by the district CE, CHG, CX
leaves and absences, employees
 assault (recuperative leave) DEC
 bereavement leave DEC
 concurrent use of DEC
 continuation of health benefits CRD
 discretionary use of DEC
 donations of leave DEC
 extended DEC
 family and medical leave (FML) CRD, DEC, DECA
 infant care/child adoption DEC, DECA
 intermittent leave DEC, DECA
 mandatory court appearances/jury duty DEC
 maternity leave DEC, DECA
 military leave/reserve duty CRD, DAA, DEC, DECA, DECB
 nondiscretionary use of DEC
 offsetting paid leave benefits CRE, DEC
 on-the-job injury CRE, DEC
 payment for unused leave DEC
 personal illness DEC, DECA
 personal leave DEC
 professional development leave DEC
 qualifying exigency DECA
 sabbatical study/leave DEC
 state personal leave DEC
 state sick leave DEC
 temporary disability DEC
leaving campus, students
 illness/medical appointments FEB, FEC, FFAC
 lunch FEE
 parental permission FEB
 private lessons FEF
legal services BDD
LEP (See Limited English Proficiency)
lesson plans EEP
liability
 administering medication/medical services FFAC, FFAF, FFEB, FM
 board members BBE
 charter programs EL
 child abuse reports FFG
 construction CV
 copyright CY
 federal securities law CCA
 immunizations FFAB
 insurance CR, CRB, FFD
 monitoring, interventions/sanctions AIC
 parents/students FD, FEA, FNCF

school personnel CRB, DG, DGC, DHB, DHC, FFAC,
 FFG, FOE, GRA
 volunteers FFAC, GKG, GRAA
 liaisons for students FFC
 libel FNAA, GKDA
 library-media center EF, EFB
 lice FEC, FFAA
 life insurance CR, CRD
 life skills programs EHAD
 Limited English Proficiency (LEP) (See English language
 learners)
 limited open forum FNAB
 lobbying (restrictions) BBBD, CH
 Local Government Records Act CPC
 local health education and health-care advisory council
 FFAE
 local government relations GRA
 local tax revenues CCG, CCGA, CCGB
 locker searches DHE, FNF
 loitering GKA
 loss control CK, CKA, KKB, CKC
 LPAC (Language Proficiency Assessment Committee)
 EHBE, EIE, EKBA
 lunchroom maintenance CLB

- M -

McKinney-Vento Homeless Education Assistance Improve-
 ments Act of 2001 CNA, EHBD, EHBF, FD, FDC,
 FFAB, FFC
 mail service CPAB
 maintenance
 bus maintenance CNB, CNBA
 changes and alterations CLB
 manifestation determination (IDEA) EHBAE, FFC, FOF
 married students FND
 marshal, school CKE, CKEB, GBA
 master teachers DEAA
 maternity leave (See leaves and absences, employees)
 meal service (See food service)
 media and service centers, regional GNB
 medical examinations DBB, DEC, DECA, DHE, FFAA, FFAE
 medical insurance CR, CRD, FFD
 medical treatment FFAC, FFAE
 Medicare CFEA, CRD
 medication FFAC, FFAF
 meeting notice BE, BEC, CCG
 meetings (See board meetings *and* public hearings *and* pub-
 lic meetings)
 memorials CDC, CW
 mental health intervention and promotion BQ, DMA, FFB,
 FFEB
 mentoring DBA, DEAA, EHBC, FEB, GKG
 metal detectors FNF, GKA
 microfilm CPC, FL, GB, GBAA
 migrant students EHBAA, FEC, FFC
 mileage reimbursement BBG, BJCA, DEE
 military
 dependents FD, FDD
 discharge records GBA
 instruction (JROTC) CG, EEL, EHAD, EIF
 leave (See leaves and absences, employees)
 recruiters FL, GKC
 minerals, sale of BAA, BDAA, CDB
 minimum high school program EIF

minimum salary schedule DEA
 minutes of board meetings BE
 mission statement, district AE
 mobile telephones FNCE
 modified duty DK
 mold damage remediation CL, CRB
 moment of silence EC
 moral turpitude BJCF, CH, CJA, DBAA, DF, DFBB, DH
 multihazard emergency operations plan CKC
 music program EHAC, EMI, FM

- N -

name, changing district AB
 National Honor Society FG
 National School Lunch and Breakfast Programs COB
 neighborhood schools EL
 nepotism BBFB, CCH, DBE, DC, DCD, DK
 new facilities, naming/dedication (See facilities: naming)
 new hire reporting DC
 new instructional facilities allotment CBA
 news releases and official spokesperson GBBA
 newspaper
 public notices GC
 school distribution of FMA
 noncertified personnel DBA, DBAA, DCD, DCE, DF, DHC,
 DK, DP, DPB
 noncontract employment DC, DCD
 nondiscretionary personal leave (See leaves and absences,
 employees)
 nondiscrimination (See discrimination and harassment)
 nonschool activities FNAB
 nonprofit organizations GE, GKD
 nonpublic information FL, GBA, GBAA
 nonrenewal, term contract BJCF, DFBB, DFFB
 nonresident students FD, FDA
 nonservice animals EMG
 nonschool employment DBD
 nonschool literature FNAA, GKDA
 nonschool use of school facilities GKD
 No Pass, No Play FM
 notice of vacancies DC
 notice to newspaper GC
 notice to SBEC DF, DFE, DHB
 nursing mothers DG

- O -

oath of office BBBB
 objective criteria for personnel decisions DAC
 obscenity DH, FMA, FNAA, FNCA, GKDA
 office management
 communications CPA
 computer technology BBI, CQ, CY
 mail delivery CPAB
 printing CPAA
 records and reports CPC
 telephone CPAC
 officer
 attendance FED
 board of trustees BDAA

peace/police/school resource CKE, CKEA, CKEC, DEB, EHAC
 public information (records) CPC, GBA, GBAA
 public information coordinator BBD, CPC, GBAA
 offsetting paid leave benefits (See leaves and absences, employees)
 open campus FEE
 open enrollment FDB
 open-enrollment charter school AF, AG, AH, CDB, EL, ELA
 open meetings (See board meetings)
 open records GBA, GBAA
 operations, maintenance CLB
 opioid antagonist medication FFAC
 Optional Flexible Year Program (See extended instructional programs)
 organization charts BKA
 organizations
 booster clubs GE
 business, civic, and youth groups GKE
 other schools and/or districts, relations with FD, FDA, GNA
 outside agencies, instructional contracts with EEL
 parent organizations GE
 personnel DGA, DGB
 educational entities GNA, GNB, GNC, GND, GNE
 governmental entities GR, GRA, GRAA, GRAC, GRC
 student FM, FMB, FNAB, FNCC
 orientation/training
 board members BBD
 employees, including substitutes CKC, DMA
 outside employment DBD, DECA
 overtime DEA, DEAB

- P -

paging devices FNCE
 paperwork reduction BAA, DLB
 paraprofessional personnel
 certification DBA
 dismissal DCD
 hiring DC, DCD
 Paraprofessional Day EHBK
 reasonable assurance of re-employment CRF
 parent and family engagement
 advisory committee, deaf or hard of hearing EHBH
 campus-level planning committee BQB
 citizen advisory committees BDF
 conferences EIA
 discipline management FNC, FO, FOC, FOCA, FOD, FODA, FOE
 district-level planning committee BQA
 parent and family engagement plan EHBD
 parent-teacher organizations GE
 school health advisory council (SHAC) EHAA
 special education EHB, EHBA, EHBAA, EHBAB, EHBAC, EHBAD, EHBAE
 wellness EHAA, FFA
 parent notification
 accreditation AIA
 accountability interventions and sanctions AIC
 asbestos management plan CKA
 attendance FEA
 audiobooks EHB
 automatic admission EIC
 bomb/terroristic threats CKC

bullying FFI
 career and technology insurance program CRB
 college credit and distance learning programs EHDD, EHDE
 cybersecurity breach CQB
 dyslexia and related disorders EHB
 educator misconduct FFF
 grade advancement requirements and accelerated instruction EIE
 graduation requirements EIF
 law enforcement investigations GRA
 medical screenings FFAA
 medication administration FFAC
 mental health services, consent FFEB
 nondiscrimination FFH
 pesticide application CLB, FD
 public education grants FDAA
 school community guidance center, consent FFC
 school safety transfers FDE
 standardized testing results EKB
 student discipline FO, FOC, FOD, FOF
 student surveys EF
 student records FL
 uncertified substitutes DBA, DK, DPB
 unpaid meal charges CO
 video and audio monitoring FO
 violent criminal offenses, student victims FDE
 parental rights (See *also* students: rights)
 access to board meetings BE, FNG
 access to instructional materials EF, EHAA, FNG
 access to student records FL
 consent to counseling of student FFB, FFC, FFEA, FFEB, FFG
 instructional programs EHA, EHAA, FNG
 student placement FDB, FNG
 parenting and paternity awareness program EHAC
 parking controls CLC, FFFD
 parochial schools FD
 partial credit EI
 partnership charters EL, ELA
 part-time employees CRD, DEC, DPB
 pass/fail courses EHAD
 patents CY
 patriotic societies GKD
 payment procedures CHF
 payroll procedures CFE, CFEE, DEA
 peace/police officers CKE, CKEA, DEB, EHAC
 pediculosis (See lice)
 PEG (See public education grant program)
 PEIMS (See Public Education Information Management System)
 performance bonds CL, CV, CVD, CVE, CVF
 performance report, district AIB, BAA, BJCD, BQA, CQA, FOC
 performances, student FME, FMF
 permits
 student work FEF
 teaching, issued by school district DBA
 visitors GKC
 persistently dangerous FDE
 personal graduation plan EIF
 personal leave (See leaves and absences, employees)
 personal property
 disposal CI
 financing CHH
 purchases BAA, CCA, CH, CHG, CV
 records GBA

personnel (*See also* paraprofessional personnel *and* professional personnel *and* support staff)
 absences DEC, DED, DFE, DMD
 appraisals BJCD, DN, DNA, DNB
 assignment/transfers BJA, DK, DP
 compensation DEA, DEAB
 complaints/grievances DGBA
 code of ethics CAA, CBB, DBD, DH
 conduct (*See* conduct: personnel)
 conflicts of interest CBB, DBD, DGA, DH
 credentials and records DBA, DK
 criminal history record DBAA
 development DM, DMA, DMC, DMD
 exempt/nonexempt DEA, DEAB
 expense reimbursement DEE
 fringe benefits (*See* employment: benefits)
 gifts and solicitations (*See* gifts)
 health examinations DBB, DHE, DEC, DECA
 illness DBB, DEC, DECA
 insurance CRD
 involvement
 decision-making BQ, BQA, BQB
 participation at board meetings BED
 policy development BF
 school health advisory council BDF
 wellness program FFA
 jury duty DEC, DG
 leaves and absences (*See* leaves and absences, employees)
 liability CRB, DG, DGC, DHB, DHC, FFAC, FFG, FOE, GRA
 medical examinations DBB, DHE, DEC, DECA
 nonschool employment DBD
 objective hiring criteria DAC
 orientation DC, DMA, DPB
 organizations CFEA, CPAB, DGA
 overtime pay (nonexempt) DEA, DEAB
 nonschool employment DBD
 paid holidays DED
 part-time and temporary employment CRD, DEC, DPB
 participation in community/political activities DGA, GE
 qualifications BJA, DBA, DP
 records
 confidential, access to DBA, FL, GBA, GBAA
 credentials DBA
 custodian of DBA, FL, GBA, GBAA
 management officer CPC
 requests for copies GBAA
 recruitment DC
 relations with students DH, FFH
 resignation DFE
 retirement DEG
 rights and privileges DG, DGA, DGB, DGBA
 salary deductions/reductions CFEA, CRG
 searches DHE
 staff development DMA, DMC
 staff meetings DLA
 standards of conduct (*See* conduct: personnel)
 temporary and part-time employment CRD, DEC, DPB
 transfer DK
 vacancies, employment DC
 vacation DED
 welfare DI
 work load/schedules DK, DL
 personnel-student relations DH, DIA, FFH
 pest control program CLB, DI, FD
 petty cash accounts CHB
 PGP (*See* personal graduation plan)

phones, cellular FNCE
 physical education
 fees FP
 requirements EHAA, EHAB, EHAC, EHBG, EIF, FB
 student-to-teacher ratios EEB, EHAA
 use of facilities CX
 physical examination DBB, DEC, DECA, DHE, FFAA, FFAE
 physical fitness assessment FFAA
 physical restraint, student FO, FOF
 placement
 alternative setting FOA, FOC, FOCA, FOE, FOF
 highly mobile students FFC
 homeschool students FD
 military dependent students FDD
 transfer students FD, FDA
 placement review committee FOA, FOD, FOE
 plagiarism EIA
 planning and preparation time DL
 planning process BQ, BQA, BQB
 playgrounds CS
 pledge of allegiance EC
 police on school premises CKE, CKEA, CKEC, GKA, GRA
 policy system
 attorney involvement BDD
 community involvement BF, BQA, BQB
 development, adoption, amendment, distribution, review BF
 implementation through regulation BP, FN
 staff involvement BF, BQA, BQB
 student involvement FNB
 superintendent authority for recommendations BJA
 political activities BBBB, CPAB, DGA, GKD
 political advertising BBBB, CCA, CPAB, GKB
 politics, participation in DGA, DH
 pool drains CL
 portable buildings CS
 possession/use, alcohol and drugs DH, DHE, FNCF, FNF, FOA, FOCA, FOD, FOE, FOF, GKA
 postings, required website CQA
 postsecondary instructional program, fees FP
 power of attorney FD
 prayer EC, EMI, FMH, FN, FNA, FNAB
 pregnant students EHBC, FB, FED, FFAB, FFAC, FNE
 prekindergarten EEB, EEL, EHBC, EHBG
 prevailing wage CV
 prevention, dropout BQA, BQB, EHBC
 principals
 performance incentive BQB
 qualifications DP
 evaluation DNB
 printing and duplicating CPAA, FL, GBAA
 prior review FNAF, GKDA
 private lessons/tutoring DBD, FEF
 private school students FD, FEA
 private vehicles, use of CLC, CNA, FFFD, FMG
 probationary contracts
 employment practices DC, DCA
 resignation DFE
 suspension/termination during contract DFAA
 termination at end of year DFAB
 probationary status, return to DFAC
 professional conduct/ethics (*See* conduct: personnel)
 professional development
 board member BBD
 personnel DM, DMA, DMC, DMD
 superintendent BJA, BJCB
 professional leaves and absences (*See* leaves and absences, employees)

professional meetings DLA, DMD
 professional organizations
 dues CFEA
 participation in DGA, DGB
 use of facilities DGA
 professional personnel (*See also* personnel)
 academic freedom EMA, EMB
 appraisals BJCD, DN, DNA, DNB
 compensation DEA, DEAA, DEAB, DK
 consulting BJCC
 continuing contracts DCC, DFAC, DFC, DFCA, DFE, DFFC
 contract nonrenewal BJCF, DFBB, DFFB, DFD
 contracts BJC, DC, DCA, DCB, DCC, DCE, DK
 ethics, including financial CAA, CBB, DBD, DH
 hearings before hearing examiner BJCE, DFBB, DFD, DFFA, DFFB, DFFC
 hiring BJB, DC, DCA, DCB, DCC, DCE
 leaves and absences (*See* leaves and absences, employees)
 noncertified personnel DBA, DBAA, DCD, DCE, DF, DHC, DK, DP, DPB
 non-Chapter 21 contract DCE
 principals, qualifications/duties DP
 probationary contract DC, DCA, DFAA, DFAB, DFAC, DFE
 probationary status, return to DFAC
 qualifications/credentials DBA, DK, DPB, EHBD
 reassignment DK
 reduction in force DFF
 continuing contracts DFCA, DFFC
 financial exigency BJC, BJCG, CEA, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA
 program change DFFB
 resignation BJCG, DFE
 retirement BJCG, DEG
 sabbaticals DEC
 superintendent BJA
 supplemental duty DEAA, DK
 suspension DFAA, DFBA, DFCA
 term contract DC, DCB, DFBA, DFBB
 termination DF, DFA, DFAA, DFAB, DFAC, DFBA, DFBB, DFCA, DFD, DFFA, DFFB, DFFC
 professional services, purchasing CH, CV
 program change DFFB
 programs, special (*See* curriculum: special programs)
 prohibited weapons DH, FNCG, GKA
 promotion and retention, students EIE
 property
 board authority BAA
 care of school CLA, CLB, FNCB
 equipment (*See* equipment and supplies)
 federal awards CBB
 insurance CR, CRA
 intellectual property CY
 lease by the district CE, CHG, CX
 personal property
 disposal CI
 financing CHH
 purchases BAA, CCA, CH, CHG, CV
 prohibited use of resources CE
 real property
 acquisition BAA, CHG
 disposal of CDB, CDBA
 lease to others CDB, CX
 open meeting exception BEC
 revenue bonds from proceeds CDBA
 sale or exchange CDB

 substantial interest, conflict BBFA
 records GBA
 protected health information (PHI) CRD, DAB, FL, GBA
 psychological services/testing DP, EHBA, EHBAA, EHBAE, EHBH, FFAC, FFB, FFC, FFE, FFEB, FFG
 psychotropics FFAC, FFEB, FFG
 publications
 distribution CPAB, FMA, FNAA, GKDA
 news releases GBBA
 prior review/nonschool-sponsored FNAA, GKDA
 public complaints GF
 public education grant (PEG) program FDAA
 Public Education Information Management System (PEIMS) CBA
 public facilities corporations CDH
 Public Funds Investment Act CDA
 public gifts (*See* gifts)
 public hearings AF, AIB, AIC, CCG, CDB, CE, CFA, CKC, CQ, DEA, EFB, EHBC, EHBL, EL, ELA, GKA
 public information GBA, GBAA
 Public Information Chapter of Government Code GBA, GBAA
 public meetings AF, AIA, BDAA, BE, BED, BQA, BQB, CBB, CCA, CCG, CE, CFA, CH, CNC, CVA, DEA, DGBA, EA, FNG, GF
 public notices GC
 public official, defined BBFA, BBFB, DBE
 public participation at board meetings BE, BED
 Public Property Finance Act (PPFA) CCA, CHG, CHH
 public records GBA, GBAA
 public servant, defined BBFA, BBFB, DBD, DH
 purchasing
 authority CH, CV
 best value method CH, CV
 bids and proposals CH, CV, CVA, CVB
 bus purchase or lease CH, CNB
 computers CH
 construction CV, CVA, CVB, CVC, CVD, CVE, CVF
 cooperative purchasing agreements CBB, CH
 food CH, COA
 fuel CH
 lease-purchase agreement CHG, CL
 payment procedures CHF
 professional services CH, CV
 property (*See* property)
 purchase orders and contracts CH, CVF
 vendor conflict disclosure CHE

- Q -

qualifications
 board members BBA
 principal DP
 superintendent BJA
 teachers DBA, EHBD
 qualifying exigency for FMLA DECA
 questioning and searches DHE, FNF, GRA
 quorum, board meetings BBBB, BBE, BDB, BE

- R -

racial discrimination (See discrimination and harassment)
 raffles CDC, GKB
 reading academies DMA
 real property
 acquisition BAA, CHG
 disposal of CDB, CDBA
 lease to others CDB, CX
 open meeting exception BEC
 revenue bonds from proceeds CDBA
 sale or exchange CDB
 substantial interest, conflict BBFA
 reasonable absence control DEC
 reasonable assurance of employment CRF
 receiving equipment and supplies (See equipment and supplies)
 recognition and awards BBG, DJ, FG
 recommended high school program EIF
 records
 academic achievement record EI
 access by board members BBE
 copies FL, GBAA
 custodian of records CPC, FL, GBA
 generally GB, GBA, GBAA
 highly mobile students FFC
 law enforcement FL, GRAA
 microfilm CPC, FL, GB, GBAA
 records administrator defined and duties BBFA
 retention and destruction CPC, FL, GBAA
 student records FL
 transcripts and permanent record EI, EIA, EIF, FL
 transfer of cumulative records FL
 records management functions
 officer for public information CPC, GBA, GBAA
 public information coordinator BBD, CPC, GBAA
 records administrator BBFA, CHE, CPC
 records management officer CPC
 records management plan CPC
 recreational facilities bonds CCD
 recruitment of personnel BJB, DC
 recycling CH, CL
 redistricting BBB
 reduction in force
 financial exigency, due to BJC, BJCG, CEA, DFAA, DFBA, DFBB, DFCA, DFD, DFF, DFFA
 continuing contract DFCA, DFFC
 generally DFF
 not under contract DCD
 probationary contract DFAB
 program change, due to DFFB
 term contract DFF, DFFA, DFFB
 referenda, bond CCA
 regional service centers (See education service centers)
 regulations, administrative BP
 reimbursement for expenses BBG, BJCA, DEE
 reinvestment zones CCGB
 release time, personnel DMD
 releasing students from school FEB, FEE, FEF
 religion, study of DMA, EMI
 religious discrimination (See discrimination and harassment)
 Religious Freedom Restoration Act (RFRA) GA
 religious holy days, absence for DEAA, DEC, FEA, FEB, FEC
 religious matters, neutrality in EMI, FNA, GA
 Religious Viewpoint Antidiscrimination Act FNA

remedial instruction EHBC, EHDD, EIE
 removal
 board members, from office BBC
 individuals, from school premises BED, GKA
 students
 discipline removals (See discipline, student)
 by parents from class EF, EHA, EHAA
 rental (See leasing and renting)
 repairs
 buildings, grounds, and equipment CH, CLB, CV
 bus CNB
 renovations (See facilities)
 report cards
 campus AIB, BQB
 district AIB, BQA
 student EIA
 reports
 audit CFC
 board member information requests BBE
 board training BBD
 child abuse investigations GRA
 child abuse, neglect, and maltreatment FFG
 college credit program EHDD
 educator misconduct DHB, DHC, FFF
 financial BBFA, CAA, CDA, CFA
 fraud or financial impropriety CAA
 generally BR
 inventories CFB
 law enforcement GRAA
 leave (See leaves and absences, employees)
 limited English proficient students EHBE
 natural gas CS
 on-the-job injuries CRE
 PEIMS CBA
 performance, district and campus AIB
 records management CPC
 report card/progress reports EIA
 restraint reports, student FO
 safety and security audit CK
 SBEC, to DF, DFE, DHB
 special education students (See ARD committee)
 student attendance FEB
 student discipline FO, FOA, FOC
 student health screenings FFAA
 student immunization FFAB
 student physical fitness FFAA
 student progress EIA, EIE, EKC
 required instruction (See curriculum)
 residence requirements
 board members BBA, BBC
 elections BBB
 personnel DB
 student enrollment FD, FDA, FDB
 superintendent BJC
 resignations
 board members BBC, DBE
 contract personnel DFE
 personnel not under contract DFE
 superintendent BJCG
 restraint of students FO, FOF
 retaliation CAA, CRE, DAA, DG, DGBA, DH, DIA, FB, FFH, FFI, FNG, FOC, FOD, GF
 retention and destruction of records CPC, FL, GBAA
 retention of students EIE
 retirement
 benefits DEG
 incentives DEAA
 reemployment DC, DCA

TRS withholding CFEA
 payment for unused leave (*See leaves and absences, employees*)
 return to work CRE, DEC, DECA, DECB, DK
 revenue sources
 ad valorem taxes CCG, CCGA, CCGB
 athletic stadium authorities CCE
 bonds and bond taxes CCA, CCD
 certificates of indebtedness CCC
 federal CBB
 gate receipts CDG
 gifts and solicitations CDC
 investments CDA
 rentals and service charges CDD, GKD
 royalties CDF
 school-owned property CDB, CDBA
 shop sales CDE
 short-term notes CCF
 state CBA
 time warrants CCB
 risk management CK, CKA, CKB, CKC, CKD, CKE
 rodeo safety training FM
 Roth contribution programs CRG
 rules
 administrative BP
 discipline management FNC, FO
 employee conduct/code of ethics (*See conduct: personnel*)
 Robert's Rules of Order BE
 student code of conduct (*See discipline, student*)

- S -

sabbaticals DEC
 safe harbor (*See Fair Labor Standards Act*)
 safety program (*See security and safety*)
 salary
 incentives DEAA
 deductions/reductions CFEA, CRG, DEA, DFFA
 schedules DEA, DK
 sales (*See disposal*)
 Sarbanes-Oxley (*See financial ethics*)
 savings program, school-based EHAD
 SBEC (*See State Board for Educator Certification*)
 schedules
 annual calendar EB
 before/after-school activities FM, FNAB
 block EEC, EED, FM
 employee duty DK, DL
 meal repayment CO
 salary DEA
 school day EC
 transportation, student CNA
 year-round schools (*See extended instructional programs*)
 scholarships EI, EIC, FG
 school assemblies FNCL, GKA
 school attendance areas FC
 school attorney BDD
 school-based health centers FFAE
 school board (*See board of trustees*)
 school closing EB, CKC, DEA
 school-community guidance center FFC
 school day (*See schedules*)
 school facility planning and construction (*See facilities*)

school fairs FJ
 school health advisory council (SHAC) BDF, BQ, EFA, EHAA, FFA
 school holidays DED, EB
 school marshal CKE, CKEB, GBA
 school publications FMA
 school property, student care of FNCB
 school resource officer (SRO) CKE, CKEC, GKA
 school safety center (*See Texas School Safety Center*)
 school safety transfers FDE
 school supplies CMD, DBD, FP
 school volunteers FH, GKG
 school year EB
 screening
 dyslexia and related disorders EHB
 medical, student FFAA
 medical, employee DBB, DEC, DECA
 searches
 employees DHE
 metal detectors FNF, GKA
 police GRA
 students FNF
 telecommunications devices FNCE
 trained dogs FNF
 seclusion (*See restraint of students*)
 secondary instruction
 electives EHAD
 required EHAC
 secret societies FNCC
 Section 504 DAA, DIA, EHAB, EHAC, EHB, FB, FFH, FOF
 security and safety
 accident prevention CKB
 audit, safety and security BEC, CK, CKC
 bomb threat procedures CKC
 breach in electronic communication system CQB
 buildings and grounds CLB, CLC
 bus CNA
 closing of schools, emergency CKC
 committee CK
 criteria for building CS
 disturbances, disorders, or demonstrations CKC, FNCL, GKA
 emergency plans CKC
 eye-protective devices CKB
 fire drills and safety precautions CKC
 inspections CKA
 motor vehicle rules CLC, FFFD
 multihazard emergency operations plan CKC
 narcotics, dangerous drugs, or alcohol DH, DHE, FNCF, FNF, FOA, FOCA, FOD, FOE, FOF, GKA
 peace officers, marshals, and school resource officers CKE, CKEA, CKEB, CKEC
 playgrounds CS
 registered sex offenders FOE, GKC, GRAA
 safe schools FDE, FFF, FFFA, FFFB, FFFD, FFFF
 safety program CK, CKA, CKC, CKE
 safety-sensitive positions DHE
 safety rules CLA
 security personnel CKE, CKEA, CKEB, CKEC
 student transportation CNA
 threat assessment FFB
 trespassers GKA
 vandalism and burglary CLA, FNCB
 visitor identification CLA, GKC
 senior class activities FJ, FMD, FMG, FMH, FNCC
 service animals DAA, FBA
 service awards DJ

assistance and counseling programs EHBH, FFB,
 FFBA, FFC, FFE, FFEA, FFEB, FFG, FFH, FFI
 attendance FEA, FEB, FEC
 automobile use CLC, FFFD
 awards and scholarships EI, EIC, FG
 bicycle use FFFD
 bullying CQ, FFH, FFI
 care of school property FNCB
 child abuse/neglect BBD, BQ, DG, DGC, DH, DIA, DMA,
 FFEB, FFG, FFH, GRA
 clubs, gangs FNCC
 complaints FNG
 concussions FM
 conduct
 code of conduct FNC, FO
 extracurricular standards of behavior FM, FO
 generally FNC, FNCA, FNCB, FNCC, FNCD, FNCE,
 FNCF, FNCG, FNCH, FNCI, FO
 on buses FFFF, FO
 conferences, student/parent EIA
 consent by minor student (*See also* parental rights)
 FFAB, FFAC, FFEA
 contests and competitions FG, FM, FMF
 corporal punishment FO
 cyberbullying CQ, FFH, FFI
 detention FO
 discipline FO, FOA, FOB, FOC, FOCA, FOD, FODA,
 FOE, FOF
 dress and grooming FNCA
 drug testing, extracurricular activities FNF
 due process FNG, FOC, FOD, FOE, FOF
 early graduation EI, EIC, EIF, FMH
 elections FMB
 emergency placement FOE
 employment FEF
 equal educational opportunity EHBA, FB
 exchange students FD, FDA, EIF
 expulsion FO, FOD, FODA, FOF
 fees, fines, and charges FP
 foster care CNA, EHBAB, EHBAE, EHDC, EHDE, EI,
 FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
 gifts to personnel (*See* gifts)
 graduation
 assessments EKB
 early EIF, FMH
 endorsements EIF
 exercises FMH
 honor graduates EIC
 individual graduation committee (IGC) EIF, EKB
 of student in conservatorship of DFPS EIF
 prayer FMH, FNA
 ranking of graduates EIC
 requirements EIF
 special education students EIF, FMH
 handbook FN
 hazing FFI, FNCC, FOD
 health requirements/services FFA, FFAA, FFAB, FFAC,
 FFAD, FFAE, FFAF
 homeless CNA, EHBAB, EHBC, EHBD, EHDC, EI, FB,
 FD, FDC, FFAB, FFC
 immunizations FD, FDD, FFAB
 injury or sudden illness FFAC
 in residential facilities EEM, EHBA, EHBAC, FD
 in conservatorship of DFPS CNA, EHBAB, EHBAE,
 EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB,
 FFC, FFEA, FO
 insurance programs FFD
 questioning FNF, GRA

involvement in decision-making FNB
 leaving campus during day FEA, FEE, FEF
 married students FND
 mental health intervention BQ, DMA, FFB, FFEB
 nonresident FD, FDA
 organizations FM, FNAB, FNCC
 performances FME
 physical examinations FFAA, FFAE
 placement EIE, FD, FDD
 placement in alternative settings FOA, FOC, FOCA,
 FOE, FOF
 possession of telecommunications/electronic devices
 FNCE
 prayer EC, EMI, FMH, FN, FNA, FNAB
 pregnant students EHBC, FB, FED, FFAB, FFAC, FNE
 progress reports EIA
 promotion and retention EIE
 psychological services DP, EHBA, EHBAE, EHBAC,
 EHBH, FFAC, FFB, FFC, FFE, FFEB, FFG
 publications, school FMA
 records
 academic achievement record EI
 access by board members BBE
 access to FL
 challenging content of (hearing and appeal) FL
 custodian of FL
 directory information FL
 falsification FD
 highly mobile students FFC
 immunization FFAB
 notice to parents FL
 release for health or safety emergencies FFAC, FL
 release of information on more than one student FL
 release to juvenile service providers GRAC
 destruction BBBB, CPC, DBAA, FL, GB
 transcripts and permanent record EI, EIA, EIF, FL
 transfer of cumulative records FL
 relations with staff DH, DIA, FFH
 released time FEF
 removal from bus FOA
 removal, discipline FOA, FOB, FOC, FOD, FOE, FOF
 rights
 complaints FNG
 distribution of literature FNAA
 due process FNG, FOC, FOD, FOE, FOF
 freedom of speech/written expression FNA, FNAA
 minute of silence EC
 pregnant students FB, FNE
 publications, school- and nonschool-sponsored FMA,
 FNAA
 right to pray EC, FMH, FNA, FN, FNA, FNAB
 searches FNF
 special education EHBA, EHBAE, EHBAB, EHBAC,
 EHBAD, EHBAE
 safety FDE, FFF, FFFA, FFFB, FFFD, FFFF
 searches FNF
 schedules EEC, EED
 sexting FFF
 sexual abuse BBD, BQ, DG, DGC, DH, DIA, DMA,
 FFEB, FFG, FFH, GRA
 sexual harassment and discrimination DAA, DIA, FB,
 FFH, FNC
 smoking/tobacco use or possession BDF, DH, EHAA,
 FNCD, GKA, GKD
 social media CQ
 social services FDC, FFB, FFBA, FFC, FFE, FFEA,
 FFEB
 suicide prevention BQ, DMA, FFB, FFE, FFEB

- T -

student government FMB
 student parents EHBC, FFAB
 surveys EF
 suspension FM, FO, FOB
 transfers and withdrawals FD, FDA, FDAA, FDB, FDE, FFAB, FFC
 transportation services CNA, CNB
 tuition EHBG, FDA
 uniforms FNCA
 volunteers FH
 weapons DH, FNCG, GKA
 welfare FF, FFA, FFAA, FFAB, FFAC, FFAD, FFAE, FFAF, FFB, FFBA, FFC, FFD, FFE, FFEA, FFEB, FFF, FFFA, FFFB, FFFD, FFFF, FFG, FFH, FFI
 with disabilities (*See* special education *and* Section 504)
 withdrawals FD, FEA
 Student Success Initiative (SSI) EIE
 student teachers DBAA, EHAA, GNC
 subpoenas, personnel DEC
 substance abuse DH, DHE, DMA, EHAA, FFEB, FNCF
 substitute care CNA, EHBAB, EHBAE, EHDC, EHDE, EI, FD, FEA, FEB, FED, FFAB, FFC, FFEA, FO
 substitute teaching DPB
 substitutes, parent notification DBA, DK, DPB
 suicide prevention BQ, DMA, FFB, FFE, FFEB
 summer lunch program COB
 summer program EHBC, EHBE, EHDA, FD, FEA, FO, FOCA, FP
 sunscreen FFAC
 superintendent (*See also* professional personnel)
 appointment BJB
 compensation and benefits BJCA
 consulting BJCC
 contract BJC
 development opportunities BJCB
 evaluation BJCD
 expense reimbursement BJCA
 nonrenewal BJCF
 qualifications and duties BJA
 recruitment BJB
 resignation/retirement BJCG
 severance BJCE
 termination/nonrenewal BJCE, BJCF
 supplemental duties DEAA, DK
 supplementary materials selection and adoption EF, EFA
 support staff (*See also* personnel)
 dismissal DCD, DCE
 evaluation DN
 hiring DC, DCD, DCE
 suspension DCD
 termination of employment DCD, DCE
 surety bonds BDAE
 surplus property
 personal CI
 real CDB, CDBA
 surrogate parents EHBAE
 surveys of students EF
 suspension
 of employees
 back pay DFBA
 under continuing contract DFCA
 not under contract DCD
 under probationary contract DFCA
 under term contract DFBA
 with or without pay DFCA, DFBA, DFCA
 of policies BF
 of students (*See* discipline, student)
 tardiness FEC
 task forces, community GK
 tax
 abatement CCGB
 ad valorem CCG, CCGA, CCGB
 assessor/collector CCG
 delinquent CCF, CCGA, CCH
 depository BBFA, BBFB, BDAE
 exemptions CCGA
 tax-sheltered annuities CRG
 TEA (*See* Texas Education Agency, relations with)
 Teach for Texas Grant FFEA
 teacher aides (paraprofessionals) DBA, EHBG
 teacher appraisal DNA
 teacher associations DGA, DGB
 teacher contracts DC, DCA, DCB, DCC, DCE
 Teacher Protection Act of 2001 BBE, DGC
 Teacher Retirement System (TRS) CFEA, CRD, DC, DEA, DH, EL, GBA
 teacher-student ratios EEB, EEM, EHAA, EHBD, EHBE, EHBG, EIE, FOCA
 teaching permit, district-issued DBA
 team building BBD, BJCB
 technology BBI, CQ, CY, DH, EFB
 TEKS (Texas Essential Knowledge and Skills) (*See* curriculum)
 telecommunications devices FNCE
 temporary disability leave (*See* leaves and absences, employees)
 temporary and part-time employment CRD, DEC, DPB
 term contracts
 employment practices DC, DCB
 nonrenewal BJCF, DFBB, DFFB, DFD
 reduction in force DFF, DFFA, DFFB
 resignation DFE
 return to probationary status DFAC
 suspension/termination during year DFBA
 termination, personnel DCD, DCE, DF, DFA, DFCA, DFAB, DFAC, DFBA, DFBB, DFCA, DFD, DFFA, DFFB, DFFC
 tests
 credit by examination EHDB, EHDC
 dyslexia EHB
 exams for acceleration EHDC
 generally EIE, EK, EKB, EKBA, EKC, EKD
 parental review EF, EKB, FNG
 Texas Economic Development Act CCGB
 Texas Education Agency (TEA), relations with GND
 Texas Juvenile Justice Department (TJJJD) EEM, EHBL, FD, FFG, FOCA, FODA
 Texas Open Meetings Act (TOMA) (*See* board meetings)
 Texas Principal Evaluation and Support System (T-PESS) DNB
 Texas School Safety Center CK, CKC, FFB, FFF
 Texas Teacher Evaluation and Support System (T-TESS) DNA
 Texas Virtual School Network (TXVSN) EHDE
 textbooks (*See* instructional materials)
 threat assessment FFB
 ticket sales CDG, CFD
 time warrants CCB
 Title I, Elementary and Secondary Education Act AIB, AID, BQ, CJ, DBA, DC, EHBC, EHBD, EHBE, EKB
 Title V FOC

Title VII DAA, DIA
 Title IX (See discrimination and harassment)
 TJJD (See Texas Juvenile Justice Department)
 tobacco use/prohibition BDF, DH, EHAA, FNCD, GKA, GKD
 TOMA (Texas Open Meetings Act) (See board meetings)
 top ten percent EIC
 tornado warnings CKC
 tournaments (See extracurricular activities)
 T-PESS (See Texas Principal Evaluation and Support System)
 trademarks CY
 traffic and parking controls CLC, FFFD
 training
 appraisals BJCD, DNA, DNB
 asbestos standards CKA
 board of managers AIC
 board member BBD
 coordinated health program EHAA
 CPR and first aid DBA, EHAC
 crisis intervention FFB
 cybersecurity CQB
 dating violence FFH
 diabetes care assistant FFAF
 DAEP personnel FOCA
 dyslexia EHB
 emergency operations CKC, CNC
 foster and surrogate parents EHBAE
 gifted and talented EHBB
 hazardous chemicals DI
 homeless liaison FFC
 identifying and reporting abuse BJCB
 instructional materials CMD
 investment responsibilities CDA
 Job Corps FEA
 juvenile case manager FED
 language proficiency assessment committee EHBE
 medication administration FFAC
 mental health first aid DGC
 mentor teachers DEAA
 pest control CLB
 prekindergarten teacher EHBG
 principal appraisal BJCD, DNB
 public information coordinator GBAA
 restraint, use of FOF
 safety CK, CNC, DH, DMA, FM, GKC
 school nutrition program director CO
 security personnel CKE, CKEA, CKEB
 special education FOF
 staff development DMA
 student records FL
 test security EKB
 Title IX DIA, FFH
 trauma-informed care FFBA
 traumatic injury response protocols CKD
 transcripts and permanent records EI, EIA, EIF, FL
 transfer
 at-risk students FDAA
 criteria FDA, FDAA, FDB
 cumulative records FL
 due to bullying FDB
 expelled students FD, FOD
 homeschool transfers FDA, FEA
 interdistrict FDA
 intradistrict FDB
 of leave (See leaves and absences, employees)
 from low-performing schools FDAA
 personnel DK
 petition, students FDAA, FDB

revocation of transfer FDA
 school safety FDE
 tuition EHBG, FDA
 transition assistance
 exiting DAEP FOCA
 highly mobile students FFC
 transportation
 bus driver credentials DBA, DBAA, DBB, DBE, DHE
 career and technology programs CNA
 emergency bus evacuation training CNC
 bus maintenance CNB, CNBA
 contract with public companies CNA
 eligible students CNA
 extracurricular and school activities CNA, FMF, FMG
 hazardous routes CNA
 safety of students CNC
 special use of school buses CNB
 state reimbursement CNA
 student conduct on buses FO
 students with disabilities CNA, CNB
 students in foster care CNA
 students who are homeless CNA
 walking transportation programs CNA
 trauma-informed care FFBA
 travel and trips
 expense reimbursement BBG, BJCA, DEE
 field trips CNC, FNG, FMG
 professional DMC, DMD
 student FMG
 study program EHBM
 UIL travel FMF
 use of district vehicles CNB
 trespassing GKA
 trips (See travel)
 truancy
 generally FEA, FED
 prevention facilitator FED
 prevention measures FED
 T-TESS (See Texas Teacher Evaluation and Support System)
 tuition
 exemption
 for employees' children FDA
 for foreign students FD
 nonresident students FDA
 prekindergarten students EHBG
 prohibitions FDAA, FDD
 waiver FDA, FFC, FP
 tutorial program EHBC
 tutoring for pay DBD
 TXVSN (See Texas Virtual School Network)

- U -

UDCA (Unlicensed Diabetes Care Assistant) FFAF
 UIL (University Interscholastic League) FM, FMF
 unaccompanied youth FFC, FDC
 unauthorized person on school property CLA, GKA, GKC
 uncertified teachers DBA, DK, DPB
 unemployment insurance CRF
 unexpired term, board members BBC
 uniforms FNCA
 unions, staff membership in DGA, DGB
 universities GNC

unsafe schools FDE
use of school facilities GKB, GKD

- W -

- V -

vacancies
 board member BBC
 school personnel DC
vacations and holidays
 personnel DED
 religious holidays DEC, FEA, FEB
 school vacations EB
vaccinations FFAB
valedictorian/salutatorian awards EIC
vandalism CLA, FNCB
vehicle identification insignia CI, CLC
vehicle operation and parking control CNA, CNB, CLC, FFFD
vending machines CFD, COC, FFA
vendor relations GKC
veterans CCGA, DECB, EIF, FDD, FEA, FFEA, FP, GBA
videoconference call (board meetings) BE
videotaping/monitoring
 board meetings BE, GBBA
 conduct on school buses, in buildings FO
 special education EHBAF
 students, with parental consent FL
 students, without parental consent EHA, FM, FL, FO
Virginia Graeme Baker Pool and Spa Safety Act CL
virtual school network (See Texas Virtual School Network)
vision statement, district AE
visitors
 board members BBE
 generally GKC
 law enforcement and other agencies GRA
 registered sex offenders GKC
 right to eject CLA, GKA
visual materials, depiction of minors FFF
volunteers
 authorized to administer epinephrine auto injectors FFAC
 bloodborne pathogen exposure control testing DBB
 criminal history record check GKG
 emergency services personnel GKA, GRC
 immunity from liability FFAC, GKG, GRAA
 prohibition on secluding or applying aversive techniques to students FO
 school volunteer program GKG
 student volunteers FH
 training on automated external defibrillators DMA
 volunteer medical services FFAC
voter registrar AC, BBB, BBBA, CCA, CCG, DP
voting
 abstention from BBFA
 at board meetings BE
 early BBBA
 election of board officers BDAA

wages CV, DEA, DEAB
waivers
 fees FP
 insurance FFD
 planning BQA, BQB
 policy BF
walkers and riders, bus CNA
warehousing CMA
warning systems CKC
warrants, money CCB
warrants for student arrest GRA
weapons DH, FNCG, GKA
website postings CQA
weighted grades EIC
welfare authorities relations GRA
welfare, employee DI
welfare, student FF, FFA, FFAA, FFAB, FFAC, FFAD, FFAE, FFAF, FFB, FFBA, FFC, FFD, FFE, FFEA, FFEB, FFF, FFFA, FFFB, FFFD, FFFF, FFG, FFH, FFI
wellness BDF, EHAA, FFA
whistleblower complaints DG, DGBA
withdrawal, student FD, FEA
witnesses in expulsion hearings FOD
work calendars DEA, DK
workers' compensation
 coordination with paid leave benefits CRE, DEC
 indefinite absence CRE
 required for construction contractor CV
work load DL
work schedules DK
workshops, board members BBH
work strikes/stoppages DGA
work-study employment EHAD
written expression, student FMA, FNA, FNAA

- X - Y - Z -

yearbooks FMA
year-round schools (See extended instructional programs)
zoning authorities relations GRA

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-Warning or Accredited-Probation;
2. Accredited-Warning. Accredited-Warning 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

ACCOUNTABILITY
ACCREDITATION AND PERFORMANCE INDICATORS

AIA
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- 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 sta-

tus, the implications of such status, and the steps the district is taking 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**

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 performance 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. A reference in law to an acceptable rating or acceptable performance includes an overall or domain performance rating of A, B, C, or D or exemplary, recognized, or acceptable performance, or performance that needs improvement.

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 performance ratings of each district and campus shall be made publicly available as provided by rules adopted by the commissioner.

Education Code 39.054(a), (a-3), (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. <i>19 TAC 97.1003(b)(4)</i>
<i>Plan Components</i>	<p>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. <i>19 TAC 97.1003(b)(1)</i></p> <p>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 ten components weighted between 5 percent and 60 percent. <i>19 TAC 97.1003(c)</i></p> <p>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). <i>19 TAC 97.1003(d)</i></p> <p>Each plan component measure must meet standards for reliability and validity as required by 19 Administrative Code 97.1003(e)(1)–(3). <i>19 TAC 97.1003(e)</i></p>
Campuses without STAAR or State Ratings	<p>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.</p> <p>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.</p> <p><i>19 TAC 97.1003(b)(3)</i></p>
Campus Performance Ratings	<p>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 perfor-</p>

mance 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 local accountability plan component, domain, and overall scaled scores and ratings to TEA by the first week of July of the applicable accountability year.

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 select 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). *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 attainment 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

ACCOUNTABILITY
PERFORMANCE REPORTING

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**District Annual
Report**

The board shall publish an annual report describing the educational performance of the district and of each campus in the district that includes uniform student performance and descriptive information as determined under rules adopted by the commissioner of education. *Education Code 39.306(a)*

Texas Academic
Performance Report
(TAPR)

The performance report provided by the Texas Education Agency (TEA) under Education Code 39.306 shall be termed the Texas Academic Performance Report (TAPR). The intent of the TAPR is to inform the public about the educational performance of the district and of each campus in the district in relation to the district, the state, and a comparable group of schools. The TAPR will present the campus performance information as well as the student, staff, and financial information required by statute. It will also include any explanations and additional information deemed appropriate to the intent of the report.

The district may not alter the report provided by TEA. However, the district may concurrently provide additional information to the public that supplements or explains information in the TAPR.

19 TAC 61.1022(a)–(b), (e); Education Code 39.306(d)

Other Annual
Report Information

The annual report must also include:

1. Campus performance objectives established under Education Code 11.253 and the progress of each campus toward those objectives, which shall be available to the public;
2. Information indicating the district's accreditation status and identifying each district campus awarded a distinction designation or considered an unacceptable campus under Education Code Chapter 39A;
3. The district's current special education compliance status with the agency;
4. A statement of the number, rate, and type of violent or criminal incidents that occurred on each district campus, to the extent permitted under the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g);
5. Information concerning school violence prevention and violence intervention policies and procedures that the district is using to protect students;
6. The findings that result from evaluations conducted under the Safe and Drug-Free Schools and Communities Act of 1994 (20 U.S.C. 7101 et seq.);

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and
8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

The report must include a statement of the amount, if any, of the district's unencumbered surplus fund balance as of the last day of the preceding fiscal year and the percentage of the preceding year's budget that the surplus represents. *Education Code 39.306(g)*

The report must also include the number of school counselors providing counseling services at each campus. *Education Code 39.306(d-1)*

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;
2. Financial information, including revenues and expenditures;
3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;
4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and
5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

Supplemental information to be included in the reports shall be determined by the board. *Education Code 39.306(b)*

Public Hearing

The board shall hold a hearing for public discussion of the report. The board shall give notice of the hearing to property owners in the district and parents of and other persons standing in parental relation to a district student. The notice of hearing must include notice to a newspaper of general circulation in the district and notice to electronic media serving the district. *Education Code 39.306(c)*

	<p>A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. <i>19 TAC 61.1022(c)</i></p>
Publication	<p>The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. <i>19 TAC 61.1022(d)</i></p> <p>The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. <i>Education Code 39.306(c); 19 TAC 61.1022(f)</i></p>
Report Uses	<p>The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. <i>Education Code 39.307</i></p>
Campus Performance Report	<p>Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.</p>
Distribution	<p>The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.</p> <p>The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.</p> <p>The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.</p> <p><i>Education Code 39.305; 19 TAC 61.1021</i></p>

Website Notices

Not later than the tenth day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

1. The information in the most recent campus report card for each campus in the district;
2. The information contained in the most recent performance report for the district;
3. The most recent accreditation status and performance rating of the district; and
4. A definition and explanation of each accreditation status, based on commissioner rule.

Education Code 39.362

Student Performance Report

Each year, TEA shall report to a district whether each student fell below, met, or exceeded the necessary target for improvement necessary to be prepared to perform satisfactorily on, as applicable, the grade five assessments, the grade eight assessments, and the end-of-course assessments required for graduation. *Education Code 39.034, .302*

Notice to Parents

The district a student attends shall provide a record of the annual improvement information from TEA in a written notice to the student's parent or other person standing in parental relationship. If a student failed to perform satisfactorily on a state assessment, the district shall include in the notice specific information relating to access to online educational resources at the appropriate assessment instrument content level, including educational resources and assessment instrument questions and released answers. *Education Code 39.303*

Notice to Teachers and Students

A district shall prepare a report of the annual improvement information and provide the report at the beginning of the school year to:

1. Each teacher for all students, including incoming students, who took a state assessment; and
2. All students who were provided instruction by that teacher in the subject for which the assessment instrument was administered.

The report shall indicate whether the student performed satisfactorily or, if the student did not perform satisfactorily, whether the student met the standard for annual improvement.

Education Code 39.304

**Quality of Learning
Indicators**

The commissioner shall also adopt indicators of the quality of learning for the purpose of preparing performance reports. Performance on the indicators shall be evaluated in the same manner provided for evaluation of the achievement indicators under Education Code 39.053(c) [see Achievement Indicators, AIA].

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the percentage of students promoted through the grade placement committee process; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the school year following that promotion on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;
11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and
12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301

**Results Driven
Accountability (RDA)**

In accordance with Education Code 7.028(a), the purpose of the Results Driven Accountability (RDA) framework is to evaluate and report annually on the performance of districts for certain populations of students included in selected program areas. The performance of a district is included on the RDA report through indicators of student performance and program effectiveness and corresponding performance levels established by the commissioner. 19 TAC 97.1005; Education Code 7.028(a)

Federal Report Card

A district that receives Title I funding shall prepare and disseminate an annual federal report card that includes information on the district as a whole and each school within the district.

Implementation

The federal report card shall be concise; presented in an understandable and uniform format, and to the extent practicable, in a language that parents can understand; and accessible to the public, which shall include placing the report card on the district's website. If the district does not operate a website, the information in the report card must be provided to the public in another manner determined by the district.

Minimum
Requirements

The federal report card shall include the information required in the annual state report card described at 20 U.S.C. 6311(h)(1)(C), as applied to the district and each school served by the district, including:

1. In the case of the district, information that shows how students served by the district achieved on state academic assessments compared to students in the state as a whole;
2. In the case of a school, information that shows how the school's students' achievement on state academic assessments compared to students served by the district and the state as a whole; and

3. Any other information that the district determines is appropriate and will best provide parents, students, and other members of the public with information regarding the progress of each public school served by the district, whether or not such information is included in the annual state report card.

20 U.S.C. 6311(h)(2)

**District Data on
Academic
Achievement**

On request by the board, TEA shall create a website that members of the board may use to review campus and district academic achievement data. The website must also be made available to campuses in a similar manner that access is provided to the board.

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:
 - a. Student academic achievement and growth;
 - b. Teacher and student attendance; and
 - c. Student discipline records; and
2. Be updated at least once each quarter of the school year.

The commissioner shall provide information that permits a board member to compare the district's academic performance with the academic performance of other districts of similar size and racial and economic demographics.

A district must provide requested information to the commissioner for the creation of the website. Confidential information received by the commissioner remains confidential. The commissioner shall design the website to ensure that public information is made available to the public, and information submitted by districts noted as confidential is not made available to the public.

A request for public information under this provision shall be submitted to the district that provides the agency with the information. TEA may not release information submitted by a district that is noted as confidential information.

Education Code 11.1516

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ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

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ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

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**Interventions and
Sanctions for School
Districts**

Grounds for
Commissioner
Action

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:

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 accreditation investigation under Education Code 39.057.

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;

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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; or
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.

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 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.

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, 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. *19 TAC 97.1057(d); Education Code 39A.006(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:

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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

**Campus Intervention
Team and Targeted
Improvement Plan**

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:

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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; or
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.

Education Code 39A.051

Texas
Accountability
Intervention System

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)–(c), (e)–(i)

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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(d).

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

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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(d)(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.

	<p>The notice must include the date, time, and place of the meeting. <i>Education Code 39A.056</i></p> <p>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. <i>19 TAC 97.1061(d)(3)(A)(2)</i></p>
Public Hearing	<p>After a targeted improvement plan or an updated targeted improvement plan is submitted to the board, the board shall conduct a hearing to:</p> <ol style="list-style-type: none">1. Notify the public of:<ol style="list-style-type: none">a. The insufficient performance of the campus;b. The improvements in performance expected by TEA; andc. The intervention measures or sanctions that may be imposed under Education Code, Chapter 39A if the performance does not improve within a designated period; and2. Solicit public comment on the targeted improvement plan or updated targeted improvement plan. <p>The board must post the targeted improvement plan on the district's internet website before the hearing.</p> <p>The board may conduct one hearing relating to one or more campuses subject to a targeted improvement plan or an updated targeted improvement plan.</p> <p><i>Education Code 39A.057</i></p>
Submission to Commissioner	<p>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. <i>Education Code 39A.058</i></p>
Executing Plan	<p>In executing the targeted improvement plan, the campus intervention team shall, if appropriate:</p> <ol style="list-style-type: none">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;

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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

Needs Improvement
Rating

If a district or campus is assigned an overall or domain performance rating of D:

1. The commissioner shall order the district or campus to develop and implement a targeted improvement plan approved by the board; and
2. The interventions and sanctions provided by Education Code, Chapter 39A based on failure to satisfy performance standards under Education Code 39.054(e) apply to the district or campus only as provided below.

The interventions and sanctions based on failure to satisfy performance standards under Education Code 39.054(e) apply to a district or campus ordered to develop and implement a targeted improvement plan if the district or campus is assigned:

1. An overall or domain performance rating of F; or
2. An overall performance rating of D as provided below.

If a district or campus is assigned an overall performance rating of D for a school year after the district or campus is ordered to develop and implement a targeted improvement plan, the commissioner shall implement interventions and sanctions that apply to an unacceptable campus and those interventions and sanctions shall

continue for each consecutive school year thereafter in which the campus is assigned an overall performance rating of D.

Education Code 39A.0545

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 or an updated targeted 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;

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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

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.

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)–(k)

Required Contents

A campus turnaround plan must include:

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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)]

ACE Turnaround
Plan

A campus may submit an accelerated campus excellence (ACE) turnaround plan. The plan must provide:

1. The assignment of a principal to the campus who has demonstrated a history of improvement in student academic growth at campuses in which the principal has previously worked;
2. That the principal has final authority over personnel decisions at the campus;

3. That at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:
 - a. For a teacher who taught in the district during the previous school year:
 - (1) The teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district; and
 - (2) An evaluation of the teacher based on classroom observation; and
 - b. For a teacher who did not teach in the district during the previous school year, data and other evidence indicating that if the teacher had taught in the district during the previous school year, the teacher would have performed in the top half of teachers in the district;
4. A detailed description of the employment and compensation structures for the principal and classroom teachers, which must include significant incentives for a high-performing principal or teacher to remain at the campus and a three-year commitment by the district to continue incentives for the principal and teachers;
5. Policies and procedures for the implementation of best practices at the campus, including:
 - a. Data-driven instructional practices;
 - b. A system of observation of and feedback for classroom teachers;
 - c. Positive student culture on the campus;
 - d. Family and community engagement, including partnerships with parent and community groups;
 - e. Extended learning opportunities for students, which may include service or workforce learning opportunities; and
 - f. Providing student services before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus; and

6. Assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan.

Education Code 39A.105(b)

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.

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.

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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

Implementation

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

Change in Campus
Performance Rating

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.

Education Code 39A.110

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Continued
Unacceptable
Performance Rating

If a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan, 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; 19 TAC 97.1065(a)(2)

*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:

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- (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 trans-
portation to the other campus.

The commissioner may grant an exemption allowing students as-
signed 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 ma-
jority of grade levels not served at the original campus.

*Enrollment
Provision in
Contract*

A contract approved by the school board with a nonprofit organiza-
tion 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

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. *Educa-
tion Code 39A.114*

Commissioner
Authority

A decision by the commissioner under the campus turnaround plan
subchapter of the Education Code is final and may not be ap-
pealed. *Education Code 39A.116*

**Alternative
Management**

The commissioner shall appoint a monitor, conservator, manage-
ment team, or board of managers whenever such action is re-
quired, as determined by 19 Administrative Code 1073. Action un-
der any other section of 19 Administrative Code Chapter 97,
Subchapter EE is not a prerequisite to acting under this section. *19
TAC 97.1073*

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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

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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 the Texas Open Meetings Act and Public Information Act; and

2. Any requirement in the Texas 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

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

Education Code 39A.201

Board of Managers
of District

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

Board of Managers
of Campus

If the commissioner appoints a board of managers to govern a campus:

1. The powers of the board of trustees of the school district in relation to the campus are suspended for the period of the appointment; and
2. The commissioner shall appoint a campus principal.

A board of managers appointed to govern a campus may submit to the commissioner for approval amendments to the budget of the school district for the benefit of the campus. If the commissioner approves the amendments, the board of trustees of the school district shall adopt the amendments.

Education Code 39A.203

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Composition of Board of Managers	<p>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. <i>Education Code 39A.204</i></p>
Training of Board of Managers	<p>The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. <i>Education Code 39A.205</i></p> <p>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. <i>19 TAC 97.1073(h)</i></p>
Compensation	<p>The commissioner may authorize payment of a board of managers from TEA funds.</p> <p>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.</p> <p><i>Education Code 39A.206</i></p>
Replacement of Member of Board of Managers	<p>The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. <i>Education Code 39A.207</i></p>
Expiration of Appointment	<p>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.</p> <p>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.</p> <p>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</p>

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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**

A district that challenges the commissioner's decision to close the district or a campus or to pursue alternative management of a campus must appeal the decision as provided below.

Review of
Sanctions by SOAH

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

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)

**Special
Accreditation
Investigations**

The commissioner may authorize a special accreditation 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 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. 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;

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16. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers; or
17. As the commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

TEA shall adopt written procedures for conducting special accreditation 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 39.058(a); 19 TAC 102.1401*

Commissioner
Action

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

1. Take appropriate action under Education Code Chapter 39A, [see Interventions and Sanctions for School Districts, above];
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.

Regardless of whether the commissioner lowers the accreditation status or a district's or campus's performance rating, the commissioner may impose one of the district- or campus-level interventions or sanctions under Education Code 39A.002 [see Interventions and Sanctions for School Districts, above].

Education Code 39.057(d), (e)

**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

Monitoring Reviews
and On-Site
Investigations

Except as provided by Education Code 7.028(a), the commissioner may direct TEA to conduct monitoring reviews and random on-site visits of a district at any time, as authorized by Education Code 7.028, only as necessary to ensure:

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

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

Education Code 7.028

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)*

*Accreditation
Investigation*

The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. *Education Code 39.056(h)*

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<i>Improvements</i>	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. <i>Education Code 39.056(e)–(f)</i>
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. <i>Education Code 39A.904</i>
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. <i>Education Code 39A.905</i>
Transitional Interventions and Sanctions	<p>For a campus that received an unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by Chapter 39 as that chapter existed on January 1, 2015, to the campus.</p> <p>If a campus receives an unacceptable performance rating for the 2016–17 and 2017–18 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law.</p> <p>For a campus that received an acceptable performance rating for the 2013–14 school year and an unacceptable performance rating for the 2014–15 and 2015–16 school years, the commissioner shall apply interventions and sanctions in current law to the campus. If the campus receives an unacceptable performance rating for the 2016–17, 2017–18, and 2018–19 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law.</p> <p>These transition provisions expire September 1, 2020.</p> <p><i>Education Code 39A.906</i></p>
Special Program Performance: Intervention Stages	The commissioner shall assign a district to an intervention stage based on performance levels under 19 Administrative Code 97.1005 (Results Driven Accountability) [see AIB] according to the criteria and requirements in 19 Administrative Code 97.1071.

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Intervention actions taken under this section are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1005 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

19 TAC 97.1071

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
EOP

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.

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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. *Education Code 11.0511*

A board may act only by majority vote of the members present at a meeting held in compliance with Government Code Chapter 551, at which a quorum of the board is present and voting. A majority vote is generally determined from a majority of those present and voting, excluding abstentions, assuming a quorum is present. *Education Code 11.051(a-1); Atty. Gen. Op. GA-689 (2009)*

Definitions

Meeting

“Meeting” means a deliberation among a quorum of a board, or between a quorum of the board and another person, during which public business or public policy over which the board has supervision or control is discussed or considered, or during which the board takes formal action. “Meeting” also means a gathering:

1. That is conducted by a board or for which a board is responsible;
2. At which a quorum of members of a board is present;
3. That has been called by a board; and
4. At which board members receive information from, give information to, ask questions of, or receive questions from any third person, including an employee of a district, about the public business or public policy over which the board has supervision or control.

Gov’t Code 551.001(4)

A communication or exchange of information between board members about public business or public policy over which the board has supervision or control does not constitute a meeting or deliberation for purposes of the Texas Open Meetings Act if the communication is posted to an online message board or similar internet application in compliance with Government Code 551.006. *Gov’t Code 551.006 [See BBI]*

Deliberation

“Deliberation” means a verbal or written exchange between a quorum of a board, or between a quorum of a board and another person, concerning an issue within the jurisdiction of the board. *Gov’t Code 551.001(2)*

Recording

“Recording” means a tangible medium on which audio or a combination of audio and video is recorded, including a disc, tape, wire, film, electronic storage drive, or other medium now existing or later developed. *Gov’t Code 551.001(7)*

Videoconference
Call

“Videoconference call” means a communication conducted between two or more persons in which one or more of the partici-

pants communicate with the other participants through duplex audio and video signals transmitted over a telephone network, a data network, or the internet. *Gov't Code 551.001(8)*

**Social Function,
Convention, or
Candidate Event**

The term "meeting" does not include the gathering of a quorum of a board at a social function unrelated to the public business that is conducted by the board, the attendance by a quorum of the board at a regional, state, or national convention or workshop, ceremonial event, or press conference, or the attendance by a quorum of a board at a candidate forum, appearance, or debate to inform the electorate, if formal action is not taken and any discussion of public business is incidental to the social function, convention, workshop, ceremonial event, press conference, forum, appearance, or debate. *Gov't Code 551.001(4)*

**Legislative
Committee or
Agency Meeting**

The attendance by a quorum of a board at a meeting of a committee or agency of the legislature is not considered to be a meeting of a board if the deliberations at the meeting by the board members consist only of publicly testifying, publicly commenting, and publicly responding to a question asked by a member of the legislative committee or agency. *Gov't Code 551.0035(b)*

**Superintendent
Participation**

A board shall provide a superintendent an opportunity to present at a meeting an oral or written recommendation to the board on any item that is voted on by the board at the meeting. *Education Code 11.051(a-1)*

Open to Public

Every meeting of a board shall be open to the public. A board may, however, exclude a witness from a hearing during the examination of another witness in a matter being investigated and may enter into a closed meeting, as provided by law. *Gov't Code 551.002, .084, Ch. 551, Subch. D* [See BDB and BEC]

Parental Access

A parent, as defined in Education Code 26.002, is entitled to complete access to any meeting of a board, other than a closed meeting held in compliance with the Open Meetings Act. *Education Code 26.007(a)*

Recording

All or any part of an open meeting may be recorded by any person in attendance by means of a recorder, video camera, or any other means of aural or visual reproduction. A board may adopt reasonable rules to maintain order at a meeting, including rules related to the location of recording equipment and the manner in which the recording is conducted. These rules shall not prevent or unreasonably impair a person from exercising the right to record a meeting that is open to the public. *Gov't Code 551.023*

Minutes

A board shall prepare and keep minutes or make a recording of each open meeting. The minutes shall state the subject matter of

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each deliberation and indicate each vote, order, decision, or other action taken. *Gov't Code 551.021*

Board Member
Attendance

The minutes or recording, as applicable, of a regular or special meeting of a board must reflect each member's attendance at or absence from the meeting. *Education Code 11.0621*

Availability

The minutes and recording are public records and shall be available for public inspection and copying on request to a superintendent or designee. *Gov't Code 551.022; Education Code 11.0621*

Note: For website posting requirements regarding the record of a board meeting, see CQA.

Notice Required

A board shall give written notice of the date, hour, place, and subject(s) of each meeting it holds. *Gov't Code 551.041*

Continued Meeting

If a board recesses an open meeting to the following regular business day, the board is not required to post notice of the continued meeting if the action is taken in good faith and not to circumvent Government Code Chapter 551. If an open meeting is continued to the following regular business day and, on that following day, a board continues the meeting to another day, the board must give the required written notice of the meeting continued to that other day. *Gov't Code 551.0411(a)*

**Inquiry During
Meeting**

If a member of the public or of a board inquires at a meeting about a subject for which notice has not been given, the notice provisions do not apply to a statement of specific factual information given in response to the inquiry or a recitation of existing policy in response to the inquiry. Any deliberation of or decision about the subject of the inquiry shall be limited to a proposal to place the subject on the agenda of a subsequent meeting. *Gov't Code 551.042*

Location

A board must hold each public meeting within the boundaries of the district, except:

1. As otherwise required by law; or
2. To hold a joint meeting with another district or with another governmental entity if the boundaries of the governmental entity are in whole or in part within the boundaries of the district.

Education Code 26.007(b)

**Time of Notice and
Accessibility**

Notice of a board meeting shall be posted on a bulletin board at a place convenient to the public in the central administration office for at least 72 hours before the scheduled time of the meeting. That notice or a notice posted at another board-designated place shall at all times be readily accessible to the public for at least 72 hours

before the scheduled time of the meeting. *Gov't Code 551.043(a), .051; City of San Antonio v. Fourth Court of Appeals, 820 S.W. 2d 762 (Tex. 1991)*

If a district is required to post notice of a meeting on the internet, the district satisfies the requirement that the notice must be posted in a place readily accessible to the general public at all times by making a good-faith attempt to continuously post the notice on the internet during the prescribed period.

A district must still comply with the duty to physically post the notice in the central administration office and if the district makes a good-faith attempt to continuously post the notice on the internet during the prescribed period, the physically posted notice must be readily accessible to the general public during normal business hours.

Gov't Code 551.043(b)

Internet Posting

If a district maintains an internet website, in addition to the other place at which notice is required to be posted, a board must also concurrently post notice of a meeting on the internet website.

A district that contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more must also, concurrently with the notice, post on the district's internet website the agenda for a board meeting, if the agenda differs from the posted notice.

The validity of a posting of a district that made a good-faith attempt to comply with the internet posting requirements is not affected by a failure to comply that is due to a technical problem beyond the control of the district.

Gov't Code 551.056 [See CQA for website posting requirements regarding notice of board meetings.]

Specificity of Agenda / Notice

Agendas for all meetings shall be sufficiently specific to inform the public of the subjects to be deliberated at the meeting, setting out any special or unusual matters to be considered or any matter in which the public has a particular interest. Deliberations or actions pertaining to a superintendent and principals are of particular public interest, and notice of those subjects must be worded with such clarity that the public will understand what a board proposes to discuss or accomplish. *Cox Enterprises, Inc. v. Austin Indep. Sch. Dist.*, 706 S.W.2d 956 (Tex. 1986); *Point Isabel Indep. Sch. Dist. v. Hinojosa*, 797 S.W.2d 176 (Tex. App.—Corpus Christi 1990, writ denied); *Atty. Gen. Ops. M-494* (1969), *H-419* (1974), *H-662* (1975), *H-1045* (1977)

The terms “employee briefing” or “staff briefing” do not give adequate notice of the subject matter to be presented to a board by employees or staff members. *Atty. Gen. Op. JC-169 (2000)*

The subject of a report or update by district staff or a member of the board must be set out in the notice in a manner that informs a reader about the subjects to be addressed. *Atty. Gen. Op. GA-668 (2008)*

**Emergency Meeting
or Emergency
Addition to Agenda**

In an emergency or when there is an urgent public necessity, the notice of a meeting to deliberate or take action on the emergency or urgent public necessity, or the supplemental notice to add the deliberation or taking of action on the emergency or urgent public necessity as an item to the agenda for a meeting for which notice has been posted in accordance with the Open Meetings Act, is sufficient if the notice or supplemental notice is posted for at least one hour before the meeting is convened.

A board may not deliberate or take action on a matter at a meeting for which notice or supplemental notice is posted as described above other than:

1. A matter directly related to responding to the emergency or urgent public necessity identified in the notice or supplemental notice of the meeting; or
2. An agenda item listed on a notice of the meeting before the supplemental notice was posted.

An emergency or urgent public necessity exists only if immediate action is required because of:

1. An imminent threat to public health and safety, including a threat described in item 2, below, if imminent; or
2. A reasonably unforeseeable situation, including:
 - a. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
 - b. Power failure, transportation failure, or interruption of communication facilities;
 - c. Epidemic; or
 - d. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

The board shall clearly identify the emergency or urgent public necessity in the notice of an emergency meeting or supplemental notice.

The sudden relocation of a large number of residents from the area of a declared disaster to a district's jurisdiction is considered a reasonably unforeseeable situation for a reasonable period immediately following the relocation.

Gov't Code 551.045

Catastrophe

A board prevented from convening an open meeting that was otherwise properly posted under Government Code Section 551.041 because of a catastrophe may convene the meeting in a convenient location within 72 hours pursuant to Government Code Section 551.045 if the action is taken in good faith and not to circumvent Government Code Chapter 551. If a board is unable to convene the open meeting within those 72 hours, the board may subsequently convene the meeting only if the board gives the required written notice of the meeting.

"Catastrophe" means a condition or occurrence that interferes physically with the ability of a board to conduct a meeting, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

Gov't Code 551.0411(b), (c)

**Special Notice to
News Media**

A district shall provide special notice of each meeting by telephone, facsimile transmission, or electronic mail to any news media that has requested special notice and agreed to reimburse the district for the cost of providing the special notice. *Gov't Code 551.052*

The board president or board member who calls an emergency meeting or adds an emergency item to the agenda of a board meeting shall notify the news media of the emergency meeting or emergency item. The president or member is required to notify only those members of the news media that have previously filed a request containing all pertinent information for the special notice and agreed to reimburse the board for the cost of providing the special notice. The president or member shall give the notice by telephone, facsimile transmission, or electronic mail at least one hour before the meeting is convened. *Gov't Code 551.047*

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Quorum

A majority of a board (e.g., four members of a seven-member board or five members of a nine-member board, regardless of the number of vacancies) constitutes a quorum for meetings of the board. *Gov't Code 551.001(6), 311.013(b)*

Disaster

Notwithstanding any other law, a quorum is not required for a board to act if:

1. The district's jurisdiction is wholly or partly located in the area of a disaster declared by the president of the United States or the governor; and
2. A majority of the members of the board are unable to be present at a board meeting as a result of the disaster.

Gov't Code 418.1102

Secret Ballot

No vote shall be taken by secret ballot. *Atty. Gen. Op. H-1163 (1978)*

**Meeting by
Telephone
Conference Call**

A board may hold a meeting by telephone conference call if an emergency or public necessity exists within the meaning of Government Code 551.045 and the convening at one location of a quorum of the board is difficult or impossible, or if the meeting is held by an advisory board.

Each part of the telephone conference call meeting that is required to be open shall be audible to the public at the location specified in the notice of the meeting. The location designated in the notice as the location of the meeting shall provide two-way communication during the entire telephone conference call meeting and the identification of each party to the telephone conference shall be clearly stated prior to speaking.

Notice

The telephone conference call meeting is subject to the notice requirements applicable to other meetings. The notice must specify as the location of the meeting, the location where meetings of the governmental body are usually held.

Recording

The conference call meeting shall be recorded and made available to the public.

Gov't Code 551.125

**Meeting by
Videoconference
Call**

A board member or district employee may participate remotely in a board meeting by means of a videoconference call if the video and audio feed of the board member's or employee's participation, as applicable, is broadcast live at the meeting and complies with the provisions below. A board member who participates by videoconference call shall be counted as present at the meeting for all purposes. A board member who participates in a meeting by video

BOARD MEETINGS

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conference call shall be considered absent from any portion of the meeting during which audio or video communication with the member is lost or disconnected. The board may continue the meeting only if a quorum remains present at the meeting location or, if applicable, continues to participate in a meeting conducted as specified at Multiple Counties, below. *Gov't Code 551.001(8), .127(a-1)-(a-3)*

Quorum A meeting may be held by videoconference call only if a quorum of the board is physically present at one location of the meeting, except as provided at Multiple Counties, below.

Multiple Counties A meeting of a board of a district that extends into three or more counties may be held by videoconference call only if the board member presiding over the meeting is physically present at one location of the meeting that is open to the public during the open portions of the meeting.

Notice A meeting held by videoconference call is subject to the notice requirements applicable to other meetings in addition to the notice requirements applicable to meetings by videoconference call.

The notice of a meeting to be held by videoconference call must specify as a location of the meeting the location where a quorum of the board will be physically present and specify the intent to have a quorum present at that location; the notice of a meeting held by videoconference call described above at Multiple Counties must specify as a location of the meeting the location where the board member presiding over the meeting will be physically present and specify the intent to have that member present at that location.

Gov't Code 551.127(b)–(e)

Quality of Audio and Video Signals Each portion of a meeting held by videoconference call that is required to be open to the public shall be visible and audible to the public at the location specified in the notice. If a problem occurs that causes a meeting to no longer be visible and audible to the public at that location, the meeting must be recessed until the problem is resolved. If the problem is not resolved in six hours or less, the meeting must be adjourned.

The location specified in the notice, and each remote location from which a member of the board participates, shall have two-way audio and video communication with each other location during the entire meeting. The face of each participant in the videoconference call, while that participant is speaking, shall be clearly visible, and the voice audible, to each other participant and, during the open portion of the meeting, to the members of the public in attendance

at the physical location described by the notice and at any other location of the meeting that is open to the public.

The quality of the audio and video signals perceptible at each location of the meeting must meet or exceed standards specified by the Department of Information Resources. The audio and video signals perceptible by members of the public at the location of the meeting described by the notice and at each remote location from which a member participates must be of sufficient quality so that members of the public at each location can observe the demeanor and hear the voice of each participant in the open portion of the meeting.

Gov't Code 551.127(f), (h)–(j); 1 TAC 209.10–.11

Recording

A board shall make at least an audio recording of the meeting. The recording shall be made available to the public.

Remote
Participation by the
Public

A board may allow a member of the public to testify at a meeting from a remote location by videoconference call even if a board member is not participating in the meeting from a remote location.

Gov't Code 551.127(g), (k)

**Video and Audio
Recording of
Meeting**

A board for a district that has a student enrollment of 10,000 or more shall make a video and audio recording of reasonable quality of each:

1. Regularly scheduled open meeting that is not a work session or a special called meeting; and
2. Open meeting that is a work session or special called meeting at which the board votes on any matter or allows public comment or testimony. [See BED for requirements regarding public testimony.]

The board shall make available an archived copy of the video and audio recording of each meeting on the internet not later than seven days after the date the recording was made. The board shall maintain the archived recording on the internet for not less than two years after the date the recording was first made available. A board is exempt from the requirements in this paragraph if the board's failure to make the required recording of a meeting available is the result of a catastrophe, as defined by Government Code 551.0411 [see Catastrophe, above], or a technical breakdown. Following a catastrophe or breakdown, the board must make all reasonable efforts to make the required recording available in a timely manner.

The board may make the archived recording available on an existing internet site, including a publicly accessible video-sharing or

social networking site. The board is not required to establish a separate internet site and provide access to archived recordings of meetings from that site.

A district that maintains an internet site shall make available on that site, in a conspicuous manner, the archived recording of each meeting or an accessible link to the archived recording of each such meeting.

A board may broadcast a regularly scheduled open meeting on television.

Gov't Code 551.128(b-1)–(b-6)

Internet Broadcast

A board that is not subject to the provisions above at Video and Audio Recording of Meeting may broadcast an open meeting over the internet. If a board broadcasts a meeting over the internet, it shall establish an internet site and provide access to the broadcast from that site. A board shall provide on the internet site the same notice of the meeting, within the time required for posting that notice, that the board is required to post under the Open Meetings Act. *Gov't Code 551.128(b), (c)*

**Attorney
Consultation**

A board may use a telephone conference call, videoconference call, or communications over the internet to conduct a public consultation with its attorney in an open meeting of the board or a private consultation with its attorney in a closed meeting of the board. [See BEC]

Each part of a public consultation by a board with its attorney in an open meeting must be audible to the public at the location specified in the notice of the meeting as the location of the meeting.

Exception

This does not apply to a consultation with an attorney who is an employee of a district. An attorney who receives compensation for legal services performed, from which employment taxes are deducted by a district, is an employee of the district.

Gov't Code 551.129

**Persons with
Hearing Impairments**

In a proceeding before a board in which the legal rights, duties, or privileges of a party are to be determined by the board after an adjudicative hearing, the board shall supply for a party who is deaf or hearing impaired an interpreter who has qualifications approved by the Texas Commission for the Deaf and Hard of Hearing.

“Deaf or hearing impaired” means having a hearing impairment, regardless of the existence of a speech impairment, that inhibits

comprehension of an examination or proceeding, or communication with others.

Gov't Code 558.001, .003

Prohibited Series of Communications

A board member commits an offense if the member:

1. Knowingly engages in at least one communication among a series of communications that each occur outside of a meeting authorized by the Open Meetings Act and that concern an issue within the jurisdiction of the board in which the members engaging in the individual communications constitute fewer than a quorum of members but the members engaging in the series of communications constitute a quorum of members; and
2. Knew at the time the member engaged in the communication that the series of communications:
 - a. Involved or would involve a quorum; and
 - b. Would constitute a deliberation once a quorum of members engaged in the series of communications.

Gov't Code 551.143

Team Building

The superintendent's participation in team building sessions as part of the board's continuing education [see BBD] shall represent one component of the superintendent's ongoing professional development. *19 TAC 61.1(b)(4)(G)*

**Identifying and
Reporting Abuse**

An individual who holds a superintendent certificate that is renewed on or after January 1, 2021, must complete at least 2.5 hours of training every five years on identifying and reporting potential victims of sexual abuse, human trafficking, and other maltreatment of children, in accordance with Education Code 21.054(h). For purposes of this provision, "other maltreatment" has the meaning assigned by Human Resources Code 42.002. *19 TAC 232.11(g)(2); Education Code 21.054(h)*

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 C: BUSINESS AND SUPPORT SERVICES

CA	FISCAL MANAGEMENT GOALS AND OBJECTIVES
CAA	Financial Ethics
CB	STATE AND FEDERAL REVENUE SOURCES
CBA	State
CBB	Federal
CC	LOCAL REVENUE SOURCES
CCA	Bond Issues
CCB	Time Warrants
CCC	Certificates of Indebtedness
CCD	Recreational Facilities Bonds
CCE	Athletic Stadium Authority
CCF	Loans and Notes
CCG	Ad Valorem Taxes
CCGA	Exemptions and Payments
CCGB	Economic Development
CCH	Appraisal District
CD	OTHER REVENUES
CDA	Investments
CDB	Sale, Lease, or Exchange of School-Owned Property
CDBA	Revenue Bonds from Proceeds
CDC	Gifts and Solicitations
CDD	Rentals and Service Charges
CDE	Shop Sales
CDF	Royalties
CDG	Gate Receipts, Concessions
CDH	Public and Private Facilities
CE	ANNUAL OPERATING BUDGET
CEA	Financial Exigency
CF	ACCOUNTING
CFA	Financial Reports and Statements
CFB	Inventories
CFC	Audits
CFD	Activity Funds Management
CFE	Payroll Procedures
CFEA	Salary Deductions and Reductions
CFF	Checking Accounts
CFG	Cash in School Buildings
CG	BONDED EMPLOYEES AND OFFICERS

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SECTION C: BUSINESS AND SUPPORT SERVICES

CH	PURCHASING AND ACQUISITION
CHB	Petty Cash Account
CHD	Purchasing Procedures
CHE	Vendor Relations
CHF	Payment Procedures
CHG	Real Property and Improvements
CHH	Financing Personal Property Purchases
CI	SCHOOL PROPERTIES DISPOSAL
CJ	CONTRACTED SERVICES
CJA	Criminal History
CK	SAFETY PROGRAM/RISK MANAGEMENT
CKA	Inspections
CKB	Accident Prevention and Reports
CKC	Emergency Plans
CKD	Emergency Medical Equipment and Procedures
CKE	Security Personnel
CKEA	Commissioned Peace Officers
CKEB	School Marshals
CKEC	School Resource Officers
CL	BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT
CLA	Security
CLB	Maintenance
CLC	Traffic and Parking Controls
CLD	Records and Reports
CLE	Flag Displays
CM	EQUIPMENT AND SUPPLIES MANAGEMENT
CMA	Receiving and Warehousing
CMB	Authorized Uses of Equipment and Supplies
CMD	Instructional Materials Care and Accounting
CN	TRANSPORTATION MANAGEMENT
CNA	Student Transportation
CNB	District Vehicles
CNBA	Bus Maintenance
CNC	Transportation Safety
CO	FOOD AND NUTRITION MANAGEMENT
COA	Procurement
COB	Free and Reduced-Price Meals

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 C: BUSINESS AND SUPPORT SERVICES

COC	Vending Machines
CP	OFFICE MANAGEMENT
CPA	Office Communications
CPAA	Printing and Duplicating
CPAB	Mail and Delivery
CPAC	Telephone
CPC	Records Management
CQ	TECHNOLOGY RESOURCES
CQA	District, Campus, and Classroom Websites
CQB	Cybersecurity
CQC	Equipment
CR	INSURANCE AND ANNUITIES MANAGEMENT
CRA	Property Insurance
CRB	Liability Insurance
CRD	Health and Life Insurance
CRE	Workers' Compensation
CRF	Unemployment Insurance
CRG	Deferred Compensation and Annuities
CS	FACILITY STANDARDS
CT	FACILITIES PLANNING
CV	FACILITIES CONSTRUCTION
CVA	Competitive Bidding
CVB	Competitive Sealed Proposals
CVC	Construction Manager-Agent
CVD	Construction Manager-at-Risk
CVE	Design-Build
CVF	Job Order Contracts
CW	NAMING FACILITIES
CX	CONTRACTS FOR FACILITIES
CY	INTELLECTUAL PROPERTY

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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.

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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 (DOE) 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 DOE. *2 C.F.R. 3474.1*

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts. *2 C.F.R. 200.64(j), .69, .100*

Note: The Uniform Guidance applies to all new grant awards and non-competing continuations (NCCs) made on or after December 26, 2014 (see 2 C.F.R. 200.110).

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 DOE's [EDGAR website](#)² and [Uniform Guidance website](#).³

*General
Compliance*

A district is responsible for complying with all requirements of the federal award. *2 C.F.R. 200.300(b)*

Throughout 2 C.F.R. Part 200 when the word “must” is used it indicates a requirement. Whereas, use of the word “should” or “may” indicates a best practice or recommended approach rather than a requirement and permits discretion. *2 C.F.R. 200.101(b)(1)*

*Disclosures
Conflicts*

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

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance), including suspension or debarment. *2 C.F.R. 200.113*

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<i>Procurement Standards</i>	The district must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations and the standards of 2 C.F.R. 200.318, for the acquisition of property or services required under a federal award or subaward. The district's documented procurement procedures [see Competition, below] must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327.
District Procedures	
Oversight	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, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. 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 that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, districts 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. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD]
Records	<p>The district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below]</p> <p>2 C.F.R. 200.318(a), (b), (c)(1), (i)</p> <p>[See 2 C.F.R. 200.334 for record retention requirements.]</p>
<i>Financial Management</i>	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 general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been

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used according to the federal statutes, regulations, and the terms and conditions of the federal award. [See also 2 C.F.R. 200.450 (Lobbying)]

The district's financial management system must comply with 2 C.F.R. 200.302(b). [See also 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 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 be in compliance with 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 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 including noncompliance identified in audit findings.
5. Take reasonable measures to safeguard protected personally identifiable information and other information the federal awarding agency or pass-through entity designates as sensitive or the district considers sensitive consistent with applicable federal, state, local, and tribal laws regarding privacy and responsibility over confidentiality.

2 C.F.R. 200.303

"Internal controls" 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 for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

The district must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this provision preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

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). [See Procurement Standards, above]

The district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

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

2 C.F.R. 200.319

*Procurement
Methods*

The district must have 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) for any of the following methods of procurement used for the acquisition of property or services required under a federal award or sub-award. *2 C.F. R. 200.320*

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Informal
Procurement
Methods

When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1, or a lower threshold established by a district, formal procurement methods are not required. The district may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

*Micro-
Purchases—
Definitions*

“Micro-purchase” means a purchase of 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 as defined 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, 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 acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. [See the definition of “micro-purchase” above.] To the maximum 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 to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the district. *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

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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 awarding agency 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 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 with the requirements included in 2 C.F.R.

200.320(a)(1)(iv). The increased threshold is valid until there is a change in status in which the justification was approved. *2 C.F.R. 200.320(a)(1)(v)*

*Small
Purchases—
Procedures*

The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the district. *2 C.F.R. 200.320(a)(2)(i)*

*Small
Purchases—
Simplified
Acquisition
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. However, in no circumstances can this threshold exceed the dollar value established in the FAR

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(48 C.F.R. Part 2, Subpart 2.1) for the simplified acquisition threshold. Recipients should determine if local government laws on purchasing apply. 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

When the value of the procurement for property or services under a federal financial assistance award exceeds the simplified acquisition threshold, or a lower threshold established by a district, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or 200.320(c). The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the district determines to be appropriate:

Sealed Bids

A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [sic].

In order 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 are 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 on the basis of price.

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

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3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly;
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason.

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

Proposals

A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. The district must have a written method for conducting technical evaluations of the proposals received and making selections;
3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district, with price and other factors considered; and
4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

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

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Noncompetitive
Procurement

There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
2. The item is available only from a single source;
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the district; or
5. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Cooperative
Purchasing

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the district is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with applied to documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements [*sic*].
2 C.F.R. 200.318(e)

Affirmative Steps

The district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

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4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

2 C.F.R. 200.321

*Domestic
Preference*

As appropriate and to the extent consistent with law, the district should, to the greatest extent practicable under a federal award, 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 including all contracts and purchase orders for work or products under this award.

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*

The district must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, 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 or offer is received in response to a solicitation;

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3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a "brand name" product;
4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; 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 in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the district must make independent estimates before receiving bids or proposals.

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

Costs or prices based on estimated costs for contracts under the federal award are allowable only to the extent that 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 that comply with the federal cost principles.

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2 C.F.R. 200.324

*Contract
Provisions*

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

*Suspension and
Debarment*

Districts are subject to the non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.214*

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*Remedies for
Noncompliance*

If a district fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208 (Specific Conditions). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

2 C.F.R. 200.339

Travel Costs

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, 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, and results in charges consistent with those normally allowed in like circumstances in the district's non-federally funded activities and in accordance with the district's written travel reimbursement policies.

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her designee) pursuant to any provisions of such subchapter

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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 annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the property is no longer needed, the district must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, 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 that are acquired or improved with a 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 awarding agency 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 a federal award will vest upon acquisition in the district.

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the district must not dispose of or encumber its title or other interests.

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

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

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2. Sell the property and compensate the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

2 C.F.R. 200.311

Equipment

Title and Use

Subject to the requirements and conditions set forth in 2 C.F.R. 200.313, title to equipment acquired under a federal award will vest upon acquisition in the district. Unless a 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, the title must be a conditional title. Title must vest in the district 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. Not encumber the property without approval of the federal awarding agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

Equipment must be used by the district in the program or project for which it was acquired in accordance with 2 C.F.R. 200.313(c).

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, 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 original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the fed-

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eral award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions.

2 C.F.R. 200.313

Supplies

Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2).

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 property for the originally-authorized purpose, and must not encumber the property without approval of the federal awarding agency. 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)*

Direct Grant
Programs

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the DOE. *34 C.F.R. 75.1*

State-Administered
Programs

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the DOE. *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 DOE 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 DOE EDGAR website:

<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

³ DOE Uniform Guidance website:

<https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>

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Tax Rate Adoption

Maintenance Taxes

The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose. *Education Code 45.002, .003(a)*

*Restriction on
Maintenance Tax
Levy*

A district may not increase the rate of the district's maintenance taxes to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service. *Education Code 45.0021(a)* [See Taxpayer Injunction, below]

*Maintenance Tax
Rate
Components*

A district's tier one maintenance and operations tax rate is the number of cents levied by the district for maintenance and operations that does not exceed the maximum compressed rate, as determined under Education Code 48.2551.

Tier One

*Maximum
Compressed
Rate*

"MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per \$100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under Education Code Chapter 48. The Texas Education Agency (TEA) shall calculate and make available school districts' maximum compressed rates.

Education Code 48.2551

School districts' maximum compressed maintenance and operations tax rates shall be calculated using locally certified property values and adjusted to estimate for exclusions under Government Code 403.302(d).

TEA will open a data collection from 12:01 a.m. on July 18 through 11:59 p.m. on August 1 for districts. Districts must submit the data specified in 19 Administrative Code 61.1000(c). TEA will use any available data to calculate MCR absent data collection submissions from a school district.

19 TAC 61.1000(b), (c), (h)

TEA will calculate and make available preliminary maximum compressed tier one tax rates to each district on or before August 5. If TEA receives an appeal of a preliminary MCR, TEA will issue a final determination to the district no later than August 31. If TEA does not receive an appeal of a preliminary MCR, the preliminary MCR automatically becomes a final MCR ten calendar days following TEA's approval of the district's preliminary MCR. *19 TAC 61.1000(d)–(f)*

A district may appeal its preliminary MCR through the following process:

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1. The TEA division responsible for MCRs must receive a written appeal no later than ten calendar days after TEA's approval of the district's preliminary MCR. The appeal must include adequate evidence and additional information that supports the position of the district. Appeals received 11 calendar days or more after TEA approves a district's preliminary MCR will not be considered.
2. TEA will only consider appeals that would result in a change of the preliminary MCR.

19 TAC 61.1000(g)

Tier Two

A district's enrichment tax rate consists of:

1. Any cents of additional maintenance and operations tax effort, not to exceed eight cents over the maximum tier one tax rate; and
2. Any cents of additional maintenance and operations tax effort that exceeds the sum of the maximum tier one tax rate and the maximum number of cents permitted under item 1 above.

Education Code 45.0032(a), (b)

Districts Subject
to Disaster
Exception

For a district to which the Disaster Exception to Election Requirement described below applies, the amount by which the district's maintenance tax rate exceeds the district's voter-approval tax rate, excluding the district's current debt rate under Tax Code 26.08(n)(1)(C) for the preceding year is not considered in determining a district's tier one maintenance and operations tax rate or the district's enrichment tax rate for the current tax year. *Education Code 45.0032(d)*

*Maximum Tax
Rate*

For any year, the maintenance tax rate per \$100 of taxable value adopted by the district may not exceed the rate equal to the sum of \$0.17 and the district's maximum compressed rate, as determined under Education Code 48.2551.

A rate that exceeds the maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this provision may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Education Code 45.003(d), (e)

Districts with
2005 Tax Rate
over \$1.50

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than \$1.50 per \$100 of taxable value in the district as permitted by special law [Art. 2784g Tex. Rev. Civ. Stat.] may not levy a maintenance tax at a rate that

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exceeds the rate per \$100 of taxable value that is equal to the sum of \$0.17 and the product of 66.67 percent multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year, minus any amount by which \$1.00 exceeds the product of the state compression percentage, as determined under Education Code 48.255, multiplied by \$1.00. *Education Code 45.003(f)*

For a district described above, any cents of maintenance and operations tax effort that exceeds the maximum rate described at Maximum Tax Rate are not included in the district's tier one maintenance and operations tax rate or the district's enrichment tax rate and the district is not entitled to the guaranteed yield amount of state funds under Education Code 48.202 for those cents of tax effort. *Education Code 45.0032(c)*

Assessor and
Collector

The board may employ a person to assess or collect the district's taxes and may compensate the person as the board considers appropriate. This provision does not prohibit a district from providing for the assessment or collection of the district's taxes under a method authorized by Tax Code Chapter 6, Subchapter B. *Education Code 45.231*

A district that used a method of selection for the 1994 tax year that was authorized by former Education Code Chapter 23, Subchapter F, may continue to use that method until the district uses another method authorized above. *Education Code 45.232*

The assessor and collector shall assess, collect, or assess and collect taxes, as applicable. *Tax Code 6.23(b)*

Collector's Bond

A district that has its own collector shall require the collector to give bond conditioned on the faithful performance of duties. The bond must be made payable to and be approved by the board in an amount determined by the board. The board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The board may prescribe additional requirements for the bond.

A district whose taxes are collected by a person other than the district's own collector may require that person to give bond conditioned on the faithful performance of duties. The bond must be payable to, approved by, and paid for by the board in an amount determined by the board. The board may prescribe additional requirements for the bond.

A district shall pay the premium for a required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

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Certified Estimate of Values	By April 30, the chief appraiser shall prepare and certify to the district's assessor an estimate of the taxable value of district property. <i>Tax Code 26.01(e)</i>
Appraisal Roll	<p>By July 25, the chief appraiser shall prepare and certify to the assessor for the district that part of the appraisal roll that lists the property taxable by the district. The part certified to the assessor is the appraisal roll for the district.</p> <p>If by July 20 the appraisal review board has not approved the appraisal records as required under Tax Code 41.12, the chief appraiser shall not later than July 25 prepare and certify to the assessor for a school district an estimate of the taxable value of property in the school district.</p> <p><i>Tax Code 26.01(a)–(a-1)</i></p> <p>By August 1 or as soon thereafter as practicable, the district's assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.</p> <p>By August 1 or as soon thereafter as practicable, a district's collector shall certify to the board the anticipated collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.</p> <p><i>Tax Code 26.04(b)</i></p>
Designated Employee/Officer to Calculate Rates	After the district's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district.
<i>Required Calculation Forms</i>	The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate.
<i>Calculation Forms to County Tax Assessor-Collector</i>	As soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.
	<i>Tax Code 26.04(c), (d-1), (d-3)</i>

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[See CE regarding the requirement to attach tax rate calculation forms as an appendix to a district's budget.]

Truth-in-Taxation
Requirements

Note: The *Truth in Taxation* website maintained by the Texas comptroller of public accounts offers [detailed guidance on setting local property tax rates for school districts](#).¹

*Traditional
Method*

When the budget has been prepared under Education Code 44.002, the board president shall call a meeting of the board for the purpose of adopting a budget for the succeeding tax year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(a), (g)* [See CE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or bi-weekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central administrative office is located. The notice shall be published not earlier than the 30th day or later than the tenth day before the date of the hearing.

Form and
Contents

The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type and contain the information set out in Education Code 44.004(c) and (c-1).

The notice must include a statement that a district may not increase its maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

A notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

Education Code 44.004(b)–(d)

Debt Service
Rate Decrease

If the published interest and sinking fund (debt service) rate decreases after the publication of the required notice, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. *Education Code 44.004(g-1)*

*Districts with
July 1 Fiscal Year*

Notwithstanding the provisions above, a district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the required notice if the district

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does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, a district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or
2. The district's voter-approval rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004(h), (i)

*Early Adoption
Method*

Notwithstanding the provisions above or at Deadline below, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate as provided above. Following adoption of the tax rate, the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

The board of a district that elects to adopt a tax rate before the adoption of a budget for the fiscal year that begins in the current tax year may adopt a tax rate for the current tax year before receipt of the certified appraisal roll for the district if the chief appraiser of the appraisal district in which the district participates has certified to the assessor for the district an estimate of the taxable value of property in the district as specified at Certified Estimate of Values above. If a district adopts a tax rate under this provision, the no-new-revenue tax rate and the voter-approval tax rate of the district shall be calculated based on the certified estimate of taxable value. *Tax Code 26.05(g)*

Tax Rate Adoption
Requirements
Deadline

The board shall adopt a tax rate for the current tax year and shall notify the assessor of the tax rate adopted. [See Adoption of Tax Roll, below] The board must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the district, except that the board must adopt a

tax rate that exceeds the voter-approval tax rate not later than the 71st day before the next uniform election date that occurs in November of that year. [Note that Election Code 3.005(c) requires that an election to be held on a uniform date be ordered not later than the 78th day before election day; see Time for Election, below.]

The tax rate consists of two components, each of which must be approved separately. The components are:

1. The interest and sinking fund (debt service) rate calculated under Education Code 44.004(c)(5)(A)(ii)(b); and
2. The rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the district for the next year.

Tax Code 26.05(a)

Tax Date for
Certain Districts

A district that before January 1, 1989, has for at least ten years followed a practice of adopting its tax rate at a different date than as provided by Tax Code Chapter 26 and of billing for and collecting its taxes at different dates than as provided by Chapters 31 and 33 may continue to follow that practice. This does not affect the dates provided by the Property Tax Code (Tax Code Title 1) for other purposes, including those relating to the appraisal and taxability of property, the attachment of tax liens and personal liability for taxes, and administrative and judicial review under Chapters 41 and 42.

Tax Code 26.135

Vote

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's no-new-revenue maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order.

Motion

A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate."

*Language and
Internet Posting*

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund

maintenance and operation expenditures of the district that exceeds the amount of taxes imposed for that purpose in the preceding year the district must:

1. Include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:
 - a. The following statement: "THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and
 - b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."; and
2. Include on the home page of any internet website operated by the district:
 - a. The following statement: "(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE"; and
 - b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: "THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$(Insert amount)."

Tax Code 26.05(b)

Adoption of Tax Roll

On receipt of notice of the tax rate for the current tax year, the assessor for a district shall calculate the tax imposed on each property included on the appraisal roll for the district. The assessor shall enter the amount of tax in the appraisal roll and submit it to the board for approval. The appraisal roll with amounts of tax entered as approved by the board constitutes the district's tax roll.

Tax Code 26.09(a), (e)

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Failure to Adopt Tax Rate	<p>If the board does not adopt a tax rate before the date required at Deadline above, the tax rate for the district for that tax year is the lower of the no-new-revenue tax rate calculated for that tax year or the tax rate adopted by the district for the preceding tax year. A tax rate established by this provision is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this provision, the board must ratify the applicable tax rate in the manner set out at Tax Rate Adoption Requirements above. <i>Tax Code 26.05(c)</i></p>
Taxpayer Injunction	<p>A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements of Education Code 44.004(b), (c), (c-1), (c-2), and (d), and, if applicable, (i) [see above at Published Notice, including Form and Contents, and Districts with July 1 Fiscal Year, if applicable] and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. <i>Education Code 44.004(e)</i></p> <p>A person who owns taxable property is entitled to an injunction prohibiting the district in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the district, the chief appraiser of the applicable appraisal district, or the district, as applicable, has not complied with the computation, publication, or posting requirements of Tax Code 26.04 or 26.16, 26.17, or 26.18 [see below at Tax Information to County, Appraisal District Property Tax Database, and Internet Posting of Tax Rate and Budget Information]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. <i>Tax Code 26.04(g)</i></p> <p>A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a district in which the property is taxable if the district has not complied with the requirements of Tax Code 26.04 and 26.05 [see above at Designated Employee/Officer to Calculate Rates and Tax Rate Adoption Requirements]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. An action to enjoin the collection of taxes must be filed not later than the 15th day after the date the district adopts a tax rate. A property owner is not required to pay the taxes imposed by a district on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the district on the owner's property is pending. If the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid,</p>

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together with reasonable attorney's fees and court costs. The property owner is not required to apply to the collector for the district to receive the refund. *Tax Code 26.05(e)*

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district adopts a maintenance tax in violation of Education Code 45.0021(a) [see above at Restriction on Maintenance Tax Levy]. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 45.0021(b)*

Tax Information to
County

A district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, no-new-revenue tax rate, no-new-revenue maintenance and operations rate, and voter-approval tax rate for posting on the county's internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)–(b)*

Appraisal District
Property Tax
Database

The officer or employee designated by the board to calculate the no-new-revenue tax rate and the voter-approval tax rate for the district must electronically incorporate into the database created and maintained by the chief appraiser under Tax Code 26.17 the information required by Tax Code 26.17(e). *Tax Code 26.17(e)*

**Internet Posting of
Tax Rate and Budget
Information**

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 in a format prescribed by the comptroller. *Tax Code 26.18* [See CE for required information]

**Election to Approve
Tax Rate**

If the board adopts a tax rate that exceeds the district's voter-approval tax rate, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. *Tax Code 26.08(a), (n)*

[For information on conducting elections, see the BBB series.]

Voter-Approval Tax
Rate

For purposes of Tax Code 26.08, the voter-approval tax rate of a district is the sum of the following:

1. The rate per \$100 of taxable value that is equal to the district's maximum compressed tax rate for the current year;
2. The greater of:

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- a. The district's enrichment tax rate for the preceding tax year, less any amount by which the district is required to reduce the district's enrichment tax rate under Education Code 48.202(f) in the current tax year; or
 - b. The rate of \$0.05 per \$100 of taxable value; and
3. The district's current debt rate.

Tax Code 26.08(n)

Efficiency Audit

"Efficiency audit" means an investigation of the operations of a district to examine fiscal management, efficiency, and utilization of resources.

The board shall conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose and may not hold an election without complying with this requirement.

The board may select the auditor that conducts the district's annual audit under Education Code 44.008 and may include the efficiency audit as part of the district's annual audit. [See CFC] A district must pay for the costs associated with an efficiency audit required under this provision. A district shall provide all documents, records, and personnel requested by the auditor as needed to conduct the audit in an efficient manner.

The board must select an auditor to conduct an efficiency audit not later than four months before the date on which the district proposes to hold an election to adopt a maintenance and operations tax rate. An auditor selected by the board must maintain independence from the district and complete the efficiency audit not later than three months after the date the auditor was selected.

Before an election at which a district seeks voter approval to adopt a tax rate, the board must hold an open meeting to discuss the results of the efficiency audit. Not later than 30 days before the date of the election, the results of an efficiency audit must be posted on the district's internet website.

Education Code 11.184

*Legislative
Budget Board
Guidelines*

The Legislative Budget Board (LBB) shall establish guidelines identifying the scope and areas of investigation of an efficiency audit, including identification of resources being used effectively and efficiently and identification of cost savings or reallocations. The auditor selected by the board of a district must follow the guidelines established by the LBB under this provision. *Education Code 11.184(f)*

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[Efficiency Audit Guidelines](#)² are found on the LBB website.

Disaster Exception	The board of a district all or part of which is located in an area declared a disaster area by the governor may hold an election to seek voter approval to adopt a maintenance and operations tax rate during the two-year period following the date of the declaration without conducting an efficiency audit otherwise required above. <i>Education Code 11.184(b-1)</i>
<i>To Efficiency Audit Requirement</i>	
<i>To Election Requirement</i>	When increased expenditure of money by a district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, that has impacted a district and the governor has requested federal disaster assistance for the area in which the district is located, an election is not required to approve the tax rate adopted by the board for the year following the year in which the disaster occurs. A tax rate adopted under this provision applies only in the year for which the rate is adopted. If a district adopts a tax rate under this provision, the amount by which that rate exceeds the district's voter-approval tax rate for that tax year may not be considered when calculating the district's voter-approval tax rate for the tax year following the year in which the district adopts the rate. <i>Tax Code 26.08(a-1)</i>
Time for Election	The board shall order that the election be held in the district on the next uniform election date prescribed by Election Code 41.001 that occurs after the date of the election order and that allows sufficient time to comply with the requirements of other law. <i>Tax Code 26.08(b)</i>
<i>Uniform Election Date</i>	For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. An election to ratify a tax rate adopted by a board under the early adoption method described above shall be ordered not later than the 30th day before election day. <i>Election Code 3.005 [See BBBA]</i>
<i>Notice to County Clerk</i>	The board shall deliver notice of the election to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day.
Exception	A board that orders an election to ratify a tax rate adopted by the board under the early adoption method described above shall deliver notice of the election to the county clerk of each county in which the district is located not later than the 30th day before election day. <i>Election Code 4.008</i>

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Proposition

At the election, the ballots shall be prepared to permit voting for or against the proposition: "Ratifying the ad valorem tax rate of _____ (insert adopted tax rate) in (name of school district) for the current year, a rate that will result in an increase of _____ (insert percentage increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year) percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional \$_____ (insert dollar amount of increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year)." *Tax Code 26.08(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. *Election Code 52.072(e)(1)*

Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095(c)*

Election Outcome

If a majority of the votes cast in an election favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, a board may not adopt a tax rate for the current year that exceeds the district's voter-approval tax rate. *Tax Code 26.08(c)–(d)*

¹ Truth-in-Taxation: Tax Rate Adoption:

<https://comptroller.texas.gov/taxes/property-tax/truth-in-taxation/index.php>

² LBB Efficiency Audit Guidelines: http://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6365_HB3_Efficiency_Audit_Guidelines.pdf

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**Authorized
Expenditures**

A district shall not lend its credit or gratuitously grant public money or things of value in aid of any individual, association, or corporation. *Tex. Const. Art. III, Sec. 52; Brazoria County v. Perry*, 537 S.W.2d 89 (Tex. Civ. App.—Houston [1st Dist.] 1976, no writ)

A district shall not grant any extra compensation, fee, or allowance to a public officer, agent, servant, or contractor after service has been rendered or a contract entered into and performed in whole or in part. Nor shall a district pay or authorize the payment of any claim against the district under any agreement or contract made without authority of law. *Tex. Const. Art. III, Sec. 53; Harlingen Indep. Sch. Dist. v. C.H. Page and Bro.*, 48 S.W.2d 983 (Comm. App. 1932)

The state and county available funds may be used only for the payment of teachers' and superintendents' salaries and interest on money borrowed on short time to pay those salaries that become due before school funds for the current year become available. Loans for the purpose of payment of teachers may not be paid out of funds other than those for the current year. *Education Code 45.105(b)*

Local funds from district taxes, tuition fees, other local sources, and state funds not designated for a specific purpose may be used for purposes listed above for state and county available funds and for purchasing appliances and supplies; paying insurance premiums; paying janitors and other employees; buying school sites; buying, building, repairing, and renting school buildings, including acquiring school buildings and sites by leasing through annual payments with an ultimate option to purchase [see CHG]; and for other purposes necessary in the conduct of the public schools determined by the board. *Education Code 45.105(c)*

Public funds of a district may not be spent in any manner other than as provided for in the budget adopted by the board, but the board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses. *Education Code 44.006(a)*

Fiscal Year

The fiscal year of a district begins on July 1 or September 1 of each year, as determined by the board. *Education Code 44.0011*

Budget Preparation

On or before the date set by the State Board of Education (SBOE), a superintendent shall prepare, or cause to be prepared, a proposed budget covering all estimated revenue and proposed expenditures of a district for the following fiscal year. The budget must be prepared according to generally accepted accounting principles, rules adopted by the SBOE, and adopted policies of the board of trustees. *Education Code 44.002; 19 TAC 109.1(a), .41*

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Funds for Accelerated Instruction	A district that is required to provide accelerated instruction under Education Code 29.081(b-1) [see EHBC] shall separately budget sufficient funds, including funds under Education Code 48.104, for that purpose. <i>Education Code 29.081(b-2)</i>
Itemization of Certain Expenditures	<p>The proposed budget of a district must include, in a manner allowing for as clear a comparison as practicable between those expenditures in the proposed budget and actual expenditures for the same purpose in the preceding year, a line item indicating expenditures for:</p> <ol style="list-style-type: none">1. Notices required by law to be published in a newspaper by the district or a representative of the district; and2. Directly or indirectly influencing or attempting to influence the outcome of legislation or administrative action, as those terms are defined in Government Code 305.002. <p><i>Local Gov't Code 140.0045</i></p>
Public Meeting on Budget and Proposed Tax Rate	<p>When the budget has been prepared, the board president shall call a board meeting for the purpose of adopting a budget for the succeeding fiscal year. Any taxpayer of a district may be present and participate in the meeting. <i>Education Code 44.004(a), (f)</i> [See CCG for provisions governing tax rate adoption.]</p> <p>The meeting must comply with the notice requirements of the Open Meetings Act. <i>Gov't Code 551.041, .043</i> [See BE]</p>
Published Notice	The board president shall provide for publication of notice of the budget and proposed tax rate meeting in accordance with Education Code 44.004. [For specific requirements regarding the form, contents, and publication of the notice, see CCG(LEGAL).]
Publication of Proposed Budget Summary	<p>Concurrently with the publication of notice of the budget under Education Code 44.004, a district shall post a summary of the proposed budget on the school district's internet website or, if the district has no internet website, in the district's central administrative office.</p> <p>The budget summary must include a comparison to the previous year's actual spending and information relating to per student and aggregate spending on:</p> <ol style="list-style-type: none">1. Instruction;2. Instructional support;3. Central administration;4. District operations;

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5. Debt service; and
6. Any other category designated by the commissioner.

Education Code 44.0041

Budget Adoption

The board, at the meeting called for that purpose, shall adopt a budget to cover all expenditures for the succeeding fiscal year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(f)–(g)*

Appendix for Tax
Rate Calculation
Forms

The board shall include as an appendix to the district's budget for a fiscal year the tax rate calculation forms used by the designated officer or employee of the district to calculate the no-new-revenue tax rate and the voter-approval tax rate of the district for the tax year in which the fiscal year begins. *Tax Code 26.04(e-5)* [See CCG]

**Districts with July 1
Fiscal Year**

A district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property [see CCG] in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district. *Education Code 44.004(h)–(i)*

**Budget Adoption
After Tax Rate
Adoption**

Notwithstanding Education Code 44.004(g), (h), and (i), above, a district may adopt a budget after the district adopts a tax rate for the tax year in which the fiscal year covered by the budget begins if the district elects to adopt a tax rate before receiving the certified appraisal roll for the district. If a district elects to adopt a tax rate before adopting a budget, the district must publish notice and hold a meeting for the purpose of discussing the proposed tax rate. Following adoption of the tax rate [see CCG], the district must publish notice and hold another public meeting before the district may adopt a budget. The comptroller shall prescribe the language and format to be used in the notices. The district may use the certified estimate of taxable value in preparing a notice under this provision. *Education Code 44.004(j)*

**Publication of
Adopted Budget**

On final approval of the budget by the board, the district shall post on the district's internet website a copy of the budget adopted by the board. The district's website must prominently display the electronic link to the adopted budget. A district shall maintain the adopted budget on the district's website until the third anniversary of the date the budget was adopted. *Education Code 44.0051*

On or before a date set by the SBOE, the budget must be filed with the Texas Education Agency according to rules established by the SBOE. *Education Code 44.005*

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**Internet Posting of
Tax Rate and Budget
Information**

Each district shall maintain an internet website or have access to a generally accessible internet website that may be used for the purposes of these provisions. Each district shall post or cause to be posted on the internet website the following information in a format prescribed by the comptroller:

1. The name of each member of the board;
2. The mailing address, email address, and telephone number of the district;
3. The official contact information for each member of the board, if that information is different from the information described by item 2;
4. The district's budget for the preceding two years;
5. The district's proposed or adopted budget for the current year;
6. The change in the amount of the district's budget from the preceding year to the current year, by dollar amount and percentage;
7. The tax rate for maintenance and operations adopted by the district for the preceding two years;
8. The interest and sinking fund tax rate adopted by the district for the preceding two years;
9. The tax rate for maintenance and operations proposed by the district for the current year;
10. The interest and sinking fund tax rate proposed by the district for the current year; and
11. The most recent financial audit of the district.

Tax Code 26.18

**Amendment of
Approved Budget**

The board may amend a budget or adopt a supplementary emergency budget to cover necessary unforeseen expenses. Any amendment or supplementary budget must be prepared and filed in accordance with SBOE rules. *Education Code 44.006*

**Failure to Comply
with Budget
Requirements**

A board member who votes to approve any expenditure of school funds in excess of the item or items appropriated in the adopted budget or a supplementary or amended budget commits a misdemeanor offense. *Education Code 44.052(c)*

Certain Donations

A district may donate funds or other property or service to the adjutant general's department, the Texas National Guard, or the Texas State Guard. *Gov't Code 437.111(b), .252, .304(a)*

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**Commitment of
Current Revenue**

A contract for the acquisition, including lease, of real or personal property is a commitment of a district's current revenue only, provided the contract contains either or both of the following provisions:

1. Retains to a board the continuing right to terminate the contract at the expiration of each budget period during the term of the contract.
2. Is conditioned on a best-efforts attempt by the board to obtain and appropriate funds for payment of the contract.

Local Gov't Code 271.903

**Prohibited Uses of
Resources**

Improvements to
Real Property

Except as provided below or by Education Code 45.109(a-1), (a-2), or (a-3) [see CX], the board may not enter into an agreement authorizing the use of school district employees, property, or resources for the provision of materials or labor for the design, construction, or renovation of improvements to real property not owned or leased by the district.

This provision does not prohibit the board from entering into an agreement for the design, construction, or renovation of improvements to real property not owned or leased by the district if the improvements benefit real property owned or leased by the district. Benefits to real property owned or leased by the district include the design, construction, or renovation of highways, roads, streets, sidewalks, crosswalks, utilities, and drainage improvements that serve or benefit the real property owned or leased by the district.

Education Code 11.168

Hotels

The board may not impose taxes; issue bonds; use or authorize the use of district employees; use or authorize the use of district property, money, or other resources; or acquire property for the design, construction, renovation, or operation of a hotel. The board may not enter into a lease, contract, or other agreement that obligates the board to engage in an activity prohibited by this provision or obligates the use of district employees or resources in a manner prohibited by this provision.

"Hotel" means a building in which members of the public obtain sleeping accommodations for consideration. The term includes a motel.

Education Code 11.178

Electioneering

For restrictions on using district funds for electioneering, see BBBB.

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*, dated July 2019, which is adopted by reference as TEA's official rule.
19 TAC 109.41

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**

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. 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)

Mandatory Drills

Each district shall conduct emergency safety drills in accordance with Education Code 37.114.

Definitions

The following words and terms, when used in these provisions, shall have the following meanings, unless the context clearly indicates otherwise.

Drill: A set of procedures that test a single, specific operation or function. Drill examples include evacuating for a fire or locking down from an internal threat.

Secure (Lockout): A response action schools take to secure the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. Secure (Lockout) uses the security of the physical facility to act as protection to deny entry.

Lockdown: A response action schools take to secure interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.

Evacuate: A response action schools take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

Shelter-in-place for hazmat: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Shelter-in-place for hazmat examples include train derailment with chemical release or smoke from a nearby fire.

Shelter for severe weather: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

Fire evacuation drill: A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

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Frequency Education Code 37.114(2) requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither 19 Administrative Code 103.1029, nor the law, precludes a district from conducting more drills as deemed necessary and appropriate by the district. Following is the required minimum frequency of drills by type:

1. Secure (Lockout)—One per school year.
2. Lockdown—Two per school year (once per semester).
3. Evacuate—One per school year.
4. Shelter-in-place for hazmat—One per school year.
5. Shelter for severe weather—One per school year.
6. Fire evacuation drill—Four per school year (two per semester). In addition, districts should consult with their local fire marshal and comply with their local fire marshal's requirements and recommendations.

19 TAC 103.1209

**Eye and Face
Protection**

Required Devices

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by district policy. *Education Code 38.005*

**Recommended
Guidelines**

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (TDSHS) recommends the guidelines entitled "Eye and Face Protection," available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools, TDSHS recommends the guidelines entitled "Non-mandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection," available at 29 C.F.R. Part 1910, Subpart I, Appendix B.

Application

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;
3. The use of molten materials;

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4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141–.142

**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 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

“Administrative reviews” means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect 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, and includes other areas of program operations determined by TDA to be important to program performance.

7 C.F.R. 210.18

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. *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. See *Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart*, *7 C.F.R. 210.30(b)(2)*.

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 donate food to a nonprofit organization through an official of the nonprofit organization who is affiliated with the campus, including a teacher, counselor, or 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 a snack to be served at 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 may include packaged and unpackaged unserved food, packaged served food if the packaging is in good condition, whole uncut produce, wrapped raw produce, and unpeeled fruit required to be peeled before consumption.

Food donated to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing as volunteers of the nonprofit organization.

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

¹ TDA's Food and Nutrition Division Administrator's Reference Manual:
<https://squaremeals.org/FandNResources/Handbooks.aspx>

² USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies*:
<https://fns-prod.azureedge.net/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

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Administration	The SFA shall be responsible for the administration of the program in schools. <i>7 C.F.R. 210.3</i>
Nonprofit School Food Service National School Lunch Program School Breakfast Program	<p>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 <i>7 C.F.R. 210.19(a)</i>. <i>7 C.F.R. 210.14(a)</i></p> <p>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 <i>7 C.F.R. 220.13(i)</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. <i>7 C.F.R. 220.7(e)(1)(i)–(iii)</i></p>
Food Service Management Companies	<p>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 <i>7 C.F.R. 210.16</i> (NSLP) or <i>7 C.F.R. 220.7(d)</i> (SBP). <i>7 C.F.R. 210.16, 220.7</i></p> <hr/> <p>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, <i>Food Service Contracts</i>.</p> <hr/>
USDA Procurement Requirements District Procurement Procedures	<p>The SFA shall comply with requirements of <i>7 C.F.R. Part 210</i> (NSLP), <i>Part 220</i> (SBP), and <i>2 C.F.R. Part 200, Subpart D</i> and USDA implementing regulations <i>2 C.F.R. Part 400</i> and <i>Part 415</i>, as applicable, which implement the applicable requirements, concerning procurement of all goods and services with nonprofit school food service account funds. <i>7 C.F.R. 210.21(a), 220.16(a)</i></p> <p>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 <i>7 C.F.R. Part 210</i> and in <i>2</i></p>

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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 a non-federal 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.

2 C.F.R. 400.2

**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.

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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.

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. 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.

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*

¹ TDA's Food and Nutrition Division *Administrator's Reference Manual*:
<https://squaremeals.org/FandNResources/Handbooks.aspx>

² TDA's Food and Nutrition Division *Administrator's Reference Manual*:
<https://squaremeals.org/FandNResources/Handbooks.aspx>

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**Free and
Reduced-Price Meals**

The school food authority (SFA) shall ensure that lunches and meal supplements 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 meal supplements is to 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

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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

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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

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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 ten 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

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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)*

FOOD AND NUTRITION MANAGEMENT
FREE AND REDUCED-PRICE MEALS

COB
(LEGAL)

*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 non-profit organization to ensure meal service for children in the district'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)

FOOD AND NUTRITION MANAGEMENT
FREE AND REDUCED-PRICE MEALS

COB
(LEGAL)

*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 40 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 40 percent identified students, provided that the average identified student percentage for the group is at least 40 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.]

¹ FNS Instruction 113-1 document: <https://fns-prod.azureedge.net/sites/default/files/113-1.pdf>

² USDA FNS "And Justice for All" posters: <https://www.fns.usda.gov/cr/and-justice-all-posters-guidance-and-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/FandNResources/Handbooks.aspx>

TECHNOLOGY RESOURCES
DISTRICT, CAMPUS, AND CLASSROOM WEBSITES

CQA
(LEGAL)

**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 the Open Meetings Act (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 2051.151–.152

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 tenth 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 campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan fifteen days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(d)(3)(A)(ii) and Education Code 39A.056. [See AIC]
9. 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]
10. 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]
11. A district shall post an election notice required under Election Code 85.007. [See BBBA]
12. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]
13. A district shall post early voting rosters under Election Code 87.121. [See BBBA]
14. 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]
15. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enrollment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]
16. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

17. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]
18. 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]
19. 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]
20. 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]
21. 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]
22. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]
23. 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]
24. 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]
25. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]
26. 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]
27. 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]
28. 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]

29. 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]
30. 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]
31. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]
32. 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]
33. 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]
34. 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]
35. 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]
36. 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(e). [See EHBG]
37. 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]

38. 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]
39. 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]
40. 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]
41. 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]
42. 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]
43. 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]
44. 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]
45. 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]
46. 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]
47. 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]

48. 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]
49. 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]
50. 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 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]
5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of programs under which a student may earn college credit, under Education Code 28.010. [See EHDD]
6. 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

¹ TDSHS Guidelines for the Care of Students with Food Allergies At-Risk for Anaphylaxis: https://www.dshs.texas.gov/uploadedFiles/Content/Prevention_and_Preparedness/schoolhealth/SHAC/Guidelines-Food%20Allergy-Final.pdf

Plan	The District shall develop a cybersecurity plan to secure the District's cyberinfrastructure against a cyberattack or any other cybersecurity incidents, determine cybersecurity risk, and implement appropriate mitigation planning.
Coordinator	The Superintendent shall designate a cybersecurity coordinator. The cybersecurity coordinator shall serve as the liaison between the District and the Texas Education Agency (TEA) in cybersecurity matters and as required by law report to TEA breaches of system security.
Training	<p>The Board delegates to the Superintendent the authority to:</p> <ol style="list-style-type: none">1. Determine the cybersecurity training program to be annually completed by each employee and Board member; and2. Verify and report compliance with staff training requirements in accordance with guidance from the Department of Information Resources. <p>The District shall complete periodic audits to ensure compliance with the cybersecurity training requirements.</p>
Security Breach Notifications	<p>Upon discovering or receiving notification of a breach of system security, the District shall disclose the breach to affected persons or entities in accordance with the time frames established by law. The District shall give notice by using one or more of the following methods:</p> <ol style="list-style-type: none">1. Written notice.2. Email, if the District has email addresses for the affected persons.3. Conspicuous posting on the District's websites.4. Publication through broadcast media. <p>The District's cybersecurity coordinator shall disclose a breach involving sensitive, protected, or confidential student information to TEA and parents in accordance with law.</p>

CONTRACTS FOR FACILITIES

CX
(LEGAL)

**Design or
Construction of
Instructional or
Athletic Facilities**

A district and an institution of higher education, as defined by Education Code 61.003, located wholly or partially in the boundaries of the county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design or construction of an instructional facility or a stadium or other athletic facilities owned by or under the control of the institution of higher education. A district may contribute district resources under this provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility.

One or more districts and an institution of higher education, as defined by Education Code 61.003, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility owned by or under the control of the institution of higher education. A district may contribute district resources under this provision only if the district and the institution of higher education enter into a written agreement authorizing the district to use that facility, including authorizing the enrollment of district students in courses offered at that facility.

An independent school district and a municipality, located wholly or partially in the boundaries of a county in which the district is located, may contract for the district to contribute district resources to pay a portion of the costs of the design, improvement, or construction of an instructional facility, stadium, or other athletic facility owned by, on the property of, or under the control of the municipality. A district may contribute district resources under this provision only if the district and municipality enter into a written agreement authorizing the district to use that facility.

Education Code 45.109(a-1), (a-2), (a-3)

**Use of Athletic
Facilities**

A district, acting by and through its board, may contract with any corporation, municipality, or institution of higher education, as defined by Education Code 61.003, located wholly or partially in its boundaries, for the use of any stadium and other athletic facilities owned by or under the control of the other entity. The contract may be for any period not exceeding 75 years and may contain terms agreed on by the parties.

The district may enter into a contract for the use of athletic facilities for any purpose related to sports activities and other physical education programs for the students at the public schools of the district.

Education Code 45.109(a), (b)

CONTRACTS FOR FACILITIES

CX
(LEGAL)

**Maintenance Tax
Authorization**

The consideration for a contract under Education Code 45.109 may be paid from any source available to the district. If voted as provided below, the board may pledge to the payment of the contract an annual maintenance tax in an amount sufficient, without limitation, to provide all of the consideration. If voted and pledged, the maintenance tax shall be assessed, levied, and collected annually in the same manner as provided by general law applicable to the district for other maintenance taxes.

Election

A maintenance tax may not be pledged to the payment of any contract under Education Code 45.109 or assessed, levied, or collected unless an election is held in the district and the maintenance tax is favorably voted by a majority of the qualified voters of the district voting at the election. The election order for an election under this provision must include the polling place or places and any other matters considered advisable by the board. [See BBB series regarding elections]

Education Code 45.109(c)–(d)

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

Note: This policy addresses the prohibition against discrimination in hiring and discharging employees. For legally referenced material relating to prohibited discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment, see DIA(LEGAL).

Unlawful Hiring and Discharge

It is an unlawful employment practice for a district to fail or refuse to hire or to discharge any individual because of such individual's:

1. Race, color, or national origin;
2. Religion;
3. Sex;
4. Age;
5. Disability; or
6. Genetic information [see DAB].

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.*

Note: Title VII, the ADA, and GINA 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)*

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*

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

	State policy on employment of persons with disabilities. <i>Human Resources Code 121.003(f)</i>
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). <u><i>Wards Cove Packing Co. v. Atonio</i></u> , 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
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); Labor Code 21.055 [See DIA]
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	<p>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.</p> <p>The notice shall state:</p> <ol style="list-style-type: none">1. That the district does not discriminate in employment in its programs and activities; and2. The identity of the district's 504 coordinator.

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

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*

**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*

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
Pregnancy

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*

EMPLOYMENT OBJECTIVES
EQUAL EMPLOYMENT OPPORTUNITY

DAA
(LEGAL)

Gay and Transgender	The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. <u><i>Bostock v. Clayton County, Georgia</i></u> , 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)
Gender Stereotypes	A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. <u><i>Price Waterhouse v. Hopkins</i></u> , 490 U.S. 228 (1989)
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; <i>Labor Code 21.101</i>
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); <i>Labor Code 21.102</i>
Disability Discrimination	<p>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(b); <i>Labor Code 21.051</i></p> <p>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)</p> <p>[See DIA]</p>
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

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EQUAL EMPLOYMENT OPPORTUNITY

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Student Loan
Repayment

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)*

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

Note: The Board has adopted an [innovation plan](#)¹ that affects application of provisions in this legally referenced policy.

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Notice to Parents

Teacher
Qualifications

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall, at the beginning of each school year, notify the parents of each student attending any school receiving such funds that the parents may request, and the district shall provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers, including, at a minimum, the following:

1. Whether the student's teacher:
 - a. Has met state qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;
 - b. Is teaching under emergency or other provisional status through which state qualification or licensing criteria have been waived; and
 - c. Is teaching in the field of discipline of the certification of the teacher.
2. Whether the child is provided services by paraprofessionals and, if so, their qualifications.

20 U.S.C. 6312(e)(1)(A)

Federally Required
Notice—Lack of
Credentials

A school that receives such federal funds shall also provide to each individual parent of a child who is a student in such school, with respect to such student, timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. *20 U.S.C. 6312(e)(1)(B)(ii)*

State-Required
Notice—Lack of
Credentials

If a district assigns an inappropriately certified or uncertified teacher (as defined below) to the same classroom for more than 30 consecutive instructional days during the same school year, it shall provide written notice of the assignment to the parents or guardians of each student in that classroom.

A superintendent shall provide the notice not later than the 30th instructional day after the date of the assignment of the inappropriately certified or uncertified teacher. A district shall make a good-faith effort to ensure that the notice is provided in a bilingual form to any parent or guardian whose primary language is not English. A district shall retain a copy of the notice and make information relating to teacher certification available to the public on request.

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An “inappropriately certified or uncertified teacher” includes an individual serving on an emergency certificate or an individual who does not hold any certificate or permit. It does not include an individual who is:

1. Certified and assigned to teach a class or classes outside his or her area of certification, as determined by State Board for Educator Certification (SBEC) rules specifying the certificate required for an assignment;
2. Serving on a certificate issued due to a hearing impairment;
3. Serving on a certificate issued pursuant to enrollment in an approved alternative certification program;
4. Certified by another state or country and serving on a certificate issued under Education Code 21.052;
5. Serving on a school district teaching permit; or
6. Employed under a waiver granted by the commissioner of education.

The state notice requirement does not apply if a school is required in accordance with Section 1006, Every Student Succeeds Act [20 U.S.C. Section 6312(e)(1)(B)(ii)], to provide notice to a parent or guardian regarding a teacher who does not meet certification requirements at the grade level and subject area in which the teacher is assigned, provided the school provides notice as required by that Act. [See Federally Required Notice—Lack of Credentials, above]

Education Code 21.057; 19 TAC 231.1

**Professional
Personnel**

Certificate

A person may not be employed as a teacher, teacher intern or teacher trainee, librarian, educational aide, administrator, educational diagnostician, or school counselor by a district unless the person holds an appropriate certificate or permit. A person who desires to teach shall present the person’s certificate for filing with a district before the person’s contract with a board is binding.

A person is not required to hold a certificate under Education Code 21.0487 to be employed by a district as a Junior Reserve Officer Training Corps instructor.

An educator who does not hold a valid certificate may not be paid for teaching or work done before the effective date of issuance of a valid certificate.

Education Code 21.003(a), .0487(d), .053(a)–(b)

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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License	<p>A person may not be employed by a district as an audiologist, occupational therapist, physical therapist, physician, nurse, school psychologist, associate school psychologist, licensed professional counselor, marriage and family therapist, social worker, or speech language pathologist unless the person is licensed by the state agency that licenses that profession. A person may perform specific services within those professions for a district only if the person holds the appropriate credentials from the appropriate state agency.</p> <p>A person employed by a district before September 1, 2011, to perform marriage and family therapy is not required to hold a license as a marriage and family therapist as long as the person remains employed by the district.</p> <p><i>Education Code 21.003(b)</i></p>
School District Teaching Permit	<p>A district may issue a school district teaching permit and employ as a teacher a person who does not hold a teaching certificate issued by SBEC. To be eligible for a school district teaching permit, a person must hold a baccalaureate degree. <i>Education Code 21.055(a)–(b)</i></p>
Statement to Commissioner	<p>Promptly after employing a person under a school district permit, a district shall send a written statement to the commissioner. This statement must identify the person, the person's qualifications as a teacher, and the subject or class the person will teach. The person may teach the subject or class pending action by the commissioner.</p> <p>Not later than the 30th day after the commissioner receives a district's statement, the commissioner may inform the district that the person is not qualified to teach. The person may not teach if the commissioner finds that the person is not qualified. If the commissioner fails to act before the 30th day after receiving the statement, a district may issue the school district teaching permit and the person may teach the subject or class identified in the statement sent to the commissioner.</p> <p><i>Education Code 21.055(c)–(d)</i></p>
Noncore Career and Technical Courses	<p>The following requirements do not apply to a person who will teach only noncore academic career and technical education courses:</p> <ol style="list-style-type: none">1. The requirement to hold a baccalaureate degree;2. The requirement that the district send a written statement to the commissioner identifying the person, the person's qualifications as a teacher, and the subject or class the person will teach; and

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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3. The requirement that the commissioner inform the district in writing if the commissioner finds the person to be not qualified to teach.

A board may issue a school district teaching permit to a person who will teach courses only in career and technical education based on qualifications certified by the superintendent. Qualifications must include demonstrated subject matter expertise such as professional work experience, formal training and education, holding an active professional relevant industry license, certification, or registration, or any combination of work experience, training and education, or industry license, certification, or registration, in the subject matter to be taught.

The superintendent shall certify to the board that a new employee has undergone a criminal background check and is capable of proper classroom management. A district shall require a new employee to obtain at least 20 hours of classroom management training and to comply with continuing education requirements as determined by the board.

A person may teach a career and technical education course immediately upon issuance of a permit. Promptly after employing a person who qualifies under Education Code 21.055(d-1), the board shall send to the commissioner a written statement identifying the person, the course the person will teach, and the person's qualifications to teach the course.

Education Code 21.055(d-1)

Duration of Permit

A school district teaching permit remains valid unless the district issuing the permit revokes it for cause. A person authorized to teach under a school district teaching permit issued by a particular district may not teach in another school district unless that other district complies with the permit-issuing provisions. *Education Code 21.055(e)*

Emergency Permit

Emergency permits are issued under the authority of SBEC. *19 TAC 230.71(a)*

Activation

A superintendent or designee who cannot secure an appropriately certified and qualified individual to fill a vacant position may activate an emergency permit for an individual who does not have one of the appropriate credentials for the assignment, as specified in 19 Administrative Code Chapter 231 (Requirements for Public School Personnel Assignments).

In order to activate an emergency permit, the superintendent or designee must:

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1. Document locally the efforts the district has taken to employ an appropriately certified individual in the position for which an emergency permit is activated;
2. Apply for an emergency permit when a vacant position is filled with an uncertified or inappropriately certified individual who will serve as the teacher of record or will serve in the assignment for more than 30 consecutive instructional days. The application must be submitted to the Texas Education Agency (TEA) within 45 instructional days of the date of assignment;
3. Verify that the district maintains a support system, has assigned a trained mentor, and will provide release time as needed to assist the individual serving on an emergency permit. However, a district shall not be required to provide a mentor for a degreed, certified teacher assigned on an emergency permit if the teacher has one or more creditable years' experience within the district, as defined at 19 Administrative Code Chapter 153, Subchapter CC; and
4. Verify that the individual for whom the emergency permit is activated has been advised of the SBEC rules regarding permits and permit renewal requirements in 19 Administrative Code Chapter 230, Subchapter F.

19 TAC 230.71(d)

*Temporary
Vacancies*

A district is not required to activate an emergency permit if an uncertified individual is assigned for a certified teacher who will be absent for more than 30 consecutive instructional days due to documented health-related reasons and has expressed the intention to return to the assignment. A district must, however, comply with the parent notification requirements above. *19 TAC 230.71(i)*

General Eligibility
Requirements

An individual for whom an emergency permit is activated must meet the following criteria:

1. The individual must hold a bachelor's degree or higher from an accredited institution of higher education. [See 19 Administrative Code 230.75(1) for career and technical and trade and industrial education assignments.]
2. The individual must be at least 18 years of age.
3. The individual must be able to communicate and understand the English language sufficiently to use it easily and readily in daily communication and teaching, as specified in 19 Administrative Code 230.11 (General Requirements).

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4. The individual must be of good moral character. SBEC may refuse to authorize an emergency permit for an individual, applying the same standards that would be applied to the administrative denial of an applicant for certification under 19 Administrative Code 249.12 (Administrative Denial; Appeal).
5. The individual must submit fingerprints in accordance with 19 Administrative Code 232.35(c) (Submission of Required Information) and Education Code 22.0831. [See DBAA]

19 TAC 230.75

Specific
Requirements for
Initial Permits

An individual for whom an emergency permit is activated must:

1. Have completed the appropriate semester credit hours or equivalent contact hours required for the emergency permit sought as specified in 19 Administrative Code 230.77, or, for a degreed, certified teacher, have passed the appropriate content specialization portions of the appropriate certification examination required for the target certificate; and
2. Have satisfied the appropriate experience requirement specified in 19 Administrative Code 230.77 for the emergency permit sought.

19 TAC 230.77(a)

SBEC rules provide requirements for the following assignments:

1. Elementary grades (early childhood–grade 6) (general education).
2. Secondary grades (grades 7–12) (general education).
3. All grade levels (early childhood–grade 12) (general education).
4. Career and technical education programs.
5. Special populations, such as English language learners (ELLs) and students with special learning needs.
6. Other instructional and support personnel, such as school counselor, educational diagnostician, school librarian, and JROTC instructor.

19 TAC 230.77 (b)–(g)

*Hardship
Exception*

An emergency permit may be authorized on a hardship basis for an individual who does not meet all eligibility requirements only if approval has been granted and email notification received from TEA staff. The district must:

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1. Document local conditions requiring the assignment of an individual who does not meet emergency permit requirements;
2. Verify that the deficiencies for the certificate sought do not exceed 36 semester credit hours; and
3. Verify:
 - a. That the individual will be enrolled in the first available course listed on the certification plan; or
 - b. Registration for the next available administration of the appropriate content specialization portion of the certification examination for an individual who holds a valid Texas classroom teaching certificate and a bachelor's degree or higher from an accredited institution of higher education and is placed in an assignment requiring a different classroom teaching certificate.

19 TAC 230.71(h)

*Holders of Intern
or Probationary
Certificates*

Candidates who hold an intern certificate under the provisions of 19 Administrative Code 230.36 (Intern Certificates) or a probationary certificate under 19 Administrative Code 230.37 (Probationary Certificates) may be employed on an emergency permit during the validity of the intern certificate or probationary certificate, if the emergency permit is being issued in a certificate area not available through the educator preparation program that provided recommendation for the intern certificate or probationary certificate. *19 TAC 230.71(j)*

Procedures for
Initial Permit

The superintendent or his or her designee or authorized representative must verify the individual's eligibility for the emergency permit [see General Eligibility Requirements and Specific Requirements for Initial Permits, above] and submit online to TEA the following information within 45 instructional days of assignment.

For all assignments (except career and technical education assignments based on skill and experience):

1. A completed online emergency permit application;
2. One of the following:
 - a. A certification plan from an approved Texas educator preparation program (EPP); or
 - b. Verification of registration for an appropriate certification examination for a teacher that is already certified; and
3. The appropriate fee (payable by the school district).

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For career and technical education assignments based on skill and experience:

1. A completed online emergency permit application;
2. A copy of the individual's statement of qualifications, approved by the certification officer of a Texas EPP;
3. Acceptable license, registration, or certification by a state-authorized or nationally recognized agency in an occupational area appropriate for the assignment;
4. A certification plan from an approved Texas EPP for the career and technical education certificate appropriate for the assignment; and
5. The appropriate fee (payable by the school district).

19 TAC 230.79

Validity of
Emergency Permit

The validity date of an activated and authorized emergency permit is specified in 19 Administrative Code 230.97 (Effective Dates of Certificates and Permit Issuance).

An emergency permit is valid for the remainder of the school year for which it is activated and authorized by SBEC. The emergency permit must be submitted to TEA within 45 instructional days from the date of assignment. A permit authorized by SBEC is valid for service only in the requesting district and only for the assignments indicated on the emergency permit application.

Effective with the 2017–18 school year, the employment of an individual on an emergency permit, with the exception of the assignment as a JROTC instructor or a teacher of students with visual impairments may not exceed one school year in the same assignment. [See One-Year Limitation, below]

Prior to the 2017–18 school year, the individual may serve in a specific assignment no more than one additional school year beyond the initial emergency permit. To continue beyond the initial emergency permit year, the individual must comply with the renewal provisions specified in 19 Administrative Code 230.81. [See Renewal Requirements and Procedures, below]

Effective with the 2017–18 school year, to continue employment in the assignment beyond the validity of the initial emergency permit, the individual must hold the appropriate certificate, in accordance with 19 Administrative Code, Chapter 231 (Requirements for Public School Personnel Assignments). An individual may not serve as a

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classroom teacher of record in the district for more than three school years without obtaining initial, standard certification.

19 TAC 230.73

One-Year Limitation Effective with the 2017–18 school year, an emergency permit will limit an individual to one year of service and no renewal will be allowed.

Exceptions The one-year limitation does not apply to individuals serving in the position of Junior Reserve Officer Training Corps (JROTC) instructor or teachers of students with visual impairments.

As indicated in 19 Administrative Code 230.77(g)(4)(B), emergency permits for JROTC instructors must be reissued every year.

Emergency permits for teachers of students with visual impairments referenced in 19 Administrative Code 230.77(f)(2)(B) may be renewed a maximum of two years.

19 TAC 230.71(b), (c)

Renewal Requirements and Procedures Effective with the 2017–18 school year, these renewal provisions no longer apply for emergency permits, with the exception of teachers of students with visual impairments. *19 TAC 230.73(f)*

A superintendent, designee, or authorized representative may renew an emergency permit for the same assignment in the same district for which the initial emergency permit was activated.

No individual may continue in the same assignment for more than one school year of service on an emergency permit, except that emergency permits used fewer than 90 calendar days may be renewed for one additional year of service, if needed.

The total of semester credit hours or the equivalent contact hours required to obtain certification appropriate for the assignment shall determine the number of emergency permit renewals for which the individual may be eligible.

For six semester credit hours or less plus appropriate examination requirements, an individual is not eligible for renewal.

For seven semester credit hours or more plus appropriate examination requirements, an individual is eligible for one renewal.

The superintendent or his or her designee or authorized representative may renew an emergency permit provided the following requirements and procedures are met:

1. The emergency permit must be renewed for the same assignment in the same school district.

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2. Official transcripts verifying completion of a minimum of six semester credit hours or documentation of completion of equivalent contact hours toward the appropriate target certificate must be placed in the individual's personnel file.
3. If the individual has not completed permit renewal requirements as indicated above, the superintendent or his or her designee must obtain hardship approval from the TEA prior to continuation of the assignment.
4. The appropriate renewal of the emergency permit application must be completed online prior to the beginning date of duties for the current school year.
5. The school district shall pay the appropriate fee.

19 TAC 230.81

Nonrenewable
Permits

A superintendent or designee may activate a nonrenewable permit for an individual who has not completed the appropriate examination requirements specified in 19 Administrative Code 230.21 (Educator Assessment).

A nonrenewable permit may be activated for an individual who:

1. Has completed all course and degree requirements of a Texas EPP except for successful completion of all appropriate examination requirements. Nonrenewable permits activated for individuals in this category expire 12 months from the date of activation; or
2. Holds a Texas teacher certificate with an effective date before February 1, 1986, but has not revalidated the certificate for employment purposes by passing an examination. The individual must not have been employed in a Texas school district since the start of the 1985–86 school year. A nonrenewable permit activated for an individual in this category expires six months from the date of activation or at the end of the school year, whichever is less.

A nonrenewable permit may not be activated for an individual in the same assignment area for which another permit had previously been authorized.

The superintendent, designee, or authorized representative must verify that an individual is eligible for the permit and submit the following information within 45 calendar days of assignment:

1. An application for a nonrenewable permit completed before the effective date of the assignment; and

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2. The appropriate fee (payable by the district).

19 TAC 230.83

Educator Consent

A certified teacher must consent to the activation of an emergency permit and be advised of the conditions of the emergency permit.

A teacher who refuses to consent to activation of an emergency permit may not be terminated or nonrenewed or otherwise retaliated against because of the teacher's refusal to consent to the activation of the emergency permit. However, a teacher's refusal to consent shall not impair a district's right to implement a necessary reduction in force or other personnel actions in accordance with local policy.

19 TAC 230.71(e)

No Property Right

An emergency permit is authorized for the district for a specific assignment and is not the property of the individual for whom the emergency permit was activated. *19 TAC 230.71(f)*

Unused Permits

If an emergency permit authorized by SBEC is not used, the district shall notify TEA staff by email. *19 TAC 230.71(g)*

**Certification of
Paraprofessional
Employees**

Educational aides shall be certified according to standards established by SBEC. *19 TAC 230.51*

**Federal
Requirements for
Teachers and
Paraprofessionals**

Teachers and paraprofessionals working in a program supported with funds under Title I, Part A of the Elementary and Secondary Education Act (20 U.S.C. 6301 et seq.) shall meet applicable state certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. *20 U.S.C. 6311(g)(2)(J), 6312(c)(6)*

The state's professional standards for paraprofessionals working in a program supported with Title I funds must include qualifications that were in place under former 20 U.S.C. 6319, as that section existed before December 10, 2015. *20 U.S.C. 6311(g)(2)(M)*

Qualifications
Before December
10, 2015

Each district receiving assistance under Title I, Part A of the ESEA shall ensure that all paraprofessionals working in a program supported with those funds shall:

1. Be assigned only duties consistent with the following:
 - a. A paraprofessional may be assigned to:
 - (1) Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

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- (2) Assist with classroom management, such as organizing instructional and other materials;
 - (3) Provide assistance in a computer laboratory;
 - (4) Conduct parental involvement activities;
 - (5) Provide support in a library or media center;
 - (6) Act as a translator; or
 - (7) Provide instructional services to students in accordance with items (b) and (c).
 - b. A paraprofessional may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with this section; and
 - c. A paraprofessional may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.
2. Regardless of a paraprofessional's hiring date, have earned a secondary school diploma or its recognized equivalent.
3. If hired after January 8, 2002, have one of the following credentials:
- a. Completed at least two years of study at an institution of higher education;
 - b. Obtained an associate's (or higher) degree; or
 - c. Met a rigorous standard of quality and can demonstrate, through a formal state or local academic assessment:
 - (1) Knowledge of, and the ability to assist in instructing, reading, writing, and mathematics; or
 - (2) Knowledge of, and the ability to assist in instructing, reading readiness, writing readiness, and mathematics readiness, as appropriate.

Receipt of a high school diploma is not sufficient to satisfy the formal academic assessment requirement.

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The requirements at item 3, above, shall not apply to a paraprofessional:

1. Who is proficient in English and a language other than English and who provides services primarily to enhance the participation of children in programs under Title I, Part A by acting as a translator; or
2. Whose duties consist solely of conducting parental involvement activities.

Former 20 U.S.C. 6319 in effect before Dec. 10, 2015

**Federal
Requirements for
Special Education
Teachers**

Each person employed as a special education teacher who teaches elementary school, middle school, or secondary school must:

1. Have obtained full state certification as a special education teacher [including participating in an alternate route to certification as a special educator, if such alternate route meets minimum requirements described in 34 C.F.R. 2005.56(a)(2)(ii) as in effect November 28, 2008], or passed the state special education teacher licensing examination, and holds a license to teach in the state as a special education teacher;
2. Have not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
3. Hold at least a bachelor's degree.

20 U.S.C. 1412(a)(14)(C)

**CPR and First Aid
Certification**

A district employee who serves as head director of a school marching band, head coach, or chief sponsor of an extracurricular athletic activity (including cheerleading) that is sponsored or sanctioned by the district or UIL must maintain and submit to the district proof of current certification in first aid and cardiopulmonary resuscitation issued by the American Red Cross, the American Heart Association, or another organization that provides equivalent training and certification. A district shall adopt procedures for administering this requirement, including procedures for the time and manner in which proof of current certification must be submitted. *Education Code 33.086*

AED Certification

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 must receive and maintain certification in the use of an

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automated external defibrillator (AED) from the American Heart Association, the American Red Cross, or a similar nationally recognized association. *Education Code 22.902* [See DMA]

School Bus Drivers
Credentials

For purposes of the following provisions, a “school bus driver” is a driver transporting school children and/or school personnel on routes to and from school or on a school-related activity trip while operating a multifunction school activity bus, school activity bus, or school bus. *37 TAC 14.1* [See CNA]

At a minimum, to become employed and maintain employment status as a school bus driver, a person must meet the following requirements:

1. Be at least 18 years old.
2. Possess a valid driver’s license designating a class appropriate (with applicable endorsement, if commercial driver license) for the gross vehicle weight rating and manufacturer’s designed passenger capacity of the vehicle to be operated.
3. Meet the medical qualifications specified by the Department of Public Safety (DPS) at 37 Administrative Code 14.12. [See DBB]
4. Maintain an acceptable driving record in accordance with the minimum standards established by the DPS at 37 Administrative Code 14.14.
5. Maintain an acceptable criminal history record, secured from any law enforcement agency or criminal justice agency, and reviewed in accordance with the provisions of Education Code Chapter 22. [See DBAA]
6. Possess a valid Texas School Bus Driver Safety Training Certificate, as specified at 37 Administrative Code 14.35 or a valid Enrollment Certificate, as specified at 37 Administrative Code 14.36.

Transp. Code 521.022; 37 TAC 14.11, .12, .14

Pre-Employment
Inquiries

An applicant for employment as a school bus driver must disclose to the district:

1. Any violations of motor vehicle laws or ordinances (other than parking violations) of which the applicant was convicted or forfeited bond or collateral during the three years preceding the date the application is submitted;

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CREDENTIALS AND RECORDS

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(LEGAL)

2. Any serious traffic violations, as defined by Transportation Code 522.003(25), of which the applicant was convicted during the ten years preceding the date the application is submitted; and
3. Any suspension, revocation, or cancellation of driving privilege that the applicant has ever received.

The district shall make an inquiry into the applicant's complete driving record, with DPS and with any state in which the applicant held a motor vehicle operator's license or permit within the past seven years. If no previous driving record is found to exist, the district must document its efforts to obtain such information and certify that no previous driving record exists for the individual.

The district shall review the applicant's driving record to determine whether that person meets minimum requirements, as described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements).

37 TAC 14.14(b)

Annual Evaluation

A district shall, at least once every 12 months, make an inquiry into the complete driving record of each school bus driver it employs, with DPS and with any state in which the individual held a motor vehicle operator's license or permit during that time period. The district shall review the driving record to determine whether the individual meets the minimum requirements described at 37 Administrative Code 14.14(d) (penalty points for convictions of traffic law violations and crash involvements). *Transp. Code 521.022(d); 37 TAC 14.14(c)*

Disqualification

Any person who has accumulated ten or more penalty points shall be considered ineligible to transport students until such time as he or she may become qualified. A school bus driver who receives notice that his or her license, permit, or privilege to operate a motor vehicle has been revoked, suspended, or withdrawn shall notify the district of the contents of the notice before the end of the business day following the day the driver received it. A district shall not permit a disqualified driver to drive a school bus, school activity bus, or multifunction school activity bus. *37 TAC 14.14(g)*

Employee Records

Professional
Employees

The following records on professional personnel must be readily available for review by the commissioner:

1. Credentials (certificate or license);
2. Service record(s) and any attachments;
3. Contract;

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4. Teaching schedule or other assignment record; and
5. Absence from duty reports.

Service Record

The basic document in support of the number of years of professional service claimed for salary increment purposes and both the state's sick and personal leave program data for all personnel is the service record (form FIN-115) or a similar form containing the same information. It is the responsibility of the issuing district to ensure that service records are true and correct and that all service recorded on the service record was actually performed.

The service record must be validated by a person designated by a district to sign service records. The service record shall be kept on file at the district.

*Former
Employees*

On request by a classroom teacher, librarian, school counselor, or nurse or by the school district employing one of those individuals, a district that previously employed the individual shall provide a copy of the individual's service record to the district employing the individual. The district must provide the copy not later than the 30th day after the later of:

1. The date the request is made; or
2. The date of the last day of the individual's service to the district.

The original service record, verified by the employee, shall be given to the employee upon request or sent to the next employing district. A district must maintain a legible copy for audit purposes. A scanned version of the original service record may be considered official if sent directly from one employing district to another employing district.

Education Code 21.4031; 19 TAC 153.1021(b), (d)

Access to
Employee Records

With regard to public access to information in personnel records, custodians of such records shall adhere to the requirements of the Public Information Act. *Gov't Code Ch. 552* [See GBA]

Information in a personnel file is excepted from the requirements of the Public Information Act if the disclosure would constitute a clearly unwarranted invasion of personal privacy.

Except as provided below, an employee of a district shall choose whether to allow public access to information in the district's custody that relates to the employee's home address, home telephone

EMPLOYMENT REQUIREMENTS AND RESTRICTIONS
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number, emergency contact information, or social security number, or that reveals whether the person has family members.

Gov't Code 552.024, .102(a)

The social security number of an employee of a district in the custody of the district is confidential. A district may not require an employee or former employee of the district to choose whether to allow public access to the employee's or former employee's social security number. *Gov't Code 552.024(a-1), .147(a-1)*

*Employee Right
of Access*

All information in the personnel file of a district employee shall be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. An employee or an employee's authorized representative has a special right of access, beyond the right of the general public, to information held by a district that relates to the employee and that is protected from public disclosure by laws intended to protect the employee's privacy interests.

A district may not deny to the employee or his or her representative access to information relating to the employee on the grounds that the information is considered confidential by privacy principles under the Public Information Act. A district may assert as grounds for denial of access other provisions of the Public Information Act or other laws that are not intended to protect the employee's privacy interests.

If a district determines that information in the employee's records is exempt from disclosure under an exception of Government Code Chapter 552, Subchapter C, other than an exception intended to protect the privacy interest of the requestor or the person whom the requestor is authorized to represent, it shall submit a written request for a decision to the attorney general before disclosing the information. If a decision is not requested, a district shall release the information to the requestor not later than the tenth day after the request for information is received.

Gov't Code 552.023, .102(a), .307

¹ Innovation Plan:

https://www.nisdtx.org/departments/curriculum_instruction/district_of_innovation

EMPLOYMENT PRACTICES
AT-WILL EMPLOYMENT

DCD
(LOCAL)

Personnel not hired under a contract shall be employed on an at-will basis.

[For information regarding contractual employment, see DCA, DCB, DCC, and DCE, as appropriate]

Dismissal

At-will employees may be dismissed at any time for any reason not prohibited by law or for no reason, as determined by the needs of the District. At-will employees who are dismissed shall receive pay through the end of the last day worked.

Appeal of
Employment
Actions

A dismissed employee may appeal the dismissal in accordance with DGBA(LOCAL).

EMPLOYMENT PRACTICES
OTHER TYPES OF CONTRACTS

DCE
(LOCAL)

**Non-Chapter 21
Contracts**

Non-Chapter 21 contracts shall be provided for positions included on the list approved by the Board. A non-Chapter 21 contract shall not be governed by Chapter 21 of the Education Code.

**Appeal of
Employment Actions**

An employee may appeal discharge during the contract period in accordance with DCE(LEGAL).

An employee whose contract is not reissued at the end of the contract period may appeal in accordance with DGBA(LOCAL).

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Note: The Board has adopted an [innovation plan](#)¹ that affects application of provisions in this legally referenced policy.

**Incentive Grants—
Contract Provision**

A district shall provide in employment contracts that qualifying employees may receive an incentive payment under an awards program established under Education Code Chapter 21, Subchapter O (Educator Excellence Award Program and Educator Excellence Innovation Program) if the district participates in the program. A district shall indicate that any incentive payment distributed is considered a payment for performance and not an entitlement as part of an employee's salary. *Education Code 21.415*

**Educator Excellence
Innovation Program**

The Educator Excellence Innovation Program (EEIP) is a grant program under which a district may receive a competitive grant for the purposes of systematically transforming educator quality and effectiveness. The Texas Education Agency (TEA) will give priority to districts that receive Title I funding and have at a majority of district campuses a student enrollment that is at least 50 percent educationally disadvantaged.

Eligibility

A district is eligible to apply for EEIP grant funds if the district:

1. Completes and submits a Notice of Intent to Apply to TEA by the date established by the commissioner of education;
2. Complies with all assurances in the Notice of Intent to Apply and grant application;
3. Participates in the required technical assistance activities established by the commissioner, including establishing leadership teams, master teachers, mentor teachers, and instructional coaches and developing career pathways;
4. Agrees to participate for four years; and
5. Complies with any other activities set forth in the program requirements.

An eligible district must submit an application in a form prescribed by the commissioner. Each eligible applicant must meet all deadlines, requirements, and assurances specified in the application. The commissioner may waive any eligibility requirements as specified in 19 Administrative Code 102.1073.

Local Plan

An eligible district that intends to participate in the EEIP shall submit a local educator excellence innovation plan to TEA. A local educator excellence innovation plan must address the elements at 19 Administrative Code 102.1073(e)(2).

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A district must act pursuant to its local board policy [see DEAA (LOCAL)] for submitting a local educator excellence innovation plan and grant application to TEA. A local decision to approve and submit a plan and grant application may not be appealed to the commissioner.

A district may renew its local educator excellence innovation plan for three consecutive school years without resubmitting a full grant application to TEA. With TEA approval, a district may amend its local plan in accordance with 19 Administrative Code 102.1073(c) and (h) for each school year the district receives a program grant.

Use of Grant Funds

A district may use grant funds only to carry out purposes of the program as described at Education Code 21.7011, in accordance with the district's local plan, which may include the following specific methods or procedures:

1. Implementation and administration of a high-quality mentoring program for teachers in the first three years of classroom teaching using mentors who meet the qualifications prescribed by Education Code 21.458 [see Mentor Teachers, below];
2. Implementation of a teacher evaluation system using multiple measures that include:
 - a. The results of classroom observation, which may include student comments;
 - b. The degree of student educational growth and learning; and
 - c. The results of teacher self-evaluation;
3. To the extent permitted under Education Code Chapter 25, Subchapter C, restructuring of the school day or school year to provide for embedded and collaborative learning communities for the purpose of professional development [see EC];
4. Establishment of an alternative teacher compensation or retention system; and
5. Implementation of incentives designed to reduce teacher turnover.

Waiver Request

A district may apply to the commissioner in writing for a waiver to exempt the district or one or more district campuses from one or more of the statutory sections listed at Education Code 21.7061(a).

The application for the waiver must demonstrate:

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(LEGAL)

1. Why waiving the identified section of the Education Code is necessary to carry out the purposes of the program;
2. Approval for the waiver by a vote of a majority of the members of the board;
3. Approval for the waiver by a vote of a majority of the educators employed at each campus for which the waiver is sought; and
4. Evidence that the voting occurred during the school year and in a manner that ensured that all educators entitled to vote had a reasonable opportunity to participate in the voting.

Neither the board nor the superintendent may compel a waiver of rights under Education Code 21.7061.

Not later than April 1 of the year in which the waiver application is submitted, the commissioner shall notify the district in writing whether the application has been granted or denied. A waiver expires when the waiver is no longer necessary to carry out the purposes of the program, in accordance with the district's local educator excellence innovation plan.

Education Code Ch. 21, Subch. O; 19 TAC 102.1073

**Local Optional
Teacher Designation
System**

A district may designate a certified classroom teacher as a master, exemplary, or recognized teacher for a five-year period based on the results from single year or multiyear appraisals [see DNA]. *Education Code 21.3521(a)*

Rules

The commissioner's rules specify the requirements for districts to implement local teacher designation systems, including teacher eligibility, application procedures and the approval process, system expansion and amendments, monitoring and program evaluation, continuing approval and renewal, and funding. *19 TAC 150.1012*

Standards

The commissioner's rules establish performance and validity standards for each local optional teacher designation system that:

1. Must provide a mathematical possibility that all teachers eligible for a designation may earn the designation; and
2. May not require a district to use an assessment instrument adopted under Education Code 39.023 to evaluate teacher performance.

Education Code 21.3521(b); 19 TAC 150.1014

A classroom teacher that holds a National Board Certification issued by the National Board for Professional Teaching Standards

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(LEGAL)

may be designated as recognized. *Education Code 21.3521(c); 19 TAC 150.1013*

Assistance

TEA shall develop and provide technical assistance for districts that request assistance in implementing a local optional teacher designation system, including assistance in prioritizing high needs campuses. *Education Code 21.3521(e)*

No Property Right

A teacher has no vested property right in a teacher designation assigned under a local optional teacher designation system. A teacher designation is void in the determination that the designation was issued improperly, and the Administrative Procedure Act does not apply to the voiding of a local optional teacher designation. *Education Code 21.3521(f)*

Teacher Incentive
Allotment

For each classroom teacher with a local optional teacher designation, a district is entitled to an allotment, adjusted by high needs and rural factors, as determined under Education Code 48.112.

A district shall annually certify that:

1. Funds received were used as follows:
 - a. At least 90 percent was used for the compensation of teachers employed at the campus at which the teacher for whom the district received the allotment is employed; and
 - b. Any other funds were used for costs associated with implementing the local optional teacher designation system, including efforts to support teachers in obtaining designations; and
2. The district prioritized high needs campuses in the district in using funds.

Education Code 48.112(c), (i)

Evaluations

TEA shall periodically conduct evaluations of the effectiveness of the local optional teacher designation systems and the teacher incentive allotment and report the results of the evaluations to the legislature. A district that has implemented a local optional teacher designation system or received funds under the teacher incentive allotment shall participate in the evaluations. *Education Code 21.3521(g)*

Mentor Teachers

A district may assign a mentor teacher to each classroom teacher who has less than two years of teaching experience in the subject or grade level to which the teacher is assigned. A teacher assigned as a mentor must:

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1. To the extent practicable, teach in the same school;
2. To the extent practicable, teach the same subject or grade level, as applicable; and
3. Meet the qualifications prescribed by commissioner's rules.

Education Code 21.458(a)

Rules

The commissioner's rules specify the requirements for districts to implement mentor training programs, including program requirements, application approval process, ongoing verification and compliance, allowable expenditures, and program review. *19 TAC 153.1011*

Assignment of
Mentor

To be assigned as a mentor, a teacher must agree to serve as a mentor teacher for at least one school year. The assignment must begin not later than the 30th day of employment of the classroom teacher to whom the mentor teacher is assigned. A district must agree to assign a mentor to a new classroom teacher for at least two school years. *Education Code 21.458(a-1)*

Requirements for
Mentor

The commissioner's rules must require that a mentor teacher:

1. Complete a research-based mentor and induction training program approved by the commissioner;
2. Complete a training program provided by the district;
3. Have at least three complete years of teaching experience with a superior record of assisting students, as a whole, in achieving improvement in student performance; and
4. Demonstrate interpersonal skills, instructional effectiveness, and leadership skills.

Education Code 21.458(b)

Training

A district must provide training to mentor teachers and any appropriate district and campus employees who work with the classroom teacher or supervise the classroom teacher. The training must be completed by the mentor teacher and the district and campus employees before the beginning of the school year. A district shall also provide supplemental training to mentor teachers and employees during the school year. The training must include content related to best mentorship practices. *Education Code 21.458(b-1)*

Mentoring Sessions

A mentor teacher must meet with each classroom teacher assigned to the mentor not less than 12 hours each semester. Observations of the mentor by the classroom teacher being mentored or of the classroom teacher being mentored by the mentor may count toward the 12 hours of meeting time required for the semester.

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Unless the district has created a mentoring curriculum as provided below, the mentoring sessions must address the following topics:

1. Orientation to the context, policies, and practices of the school district;
2. Data-driven instructional practices;
3. Specific instructional coaching cycles, including coaching regarding conferences between parents and the classroom teacher;
4. Professional development; and
5. Professional expectations.

Subject to approval by TEA, in determining the topics to be addressed in the mentoring sessions, a school district may create an appropriate curriculum that meets the district needs.

A district must:

1. Designate a specific time during the regularly contracted school day for meetings between mentor teachers and classroom teachers assigned to a mentor; and
2. Schedule release time or a reduced teaching load for mentor teachers and classroom teachers under this section to facilitate mentoring activities, including classroom observations or participation in supportive coaching.

Education Code 21.458(f), (f-1)

Allotment

A school district that has implemented a mentoring program is entitled to an allotment to fund the mentoring program and provide stipends for mentor teachers under a formula adopted by the commissioner.

Funding may be used only for providing:

1. Mentor teacher stipends;
2. Scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities; and
3. Mentoring support through providers of mentor training.

Education Code 48.114

**Achievement
Academy Stipends**

A stipend received by a teacher who attends a literacy achievement, mathematics achievement, or a reading-to-learn academy is not considered in determining whether a district is paying the

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teacher the minimum monthly salary under Education Code 21.402. *Education Code 21.4552(d), .4553(d), .4554(d)*

A stipend received by a school counselor or teacher who attends a postsecondary education and career counseling academy under Education Code 33.009 is not considered in determining whether a district is paying the school counselor or teacher the minimum monthly salary under Education Code 21.402. *Education Code 33.009(h)*

Autism Training

A district may provide a salary incentive or similar compensation to a teacher who completes training provided by a regional education service center (ESC) relating to autism. A school district that decides to provide an incentive or compensation shall adopt a policy to implement this section. *Education Code 21.465*

**Retirement
Incentives**

A district may not offer or provide a financial or other incentive to an employee to encourage the employee to retire from the Teacher Retirement System of Texas. *Education Code 22.007*

**Attendance
Supplement**

A district shall not deny an educator a salary bonus or similar compensation given in whole or in part on the basis of educator attendance because of the educator's absence from school for observance of a religious holy day observed by a religion whose places of worship are exempt from property taxation under Tax Code 11.20. *Education Code 21.406*

¹ Innovation Plan:

https://www.nisdtx.org/departments/curriculum_instruction/district_of_innovation

Educators' Code of Ethics

The Texas educator shall comply with standard practices and ethical conduct toward students, professional colleagues, school officials, parents, and members of the community and shall safeguard academic freedom. The Texas educator, in maintaining the dignity of the profession, shall respect and obey the law, demonstrate personal integrity, and exemplify honesty and good moral character. The Texas educator, in exemplifying ethical relations with colleagues, shall extend just and equitable treatment to all members of the profession. The Texas educator, in accepting a position of public trust, shall measure success by the progress of each student toward realization of his or her potential as an effective citizen. The Texas educator, in fulfilling responsibilities in the community, shall cooperate with parents and others to improve the public schools of the community. *19 TAC 247.1*

Professional Ethical Conduct, Practices, and Performance

Standard 1.1. The educator shall not intentionally, knowingly, or recklessly engage in deceptive practices regarding official policies of the school district, educational institution, educator preparation program, the Texas Education Agency, or the State Board for Educator Certification (SBEC) and its certification process.

Standard 1.2. The educator shall not intentionally, knowingly, or recklessly misappropriate, divert, or use monies, personnel, property, or equipment committed to his or her charge for personal gain or advantage.

Standard 1.3. The educator shall not submit fraudulent requests for reimbursement, expenses, or pay.

Standard 1.4. The educator shall not use institutional or professional privileges for personal or partisan advantage.

Standard 1.5. The educator shall neither accept nor offer gratuities, gifts, or favors that impair professional judgment or that are used to obtain special advantage. This standard shall not restrict the acceptance of gifts or tokens offered and accepted openly from students, parents of students, or other persons or organizations in recognition or appreciation of service.

Standard 1.6. The educator shall not falsify records, or direct or coerce others to do so.

Standard 1.7. The educator shall comply with state regulations, written local school board policies, and other state and federal laws.

Standard 1.8. The educator shall apply for, accept, offer, or assign a position or a responsibility on the basis of professional qualifications.

Standard 1.9. The educator shall not make threats of violence against school district employees, school board members, students, or parents of students.

Standard 1.10. The educator shall be of good moral character and be worthy to instruct or supervise the youth of this state.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 1.11. The educator shall not intentionally, knowingly, or recklessly misrepresent his or her employment history, criminal history, and/or disciplinary record when applying for subsequent employment.

Standard 1.12. The educator shall refrain from the illegal use, abuse, or distribution of controlled substances, prescription drugs, and toxic inhalants.

Standard 1.13. The educator shall not be under the influence of alcohol or consume alcoholic beverages on school property or during school activities when students are present.

Ethical Conduct Toward Professional Colleagues

Standard 2.1. The educator shall not reveal confidential health or personnel information concerning colleagues unless disclosure serves lawful professional purposes or is required by law.

Standard 2.2. The educator shall not harm others by knowingly making false statements about a colleague or the school system.

Standard 2.3. The educator shall adhere to written local school board policies and state and federal laws regarding the hiring, evaluation, and dismissal of personnel.

Standard 2.4. The educator shall not interfere with a colleague's exercise of political, professional, or citizenship rights and responsibilities.

Standard 2.5. The educator shall not discriminate against or coerce a colleague on the basis of race, color, religion, national origin, age, gender, disability, family status, or sexual orientation.

Standard 2.6. The educator shall not use coercive means or promise of special treatment in order to influence professional decisions or colleagues.

Standard 2.7. The educator shall not retaliate against any individual who has filed a complaint with the SBEC or who provides information for a disciplinary investigation or proceeding under this chapter.

Standard 2.8. The educator shall not intentionally or knowingly subject a colleague to sexual harassment.

Ethical Conduct Toward Students

Standard 3.1. The educator shall not reveal confidential information concerning students unless disclosure serves lawful professional purposes or is required by law.

Standard 3.2. The educator shall not intentionally, knowingly, or recklessly treat a student or minor in a manner that adversely affects or endangers the learning, physical health, mental health, or safety of the student or minor.

Standard 3.3. The educator shall not intentionally, knowingly, or recklessly misrepresent facts regarding a student.

EMPLOYEE STANDARDS OF CONDUCT

DH
(EXHIBIT)

Standard 3.4. The educator shall not exclude a student from participation in a program, deny benefits to a student, or grant an advantage to a student on the basis of race, color, gender, disability, national origin, religion, family status, or sexual orientation.

Standard 3.5. The educator shall not intentionally, knowingly, or recklessly engage in physical mistreatment, neglect, or abuse of a student or minor.

Standard 3.6. The educator shall not solicit or engage in sexual conduct or a romantic relationship with a student or minor.

Standard 3.7. The educator shall not furnish alcohol or illegal/unauthorized drugs to any person under 21 years of age unless the educator is a parent or guardian of that child or knowingly allow any person under 21 years of age unless the educator is a parent or guardian of that child to consume alcohol or illegal/unauthorized drugs in the presence of the educator.

Standard 3.8. The educator shall maintain appropriate professional educator-student relationships and boundaries based on a reasonably prudent educator standard.

Standard 3.9. The educator shall refrain from inappropriate communication with a student or minor, including, but not limited to, electronic communication such as cell phone, text messaging, email, instant messaging, blogging, or other social network communication. Factors that may be considered in assessing whether the communication is inappropriate include, but are not limited to:

1. The nature, purpose, timing, and amount of the communication;
2. The subject matter of the communication;
3. Whether the communication was made openly or the educator attempted to conceal the communication;
4. Whether the communication could be reasonably interpreted as soliciting sexual contact or a romantic relationship;
5. Whether the communication was sexually explicit; and
6. Whether the communication involved discussion(s) of the physical or sexual attractiveness or the sexual history, activities, preferences, or fantasies of either the educator or the student.

19 TAC 247.2

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

Note: This policy addresses the prohibition against discrimination, harassment, and retaliation with respect to compensation, terms, conditions, or privileges of employment. For legally referenced material relating to the prohibition against discrimination in hiring and discharging employees, see DAA(LEGAL).

For provisions related to harassment of students, including the district's response to sexual harassment as defined by Title IX, see FFH.

**Unlawful
Employment
Discrimination**

It is an unlawful employment practice for a district to discriminate against any individual with respect to his 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; or
6. Genetic information [see DAB].

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.*

Note: Title VII, the ADA, and GINA 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)*

EMPLOYEE WELFARE
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State Law	<p>Texas Commission on Human Rights Act (TCHRA)—race, color, disability, religion, sex, national origin, age, and genetic information. <i>Labor Code 21.051, .402</i></p> <p>State policy on employment of persons with disabilities. <i>Human Resources Code 121.003(f)</i></p>
Prohibition on Retaliation	<p>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. <i>29 U.S.C. 623(d) (ADEA); 42 U.S.C. 2000e-3(a) (Title VII); 42 U.S.C. 12203 (ADA); Labor Code 21.055</i></p>
Harassment-Free Workplace	<p>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. <i>42 U.S.C. 2000e, et seq.; 29 C.F.R. 1604.11(a), 1606.8(a)</i></p>
Sexual Harassment	<p>Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:</p> <ol style="list-style-type: none">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; or3. 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. <p>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.</p> <p><i>29 C.F.R. 1604.11(a), (f), (g)</i></p>
Same-Sex Harassment	<p>Same-sex sexual harassment constitutes sexual harassment. <u><i>Oncale v. Sundowner Offshore Services, Inc.</i></u>, 523 U.S. 75 (1998)</p>
Criminal Offense—Official Oppression	<p>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.</p>

EMPLOYEE WELFARE
FREEDOM FROM DISCRIMINATION, HARASSMENT, AND RETALIATION

DIA
(LEGAL)

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*

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. 1606.08(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 issue of harassment under Title VII, and developing methods to sensitize all concerned. *29 C.F.R. 1604.11(f)*

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Responsibility for Harassment by Third Parties	<p>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. <i>29 C.F.R. 1604.11(d), (e), 1606.8(d), (e)</i></p> <p>When no tangible employment action is taken, a district may raise the following affirmative defense:</p> <ol style="list-style-type: none">1. That the district exercised reasonable care to prevent and promptly correct any harassing behavior; and2. That the employee unreasonably failed to take advantage of any preventive or corrective opportunities provided by the employer or to avoid harm otherwise. <p><u><i>Burlington Industries, Inc. v. Ellerth</i>, 524 U.S. 742 (1998); <i>Faragher v. City of Boca Raton</i>, 524 U.S. 775 (1998)</u></p>
Religious Discrimination	<p>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 <i>de minimus</i> (minimal) cost. <i>42 U.S.C. 2000e(j); 29 C.F.R. 1605.2; Labor Code 21.108</i></p>
Burden on Free Exercise	<p>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. <i>Civ. Prac. & Rem. Code 110.003</i></p>
Sex Discrimination	<p>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. <i>42 U.S.C. 2000e(k); 29 C.F.R. 1604.10; Labor Code 21.106</i></p>
Pregnancy	
Gay and Transgender	<p>The prohibition against discrimination because of sex includes discrimination on the basis of an individual being gay or transgender. <u><i>Bostock v. Clayton County, Georgia</i>, 17-1618, 2020 WL 3146686, (U.S. June 15, 2020)</u></p>
Gender Stereotypes	<p>A district may not evaluate employees by assuming or insisting that they match the stereotype associated with their group. <u><i>Price Waterhouse v. Hopkins</i>, 490 U.S. 228 (1989)</u></p>

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Age Discrimination	The prohibition against discrimination on the basis of age applies only to discrimination against an individual 40 years of age or older. <i>29 U.S.C. 631; Labor Code 21.101</i>
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. <i>29 U.S.C. 623(f); Labor Code 21.102</i>
Disability Discrimination	<p>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. <i>42 U.S.C. 12112(a); 29 C.F.R. 1630.4(b); Labor Code 21.051</i></p> <p>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. <i>34 C.F.R. 300.177(b)</i></p>
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. <i>42 U.S.C. 12201(g); 29 C.F.R. 1630.4(b); Labor Code 21.005(c)</i>
Definition of Disability	<p>"Disability" means:</p> <ol style="list-style-type: none">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; or3. Being regarded as having such an impairment. <p>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.</p>
<i>"Regarded as" Having an Impairment</i>	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

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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 devices, 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*

“Physical or mental impairment” means:

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

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*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 Americans with Disabilities Act]

“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

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	association. <i>42 U.S.C. 12112(b)(4); 29 C.F.R. 1630.8; 34 C.F.R. 104.11</i>
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.
<i>Drug Testing</i>	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. <i>42 U.S.C. 12114(c), (d); Labor Code 21.002(6)(A) [See DHE]</i>
<i>Alcohol Use</i>	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. <i>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)</i>
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. <i>29 C.F.R. 1630.10(a)</i>
<i>Direct Threat to Health or Safety</i>	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. <i>42 U.S.C. 12111(3); 29 C.F.R. 1630.2(r); Labor Code 21.002(6)(B)</i>
<i>Vision Standards and Tests</i>	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. <i>42 U.S.C. 12113(c); 29 C.F.R. 1630.10(b); Labor Code 21.115(b)</i>
<i>Communicable Diseases</i>	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. <i>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)</i>

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Service Animals	<p>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]</p> <p>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].</p> <p><i>28 C.F.R. 35.140</i></p>
Title IX	<p>No person, on the basis of sex, shall be excluded from participation in, denied the benefits of, or be subjected to discrimination by a district receiving federal financial assistance. <i>20 U.S.C. 1681</i> [See FB, FFH]</p>
Equal Pay	<p>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. <i>29 U.S.C. 206(d) (Equal Pay Act); 34 C.F.R. 106.54 (Title IX)</i></p>
Grievance Procedures	
Section 504	<p>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. <i>34 C.F.R. 104.7(b), .11</i></p>
ADA	<p>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 ADA. <i>28 C.F.R. 35.107, .140</i></p>
Title IX	<p>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. <i>34 C.F.R. 106.8(c); North Haven Board of Education v. Bell, 456 U.S. 512 (1982)</i> [For legally referenced material relating to Title IX grievance procedures, see FFH(LEGAL).]</p>

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(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)*

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(LEGAL)

Principal	A board, by local policy, shall adopt qualifications for principals. <i>Education Code 11.202(c)</i>
Qualifications	
Certification	State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. <i>19 TAC Ch. 241</i>
Duties	<p>The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. <i>Education Code 11.202(a)</i></p> <p>A principal shall:</p> <ol style="list-style-type: none">1. Approve all teacher and staff appointments for the campus. [See DK]2. Set specific education objectives for the campus, through the planning process.3. Develop budgets for the campus.4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.5. Assign, evaluate, and promote all personnel assigned to the campus.6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.7. Perform any other duties assigned by the superintendent pursuant to board policy.8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. <i>Election Code 13.046; 1 TAC 81.7</i> <p><i>Education Code 11.202(b), .253(c), (h)</i> [See also DMA]</p>
Principal's Report to Superintendent	A principal must notify the superintendent not later than the seventh business day after the date:
<i>Educators</i>	<ol style="list-style-type: none">1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

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2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]

*Noncertified
Employees*

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or
2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]

*Sanctions and
Administrative
Penalty*

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than \$500 and not more than \$10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

Criminal Offense

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

School Nurse

Minimum Salary
Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational
Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

PERSONNEL POSITIONS

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(LEGAL)

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. 22 TAC 217.11(2)

Nursing Peer Review Committee

“Nursing peer review committee” includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

Certified School Counselor

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

PERSONNEL POSITIONS

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Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor
Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
 - a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
 - b. In need of modified instructional strategies; or
 - c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

Education Code 33.006

PERSONNEL POSITIONS

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(LEGAL)

**Nonphysician Mental
Health Professional**

A school district may employ or contract with one or more nonphysician mental health professionals.

In this section, "nonphysician mental health professional" means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

**School
Psychological
Services**

The Texas Behavioral Health Executive Council (TBHEC) has authority over the delivery of school psychological services in public schools. Recognizing the purview of the State Board of Education (SBOE) and the Texas Education Agency (TEA) in safeguarding the rights of school children in Texas, the TBHEC adopts and enforces rules that reflect the occupational distinctions between the delivery of school psychological services in public schools and psychological services in the private sector. *22 TAC 465.38(a)*

Licensed Specialist
in School
Psychology (LSSP)

Licensed specialist in school psychology (LSSP) means a person who holds a license to engage in the practice of psychology under Occupations Code 501.260. *Occupations Code 501.002(2)*

School psychological services may be provided in Texas public schools only by an LSSP or other individual authorized by TBHEC in accordance with TBHEC rules. *22 TAC 465.38(e)*

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;
2. Conducting manifestation determinations;

PERSONNEL POSITIONS

DP
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3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

22 TAC 465.38(b), (c)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology.

Occupations Code 501.260(c); 22 TAC 465.38(b)(3)

Notice of
Assignment or
Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38 (e)(3)*

Compliance with
Applicable
Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;
3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

22 TAC 465.38 (f)

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

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

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (SECONDARY)

EHAC
(LEGAL)

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

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REQUIRED INSTRUCTION (SECONDARY)

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of Education (SBOE) as appropriate for that purpose; or establish a new elective course through which to provide the instruction.

Education Code 28.016

**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, and Economics with Emphasis on the Free Enterprise System and Its Benefits.
5. Physical education — at least two of the following:

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- a. Foundations of Personal Fitness;
 - b. Adventure/Outdoor Education;
 - c. Aerobic Activities; or
 - d. Team or Individual Sports.
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 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)

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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**
High School

A district shall use the parenting and paternity awareness program developed by the SBOE in its high school health curriculum.

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Middle and Junior High School	A district may use the program in the district's middle or junior high school curriculum.
Program Requirements	<p>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.</p> <p>A district may add elements at its discretion but must include the following areas of instruction:</p> <ol style="list-style-type: none">1. Parenting skills and responsibilities, including child support;2. Relationship skills, including money management, communication, and marriage preparation; and3. 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. <p>At the discretion of the district, a teacher may modify the suggested sequence and pace of the program at any grade level.</p>
Local Programs and Materials	<p>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:</p> <ol style="list-style-type: none">1. Child development;2. Parenting skills, including child abuse and neglect prevention; and3. Assertiveness skills to prevent teenage pregnancy, abusive relationships, and family violence.
Parent Permission	<p>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.</p> <p><i>Education Code 28.002(p); 19 TAC 74.35(a)</i></p>
Alcohol Awareness Instruction	<p>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.</p> <p>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.</p>

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“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)

CPR Instruction

For all students who entered grade 7 in the 2010–11 school year and thereafter, a district shall provide instruction to students in grades 7–12 in cardiopulmonary resuscitation (CPR). The instruction may be provided as a part of any course. A student shall receive the instruction at least once before graduation from high school.

CPR instruction must include training 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 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; otherwise, an instructor 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 requirement 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.

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 stu-

**Proper Interaction
with a Peace Officer**

dents in the principles and techniques of CPR. A district may accept other donations, including donations of equipment, for use in providing CPR instruction. *Education Code 29.903*

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 State Board of Education, and the Texas Education Agency. 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

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**Compensatory
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides.
Education Code 48.104(i)

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
 - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
 - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(k)

Dropout Prevention
Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

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- a. High-quality, college readiness instruction with strong academic and social supports;
 - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
 - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

**Educationally
Disadvantaged
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which 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.

19 TAC 61.1027(a)

Virtual School
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the

state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

Definition of At-Risk Student

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student’s parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;

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11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; or
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under a high school diploma and industry certification charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility
Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

**Compensatory,
Intensive, and
Accelerated
Instruction**

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Accelerated
Instruction

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

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

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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)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.
Education Code 28.0217

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)*

**Dropout Recovery
Education Programs**

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

Communities in
Schools

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent

of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

**Optional Extended
Year Program**

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

**Optional Flexible
Year Program**

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

**Optional Flexible
School Day Program**

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting providing options for public input concerning the proposed application before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

Tutorial Services

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

**Basic Skills
Programs**

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

**After-School and
Summer Intensive
Mathematics and
Science Programs**

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;

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4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

**Mentoring Services
Program**

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

**Accelerated Reading
Instruction Program**

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1), (k)

**Intensive Program of
Instruction**

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or 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.

The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
 - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

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Students Receiving Special Education Services	<p>For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:</p> <ol style="list-style-type: none">1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]
Graduation Requirements	<p>A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.</p>
No Cause of Action	<p>A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.</p> <p><i>Education Code 28.0213</i></p>
College Preparatory Courses	<p>Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:</p> <ol style="list-style-type: none">1. For students at the 12th grade level whose performance on:<ol style="list-style-type: none">a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; orb. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and2. To prepare students for success in entry-level college courses. <p>A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.</p>
Faculty	<p>Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.</p>

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Notice	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
Credit Earned	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
Dual Credit	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
Instructional Materials	Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices. <i>Education Code 28.014</i>
End-of-Course Exam	A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. <i>Education Code 39.025(a-1)</i>

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- 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).
- 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.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

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.

Education Code 28.0256

Note: Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

Individual
Graduation
Committee

Without complying with the requirements above, 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)*

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*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)*

*English
Language
Learners*

For provisions related to an IGC and English language learners (ELL), see EKB.

Students Who
Entered Grade 9
Before the 2011–12
School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);

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4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and
5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

<i>District Determination</i>	The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i>
<i>Alternative Requirements</i>	The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).
<i>Local Alternative Requirements</i>	With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i>
<i>Appeals</i>	A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i>
<i>Documentation</i>	The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i>
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. <i>19 TAC 101.3023(a)</i> [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 Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

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

**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, 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), (c)

*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

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 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

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(d)

*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(e)*

*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(i)–(j)

*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(h)*

*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(n)

*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 than 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
Substitutions*

*Other Physical
Activity*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course 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. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education 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.

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- 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 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.

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.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

*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;

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- 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

*Minimum High
School Program*

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

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 tenth 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)

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Requirements	<p>A student must earn at least 22 credits to complete the Minimum High School Program.</p> <p>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.</p> <p>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.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p>
<i>Recommended High School Program</i>	<p>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.</p> <p><i>Education Code 28.025; 19 TAC 74.63, .73</i></p>
<i>Advanced / Distinguished Achievement High School Program</i>	<p>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.</p> <p><i>Education Code 28.025; 19 TAC 74.64, .74</i></p>
<i>Substitutions</i>	<p>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. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i></p>
<i>AP or IB Courses</i>	<p>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. <i>19 TAC 74.61(k), .71(i)</i></p>
<i>Reading</i>	<p>A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:</p> <ol style="list-style-type: none">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; and3. Monitors instructional activities to ensure that student needs are addressed. <p>Reading credits may be selected from Reading I, II, or III.</p> <p><i>19 TAC 74.61(h), .71(f)</i></p>

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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.

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(LEGAL)

Restrictions	<p>All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.</p> <p>No more than four substitution credits may be earned through any combination of substitutions listed above.</p>
<i>Student with Disability or Illness</i>	<p>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:</p> <ol style="list-style-type: none">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; or3. 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.
<i>Student with Physical Limitations</i>	<p>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.</p> <p><i>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)</i></p>
Transfers from Out-of-State or Nonpublic Schools	<p>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 enroll-</p>

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

	ment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. <i>19 TAC 74.11(f)</i> [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 110–118, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. <i>19 TAC 89.1070(l)</i>
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. <i>19 TAC 89.1070(j)</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)(A), (B), or (C) or (g)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(2)(A), (B), or (C) or (g)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. <i>19 TAC 89.1070(h)–(i)</i>
<i>Students Entering Grade 9 in or After the 2014–15 School Year</i>	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: <ol style="list-style-type: none">1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 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 on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments is not necessary for graduation.2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 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 on the required state assessments, unless the student's ARD committee has determined that satisfactory performance on the required state assessments 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(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), (k)

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)

*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 if the student's ARD committee determines that the student should take courses under that program and the student satisfies the requirements of that program. A student transitioning to the Foundation High School Program may earn an endorsement as set out above [see Endorsements, above].

A student receiving special education services in 11th or 12th grade who has taken each of the required state assessments but failed to achieve satisfactory performance on no more than two of the assessments may graduate if the student has satisfied all other applicable graduation requirements. [See Special Education, above, and EKB]

19 TAC 89.1070(f)

A student receiving special education services who entered grade 9 before the 2014–15 school year 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 110–118, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the Recommended or Advanced/Distinguished Achievement Programs, including satisfactory performance on the required state assessments.
2. The student is in grade 11 or 12 and has taken each of the state assessments required by 19 Administrative Code Chapter 101, Subchapter CC (Commissioner's Rules Concerning Implementation of the Academic Content Areas Testing Program) or Subchapter DD (Commissioner's Rules Concerning Substitute Assessments for Graduation) but failed to achieve

satisfactory performance on no more than two of the assessments and has met all other applicable graduation requirements in item 1 above.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 and satisfactorily completed credit requirements under the Minimum High School Program, including participation in state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is necessary for graduation.
4. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–118, 126–128, and 130 through courses, one or more of which contain modified content that is aligned to the standards required under the Minimum High School Program as well as the satisfactorily completed credit requirements under the Minimum High School Program, including participation in required state assessments. The student's ARD committee shall determine whether satisfactory performance on the required state assessments is 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; or
 - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 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(g), (k)

**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 tenth 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)*

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**State Assessment of
Academic Skills**

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Limited English
Proficient Students

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student's admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student's performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student's developmental level as determined by the student's ARD committee.

The student's ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*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 achieving a score on an assessment instrument 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 grade 10 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 [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

*Alternate Test
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

**Notice to Parents
and Students**

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

**Testing in
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Writing, including spelling and grammar, in grades 4 and 7;
4. Social studies in grade 8;
5. Science in grades 5 and 8; and
6. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)

Kindergarten
Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten
Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

**End-of-Course
Assessments**

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must pro-

vide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled
Below High School
Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. *19 TAC 101.3021(d)*

Assessment
Requirements for
Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions

English I or
English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned
Prior to
Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a

course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSI as a substitute assessment.

Accountability
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

*Verification of
Results*

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory
Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual
Graduation
Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the

IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

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 Texas 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.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State
Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results
To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board	A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.
To Parents, Students, and Teachers	<p>A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]</p> <p><i>19 TAC 101.3014</i></p> <p>TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. <i>Education Code 39.0233(b)</i></p>
Parents Right-to-Know Under ESEA	As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. <i>20 U.S.C. 6312(e)(1)(B)(i)</i>
Parental Access	A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. <i>Education Code 26.005, .006(a)(2)</i>
Out-of-State Transfers	A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

**Accelerated
Instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
 - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

<i>Faculty</i>	Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.
<i>Notice</i>	Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.
<i>Credit Earned</i>	A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).
<i>Dual Credit</i>	A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.
<i>Instructional Materials</i>	Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.
	<i>Education Code 28.014</i>
Security and Confidentiality	<p>All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.</p> <p>Districts and campuses and the superintendent and campus principals in each district and campus shall:</p> <ol style="list-style-type: none">1. Implement and ensure compliance with state test administration procedures and training activities;2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];

3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
 - a. Met the requirements to participate in the student assessment program;
 - b. Received annual training in test security and test administration procedures; and
 - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;

9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration
Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary

	skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.
Records Retention	<p>As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.</p> <p><i>19 TAC 101.3031(a-3)–(d)</i></p>
Disciplinary Action and Penalties	<p>SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.</p> <p>The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.</p> <p><i>19 TAC 249.15(a)–(b), (g)</i></p>
Minimize Disruptions	<p>In implementing the commissioner’s procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. <i>Education Code 39.0301(a-1)</i></p>
Confidentiality of Results	<p>Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. <i>Education Code 39.030(b)</i> [See FL and GBA]</p>

Note: The terms English language learner, English learner, and limited English proficient student are used interchangeably.

**Language
Proficiency
Assessment
Committee (LPAC)**

The language proficiency assessment committee (LPAC) [see EHBE] shall select the appropriate assessment option for English language learners, as defined by Education Code Chapter 29, Subchapter B, as a student of limited English proficiency (LEP), in accordance with 19 Administrative Code 101.1005. The LPAC assessment decisions must be made on an individual student basis in accordance with administrative procedures established by 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, the need for allowable testing accommodations under 19 Administrative Code 101.1003 and .1005.

19 TAC 101.1003(b), (c), .1005(a), (c)

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 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

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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.

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 Tests**

In kindergarten through grade 12, an English learner shall be administered state-identified English language proficiency assessments annually in listening, speaking, reading, and writing to fulfill state assessment requirements under Education Code Chapter 39, Subchapter B, [see EKB] and federal requirements. *19 TAC 101.1003(a)*

**Limitations on
Exemptions**

First Year After
Enrollment

A LEP 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 a LEP student. *Education Code 39.027(a)(1)*

Subsequent Years

A LEP 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 days

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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)

**Testing in Grades
3–8**

An English language learner shall participate in the grades 3–8 assessments and, except as provided below, shall be administered the general form of the English-version state assessment.

Spanish-Version
Assessment

A Spanish-speaking English language learner in grades 3–5 may be administered the state's Spanish-version assessment if an assessment in Spanish will provide the most appropriate measure of the student's academic progress.

Linguistically
Accommodated
Assessments

An English language learner in grade 3 or higher may be administered the linguistically accommodated English version of the state's mathematics, science, or social studies assessment if:

1. A Spanish-version assessment does not exist or is not the most appropriate measure of the student's academic progress;
2. The student has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above]; and
3. The student 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 for five school years or less [see Definitions, above].

Exemption for
Asylee or Refugee

An unschooled asylee or refugee 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(b), (c)

Refusal of Services

An English language learner whose parent or guardian has declined bilingual education/ESL services is not eligible for special assessment, accommodation, or accountability provisions made available to English language learners on the basis of limited English proficiency. *19 TAC 101.1005(f)*

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**End-of-Course
Assessments**

An English language learner shall participate in the end-of-course assessments 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 English language learner 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 English language learner enrolled in English I or English for Speakers of Other Languages I has not yet demonstrated English language proficiency in reading as determined by the English language proficiency assessments required above [see English Language Proficiency Tests, above] and has been enrolled in U.S. schools for three school years or less, or qualifies as an un-schooled asylee or refugee enrolled in U.S. schools [see Definitions, above] for five school years or less, then he or she shall not be required to retake the applicable English I assessment in which the student is enrolled 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)

Non-LEP Students

School districts may administer the assessment of academic skills in Spanish to a student who is not identified as limited English proficient 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(g)*

Special Education

Selecting
Assessments

For each English language learner who receives special education services, the student's ARD committee in conjunction with the student's LPAC shall select the appropriate assessments.

The ARD committee shall document the decisions and justifications in the student's individualized education program (IEP).

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 English learner who receives special education services to participate in the general required English language proficiency assessment [see English Language Proficiency Tests, 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, shall participate in the alternate English language profi-

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ciency 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 English learner 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)*

Alternative
Assessment
Instruments

In certain cases, an English learner who receives special education services may, as a result of his or her particular disabling condition, qualify to be administered an alternative assessment instrument based on alternative achievement standards. *19 TAC 101.1005(b)*

An unschooled asylee or refugee who meets these criteria 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)*

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)*

**Grade Advancement
Requirements**

The LPAC shall determine appropriate assessment and accelerated instruction for an English language learner who is administered a grade advancement test in English or Spanish, except as provided by 19 Administrative Code 101.1005. The grade placement committee for an English language learner shall make its decisions in consultation with a member of the student's LPAC. *19 TAC 101.2003(e)* [See EIE]

Definitions

Active Duty

“Active duty” means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.

Children of Military Families

“Children of military families” means a school-aged child, enrolled in kindergarten through grade 12, in the household of an active duty member.

Deployment

“Deployment” means the period one month prior to the service members’ departure from their home station on military orders through six months after return to their home station.

Transition

“Transition” means:

1. The formal and physical process of transferring from school to school; or
2. The period of time in which a student moves from one school in the sending state to another school in the receiving state.

Uniformed Services

“Uniformed services” means the Army, Navy, Air Force, Marine Corps, Coast Guard, as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration, and Public Health Services.

Veteran

“Veteran” means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

Education Code 162.002 art. II, §§ A–B, D, Q–S

Applicability

Education Code Chapter 162 shall apply to the children of:

1. Active duty members of the uniformed services, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;
2. Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and
3. Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

Exceptions

Education Code Chapter 162 shall not apply to the children of:

1. Inactive members of the national guard and military reserves;
2. Members of the uniformed services now retired, except as provided above;

3. Veterans of the uniformed services, except as provided above; and
4. Other U.S. Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

Education Code 162.002 art. III, §§ A, C

Eligibility for Enrollment

Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

Continued Attendance

A transitioning military child, placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent, may continue to attend the school in which the child was enrolled while residing with the custodial parent.

Education Code 162.002 art. VI, § A

Education Records

Unofficial Records

In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial education records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records, the district shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

Official Records

Simultaneous with the enrollment and conditional placement of the student, the district shall request the student's official education record from the sending district. Upon receipt of this request, the sending district will process and furnish the official education records to the district within ten days.

Education Code 162.002 art. IV, §§ A–B

Tuition

A district shall be prohibited from charging tuition to:

1. A transitioning military child placed in the care of a non-custodial parent or other person standing *in loco parentis* who lives in a jurisdiction other than that of the custodial parent; or
2. A student who is domiciled in another state and resides in military housing that is located in the district but is exempt from taxation by the district.

Education Code 25.004, 162.002 art. VI, § A

**Grade-Level
Placement**

Students shall be allowed to continue their enrollment at grade level in the district commensurate with their grade level, including kindergarten, from the sending district at the time of transition, regardless of age. A student that has satisfactorily completed the prerequisite grade level shall be eligible for enrollment in the next highest grade level in the district, regardless of age. A student transferring after the start of the school year shall enter the district on his or her validated level from an accredited school in the sending state. *Education Code 162.002 art. IV, § D*

Course Placement

When the student transfers before or during the school year, the district shall initially honor placement of the student in educational courses based on the student's enrollment in the sending district and/or educational assessments conducted at the sending district if the courses are offered. Course placement includes but is not limited to honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course(s).

**Educational Program
Placement**

The district shall initially honor placement of the student in educational programs based on current educational assessments conducted at the sending district or participation/placement in like programs in the sending state. Such programs include, but are not limited to:

1. Gifted and talented programs; and
2. English as a second language (ESL).

This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student.

Waivers

District administrative officials shall have flexibility in waiving course/program prerequisites, or other preconditions for placement in courses/programs offered in the district.

Education Code 162.002 art. V, §§ A–B, D

**Purple Star
Designation**

In accordance with Education Code 33.909 and 19 Administrative Code 61.1063, a campus may qualify to earn the Purple Star Designation if the campus meets criteria demonstrating supports and resources for its military-connected student population. *19 TAC 61.1063(a)*

Other Related Policies:

EHBAB — Individualized Education Program (IEP) and ARDs

EIF — Graduation

EKB — State Assessment

FB — Equal Educational Opportunity

FEA — Compulsory Attendance

FFAB — Immunizations

FL — Student Records

FM — Student Activities

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

No employee shall give any student prescription medication, non-prescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy.

**Medication Provided
by Parent**

The Superintendent shall designate the employees who are authorized to administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulations:

1. Prescription medication in accordance with legal requirements.
2. Nonprescription medication, upon a parent's written request, when properly labeled and in the original container.
3. Herbal substances or dietary supplements provided by the parent and only if required by the individualized education program or Section 504 plan for a student with disabilities.

**Medication Provided
by District**

Except as provided by this policy, the District shall not purchase medication to administer to a student.

Epinephrine

The District authorizes school personnel and volunteers who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.

On Campus

Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The District shall ensure that at each campus a sufficient number of authorized individuals are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.

Off Campus

Authorized and trained individuals may administer an unassigned epinephrine auto-injector to a person experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event when an unassigned epinephrine auto-injector is available.

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LOCAL)

*Maintenance,
Availability, and
Training*

The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals in accordance with law; procedures for auto-injector use; and acquisition or purchase, maintenance, expiration, disposal, availability of unassigned epinephrine auto-injectors at each campus, at off-campus events, and while in transit to and from a school event.

Notice to Parents

In accordance with law, the District shall provide notice to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.

Psychotropics

Except as permitted by law, an employee shall not:

1. Recommend to a student or a parent that the student use a psychotropic drug;
2. Suggest a particular diagnosis; or
3. Exclude the student from a class or a school-related activity because of the parent's refusal to consent to psychiatric evaluation or examination or treatment of the student.

Medical Treatment

A student's parent, legal guardian, or other person having lawful control shall annually complete and sign a form that provides emergency information and addresses authorization regarding medical treatment. A student who has reached age 18 shall be permitted to complete this form.

The District shall seek appropriate emergency care for a student as required or deemed necessary.

Note: For information about mental health curriculum and SHAC responsibilities, see EHAA. For information about threat assessments, see FFB. For personnel information about mental health professionals, see DP.

Mental Health Condition

“Mental health condition” means a persistent or recurrent pattern of thoughts, feelings, or behaviors that:

1. Constitutes a mental illness, disease, or disorder, other than or in addition to epilepsy, substance abuse, or an intellectual disability; or
2. Impairs a person's social, emotional, or educational functioning and increases the risk of developing such a condition.

Education Code 5.001(5-a)

Student Programs

The Texas Education Agency (TEA), in coordination with the Health and Human Services Commission and regional education service centers (ESCs), shall provide and annually update a list of recommended best practice-based programs and research-based practices in the areas specified below for implementation in public elementary, junior high, middle, and high schools within the general education setting. Each district may select from the list a program or programs appropriate for implementation in the district.

Subject Areas

The list must include programs and practices in the following areas:

1. Early mental health prevention and intervention;
2. Building skills related to managing emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse prevention and intervention;
4. Suicide prevention, intervention, and postvention;
5. Grief-informed and trauma-informed practices;
6. Positive school climates;
7. Positive behavior interventions and supports;
8. Positive youth development; and
9. Safe, supportive, and positive school climate.

COUNSELING AND MENTAL HEALTH
MENTAL HEALTH

FFEB
(LEGAL)

“School climate” means the quality and character of school life, including interpersonal relationships, teaching and learning practices, and organizational structures, as experienced by students enrolled in the district, parents of those students, and personnel employed by the district.

[For information on employee training, see DMA.]

Practices and
Procedures

A district shall develop practices and procedures concerning each area listed above, including mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention, that:

1. Include a procedure for providing educational material to all parents and families in the district that contains information on identifying risk factors, accessing resources for treatment or support provided on and off campus, and accessing available student accommodations provided on campus;
2. Include a procedure for providing notice of a recommendation for early mental health or substance abuse intervention regarding a student to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs, which may include declining academic performance, depression, anxiety, isolation, unexplained changes in sleep or eating habits, and destructive behavior toward self and others;
3. Include a procedure for providing notice of a student identified as at risk of attempting suicide to a parent or guardian of the student within a reasonable amount of time after the identification of early warning signs;
4. Establish that the district may develop a reporting mechanism and may designate at least one person to act as a liaison officer in the district for the purposes of identifying students in need of early mental health or substance abuse intervention or suicide prevention;
5. Set out available counseling alternatives for a parent or guardian to consider when his or her child is identified as possibly being in need of early mental health or substance abuse intervention or suicide prevention; and
6. Include procedures:
 - a. To support the return of a student to school following hospitalization or residential treatment for a mental health condition or substance abuse; and

- b. For suicide prevention, intervention, and postvention.

The practices and procedures may address multiple subject areas [see Subject Areas, above]. The practices and procedures must prohibit the use without the prior consent of a student's parent or guardian of a medical screening of the student as part of the process of identifying whether the student is possibly in need of early mental health or substance abuse intervention or suicide prevention.

The practices and procedures developed must be included in the annual student handbook and the district improvement plan under Education Code 11.252. [See BQ]

Nothing in these provisions is intended to interfere with the rights of parents or guardians and the decision-making regarding the best interest of the child. Practices and procedures developed in accordance with these provisions are intended to notify a parent or guardian of a need for mental health or substance abuse intervention so that a parent or guardian may take appropriate action. These provisions do not give districts the authority to prescribe medications. Any and all medical decisions are to be made by a parent or guardian of a student.

"Postvention" includes activities that promote healing necessary to reduce the risk of suicide by a person affected by the suicide of another.

Education Code 38.351(a)–(f), (i)–(o)

Immunity

The above requirements do not waive any immunity from liability of a district or of district officers or employees, create any liability for a cause of action against a district or against district officers or employees, or waive any immunity from liability under Civil Practice and Remedies Code 74.151. *Education Code 38.352*

**Consent to
Examinations, Tests,
or Treatment**

A district employee must obtain the written consent of a child's parent before the employee may conduct a psychological examination, test, or treatment, unless the examination, test, or treatment is required by:

1. TEA's policy concerning child abuse investigations and reports under Education Code 38.004; or
2. State or federal law regarding requirements for special education.

Education Code 26.009(a)(1) [See FNG]

[For more information about consent to medical treatment, including psychological treatment, see FFAC. For information about consent to counseling, see FFEA.]

**Professional's
Authority**

A licensed or certified physician, psychologist, counselor, or social worker having reasonable grounds to believe that a child has been sexually, physically, or emotionally abused; is contemplating suicide; or is involved in chemical or drug addiction or dependency may:

1. Counsel the child without the consent of the child's parents, managing conservator, or guardian;
2. With or without the consent of a child who is a client, advise the parents, managing conservator, or guardian of the treatment given to or needed by the child;
3. Rely on the written statement of the child containing the grounds on which the child has capacity to consent to his or her own treatment as provided above.

**Exception: Court
Order**

The physician, psychologist, counselor, or social worker may not counsel a child if consent is prohibited by a court order, unless consent is obtained as otherwise allowed by law.

Family Code 32.004(b), (c)

[See DP for more information about LSSP and school counselor responsibilities.]

Consent to LSSP

Informed consent for a licensed specialist in school psychology (LSSP) must be obtained in accordance with the Individuals with Disabilities Education Improvement Act (IDEIA) and the U.S. Department of Education's rules governing parental consent when delivering school psychological services in the public schools, and is considered to meet the requirements for informed consent under the Texas State Board of Examiners of Psychologists (TSBEP) rules. No additional informed consent, specific to any Texas Behavioral Health Executive Council (TBHEC) rules, is necessary in this context. Licensees providing psychological services under 22 Administrative Code 465.38(e)(2), however, must obtain informed consent as otherwise required by the TBHEC rules. 22 TAC 465.38(g)

**Professional
Immunity**

A psychologist, counselor, or social worker licensed or certified by the state is not liable for damages except those damages that may result from his or her negligence or willful misconduct. *Family Code 32.004(d)*

Outside Counselors

Neither a district nor an employee of a district may refer a student to an outside counselor for care or treatment of a chemical dependency or an emotional or psychological condition unless the district does all of the following:

1. Obtains prior written consent for the referral from the student's parent, managing conservator, or guardian.
2. Discloses to the student's parent, managing conservator, or guardian any relationship between the district and the outside counselor.
3. Informs the student and the student's parent, managing conservator, or guardian of any alternative public or private source of care or treatment reasonably available in the area.
4. Requires the approval of appropriate district personnel before a student may be referred for care or treatment or before a referral is suggested as being warranted.
5. Specifically prohibits any disclosure of a student record that violates state or federal law.

Education Code 38.010

[See FFEA for information on the comprehensive guidance program. See FFB for mental health-care services provided by the threat assessment and safe and supportive school team.]

**Psychotropics and
Psychiatric
Evaluations**

A district employee may not:

1. Recommend that a student use a psychotropic drug; or
2. Suggest any particular diagnosis; or
3. Use the refusal by a parent to consent to administration of a psychotropic drug to a student or to a psychiatric evaluation or examination of a student as grounds, by itself, for prohibiting the child from attending a class or participating in a school-related activity.

Psychotropic drug means a substance that is used in the diagnosis, treatment, or prevention of a disease or as a component of a medication and intended to have an altering effect on perception, emotion, or behavior.

Education Code 38.016(b) does not:

1. Prevent an appropriate referral under the Child Find system required under 20 U.S.C. Section 1412, as amended; or

COUNSELING AND MENTAL HEALTH
MENTAL HEALTH

FFEB
(LEGAL)

2. Prohibit a school district employee, or an employee of an entity with which the district contracts, who is a registered nurse, advanced nurse practitioner, physician, or nonphysician mental health professional licensed or certified to practice in this state from recommending that a child be evaluated by a physician or nonphysician mental health professional; or
3. Prohibit a school employee from discussing any aspect of a child's behavior or academic progress with the child's parent or another school district employee.

A board shall adopt a policy to ensure implementation and enforcement of Education Code 38.016. [See FFAC]

A violation of Education Code 38.016(b) does not override the immunity from personal liability granted in Education Code 22.0511 or other law or a district's sovereign or governmental immunity.

Nonphysician mental health professional has the meaning assigned by Education Code 38.0101 [see DP].

Education Code 38.016

[For information regarding administration of medication, see FFAC.]

Child Abuse
Reporting

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 FFG]

**Sexual Abuse,
Trafficking, and
Maltreatment
Policies and
Programs**

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 61.1051(b)(3)

Definitions

Child Abuse or
Neglect

The definition of child abuse or neglect includes the trafficking of a child in accordance with Education Code 38.004.

Other Maltreatment

This term has the meaning assigned by Human Resources Code 42.002.

Trafficking of a
Child

This term has the meaning assigned by Penal Code 20A.02(a)(5), (6), (7), or (8).

19 TAC 61.1051(a)

Duty to Report

By Any Person

Any person who has 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)*

*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

By a Professional

Any professional who has 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 suspects abuse or neglect.

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, and juvenile detention or correctional officers.

Family Code 261.101(b)

Adult Victims of
Abuse

A person or professional shall make a report in the manner required above if the person or professional has 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)*

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 person 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; and
3. Any other pertinent information concerning the alleged or suspected abuse or neglect.

Family Code 261.102, .104

To Whom Reported

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 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 61.1051(b)(1)–(2)

JJAEPs

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*

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)(1)*

Unless waived in writing by the person making the report, the identity of an individual making a report under this chapter is confidential 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)*

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 circumstances 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.

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 Texas 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 61.1051(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 61.1051(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. Confidentiality provisions relating to a report of suspected child abuse or neglect;
5. Any disciplinary action that may result from noncompliance with a district's reporting policy; and
6. The prohibition under Education Code 26.0091 [see Psychotropic Drugs and Psychological Testing, above].

19 TAC 61.1051(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 61.1051(b)(5)–(b)(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 61.1051(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 web-site](https://www.txabusehotline.org/)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 Protective Services Abuse Hotline telephone number should be in bold print.

Education Code 38.0042; 19 TAC 61.1051(e)–(f)

¹ Texas Abuse Hotline website: <https://www.txabusehotline.org/>

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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

A district shall adopt and implement a dating violence policy to be included in the district improvement plan.

A dating violence policy must:

1. Include 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; and
2. Address safety planning, enforcement of protective orders, school-based alternatives to protective orders, training for teachers and administrators, counseling for affected students, and awareness education for students and parents.

Education Code 37.083, .0831 [See BQ]

Note: References to Title IX, part, or subpart in the following legal provisions refer to Title IX and its corresponding regulations.

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)*

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."

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FFH
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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.

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)

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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 sexual harassment as the District's "Title IX formal complaint process."

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

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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

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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

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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 handling 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

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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 resolution 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;

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- 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 allegations 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.

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*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, including 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

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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 ten 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 ten 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

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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)

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*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 Formal Title IX 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

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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 prohibited 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)

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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)*

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Note: For information regarding law enforcement records and schools, see GRAA.

Education Records

“Education
Records” Defined

For the purposes of this policy, the term “education records” means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term “education records” does not include:

1. Records that are created or received by a district after an individual is no longer a student in attendance and that are not directly related to the individual’s attendance as a student.
2. Records made by district personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of a district that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
 - a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
 - b. Made, maintained, or used only in connection with treatment of the student; and
 - c. Disclosed only to individuals providing the treatment. For the purpose of this definition, “treatment” does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

Screening Records

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening, and assessment for type 2 diabetes for each student in the school.

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	Records shall be open for inspection by the state or local health department. <i>20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b)</i> [See FFAA]
Immunization Records	A district shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. A district shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. <i>Education Code 38.002</i> [See FFAB]
Medical Records	The parent or guardian of a student is entitled to access to the student's medical records maintained by a district. On request of a student's parent or guardian, a district shall provide a copy of the student's medical records to the parent or guardian. A district may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. <i>Education Code 38.0095</i>
<i>Privacy Rule for Non-"Education Records"</i>	To the extent a district is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the district must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. <i>45 C.F.R. 160.103, 164.501</i> [See CRD]
Food Allergy Information	Information regarding a child's food allergy, regardless of how it is received by the school or school district, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the district.
<i>Exceptions</i>	<p>If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the district.</p> <p>A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the district, including a notation that the child's student records indicate that a parent has notified the district of the child's possible food allergy. [See FD]</p> <p><i>Education Code 25.0022(d)–(f)</i></p>
Assessment Instruments	The results of individual student performance on basic skills assessment instruments or other achievement tests administered by a district are confidential and may be made available only to the student, the student's parent or guardian, and to the school personnel directly involved with the student's educational program.

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However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district, and made available to the public, with appropriate interpretations, at regularly scheduled board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

Academic
Achievement
Record (Grades 9–
12)

Following guidelines developed by the commissioner of education, a district must 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 shall serve as the academic record for each student and must be maintained permanently by the district. A district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving district. *19 TAC 74.5(b)–(c)* [See EI]

Enrollment Records

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Education Code 25.002(a)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1) [See FD]

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**Access, Disclosure,
and Amendment**

Access to
Education Records

Definitions

Attendance

“Attendance” includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

Authorized
Representative

“Authorized representative” means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct— with respect to federal- or state-supported education programs— any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Biometric
Record

“Biometric record” means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

Disclosure

“Disclosure” means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education
Program

“Education program” means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Parent

“Parent” includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Personally
Identifiable
Information

“Personally identifiable information” includes, but is not limited to:

1. The student’s name;
2. The name of the student’s parent or other family members;
3. The address of the student or student’s family;
4. A personal identifier, such as the student’s social security number, student number, or biometric record;

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5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Record

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

34 C.F.R. 99.3

Signed and
Dated Written
Consent

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and
2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

*Access by
Parents*

A district shall presume that a parent has authority to inspect and review the student's records unless it has been provided with evidence that there is a court order, state statute, or legally binding document that specifically revokes these rights. *34 C.F.R. 99.4*

A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *Family Code 153.012*

A parent is entitled to access to all written records of a district concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

"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

When a student becomes an eligible student, the rights accorded to, and consent required of, parents under this part transfer from the parents to the student. A district may disclose to a parent without the prior written consent of an eligible student if the disclosure is to the parent of the student who is a minor or who is a dependent for tax purposes or the disclosure is in connection with a health or safety emergency. 34 C.F.R. 99.5, .10, .31(a)(8), (a)(10), .36

*Access by
Student*

Whenever a student has attained 18 years of age or is attending an institution of postsecondary education, the rights accorded to, and consent required of, parents transfer from the parents to the student.

Nothing in this section prevents a district from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student. 34 C.F.R. 99.12(a)

Access by Others

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following.

*1. School
Officials*

School officials, including teachers, who have legitimate educational interests.

A contractor, consultant, volunteer, or other party to whom a district has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

1. Performs an institutional service or function for which the district would otherwise use employees;
2. Is under the direct control of the district with respect to the use and maintenance of education records; and

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3. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

A district must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

34 C.F.R. 99.31, .36

An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined by district policy. *Education Code 38.009*

2. Officials of
Other Schools

Officials of educational agencies or institutions, including officials of another school or institution of postsecondary education in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that a district shall:

1. Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:
 - a. The disclosure is initiated by the parent or eligible student; or
 - b. The annual notification under 34 C.F.R. 99.7 includes a notice that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer;
2. Give the parent or eligible student, upon request, a copy of the record that was disclosed; and
3. Give the parent or eligible student, upon request, an opportunity for a hearing under 34 C.F.R. Part 99, Subpart C.

34 C.F.R. 99.31(a)(2), .34

3. Authorized
Government
Representatives

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local

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educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35*

A district may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. A district is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3(g), or any corresponding regulation. *8 U.S.C. 1372(c)(2); 8 C.F.R. 214.1(h)*

4. Financial Aid
Personnel

Personnel involved with a student's application for, or receipt of, financial aid. *34 C.F.R. 99.31(a)(4)(i)*

5. Juvenile
Justice Officials

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and
2. The officials and authorities to whom such information is disclosed certify in writing to the district that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

34 C.F.R. 99.31(a)(5)(i), .38

A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC]. *Education Code 37.084(a)*

6. Organizations
Conducting
Studies

Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction. Such studies must be conducted so that personal identification of students and their parents will not be revealed to persons other than authorized personnel of the organizations conducting the studies who have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The district must enter into a written agreement with the organization that:

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1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the district in accordance with the requirements of 34 C.F.R. 99.33(b).

A district is not required to initiate a study or agree with or endorse the conclusions or results of the study.

34 C.F.R. 99.31(a)(6)

7. Accrediting
Organizations

Accrediting organizations to carry out their accrediting functions. *34 C.F.R. 99.31(a)(7)*

8. Health or
Safety
Emergency

Appropriate parties, including the student's parents, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In making a determination, a district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the U.S. Department of Education (DOE) will not substitute its judgment for that of the district in evaluating the circumstances and making its determination.

34 C.F.R. 99.31(a)(10), .36

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9. Agriculture Secretary	The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act. <i>20 U.S.C. 1232g(b)(1)(K)</i>
10. Child Welfare Agency	An agency caseworker or other representative of a state or local child welfare agency who has the right to access a student's case plan when the agency is legally responsible, in accordance with state law, for the care and protection of the student. Records of the student shall not be disclosed by the agency, except to an individual or entity engaged in addressing the student's education needs and authorized by the agency to receive the disclosure. Any subsequent disclosure must be consistent with state laws applicable to protecting the confidentiality of a student's education records. <i>20 U.S.C. 1232g(b)(1)(L)</i>
11. Directory Information	Any person requesting directory information after a district has given public notice of that definition. [See Directory Information, below] <i>34 C.F.R. 99.37</i>
Written Consent	<p>The parent or eligible student shall provide a signed and dated written consent before a district discloses personally identifiable information from a student's education records to any individual, agency, or organization other than the parent, the student, or those listed above. Such consent shall specify records to be released, the reason for such release, and to whom the records are to be released.</p> <p>When a disclosure is made under written consent, if a parent or eligible student requests, the district shall provide a copy of the records disclosed and if the parent of a student who is not an eligible student requests, the district shall provide the student with a copy of the records disclosed.</p> <p><i>34 C.F.R. 99.30(c)</i></p>
Information Collection <i>U.S. DOE– Funded Surveys (PPRA)</i>	<p>Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the U.S. DOE, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:</p> <ol style="list-style-type: none">1. Political affiliations or beliefs of the student or the student's parents.

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2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b)

*Funded by Other
Sources*

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. DOE, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). *20 U.S.C. 1232h(c)(1)–(4)* [See EF]

*Subpoenaed
Records*

A district shall release student records in compliance with a judicial order, or pursuant to any lawfully issued subpoena, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5101 note]) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B)*

The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:

1. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

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2. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
3. An ex parte court order obtained by the United States attorney general (or designee not lower than an assistant attorney general) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

If the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff.

If a parent or eligible student initiates legal action against a district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.

34 C.F.R. 99.31(a)(9)

Sex Offenders

A district may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16)*

Request Procedure

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, but not more than 45 days after it has received the request. A district shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10*

Records
Destruction

A district shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e)*

De-Identified
Records

A district, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the district or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple releases, and taking into account other reasonably available information. *34 C.F.R. 99.31(b)(1)*

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*Education
Research*

A district, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. A district or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

34 C.F.R. 99.31(b)(2)

Authenticating
Requestors'
Identities

A district must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from education records. *34 C.F.R. 99.31(c)*

Transfer Not
Permitted

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy or fails to destroy the information as required by 20 U.S.C. 1232g(b)(1)(F), a district shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*

A district shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*

A district may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the district if:

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1. The disclosures meet the requirements of 34 C.F.R. 99.31; and
2. The district has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

Record of Access to
Student Records

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. A district must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

A district must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see Health or Safety Emergency, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
2. The parties to whom the district disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the district maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A); 34 C.F.R. 99.33(a)(2)*

The record shall not include requests for access by, or access granted to, parents of the student or officials of a district, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order. *34 C.F.R. 99.32(d)*

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Right to Amend	<p>The parent of a student whose records are covered by this policy may ask a district to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If a district decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records. <i>34 C.F.R. 99.20</i></p> <p>If a district decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the district decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the district. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed. <i>34 C.F.R. 99.21</i></p>
Fees for Copies	<p>No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for a copy of education records which is made for the parent or an eligible student, unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review those records. <i>20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012</i></p>
Records of Students with Disabilities	<p>A district shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. <i>34 C.F.R. 300.613(a)</i></p>
<i>Access Rights</i>	<p>In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect district records relating to the education of their child:</p> <ol style="list-style-type: none">1. Parents may request that a representative inspect and review the records. <i>34 C.F.R. 300.613(b)(3)</i>2. A district shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification, evaluation, or placement of the child, and in no case longer than 45 days after the request. <i>34 C.F.R. 300.613(a)</i>3. A district shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the

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purpose for which the person is authorized to use the records.
34 C.F.R. 300.614

*Record Types
and Locations*

A district shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

Parental Consent

Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. A district may not release information from these records without parental consent except as provided in FERPA.
34 C.F.R. 300.622

Confidentiality

A district shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in a district shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. A district shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

*Information
Destruction*

A district shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624

**Annual Notification
of Rights**

A district shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;

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3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the U.S. DOE a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of the Act and 34 C.F.R. Part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the district has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

A district may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

A district shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7

**Directory
Information**

"Directory
Information"
Defined

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. "Directory information" does not include a student's:

1. Social security number; or
2. Student identification (ID) number, unless:
 - a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that

authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or

- b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

34 C.F.R. 99.3

*Disclosure of
Directory
Information*

A district may release directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the district of:

1. The types of personally identifiable information that it has designated as directory information.
2. A parent's or eligible student's right to refuse to let the district designate any or all of those types of information about the student as directory information.
3. The period of time within which the parent has to notify the district in writing that he or she does not want any or all of those types of information about the student designated as directory information.

*Restrictions on
the Right of
Refusal*

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled or to prevent a district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the district as directory information in the public notice provided under this section.

Former Students

A district may disclose directory information about former students without satisfying the public notice conditions above. However, the district must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

*Confirmation of
Identity or
Records*

A district may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information

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is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37

Homeless
Students

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information. *42 U.S.C. 11432(g)(3)(G)*

*Directory
Information
Designation*

A district may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by a district as directory information for that district is excepted from disclosure by the district under Government Code Chapter 552. [See GBA]

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or district publication, if any such purpose has been designated by a district, remains otherwise confidential and may not be released under Government Code Chapter 552.

Annual Notice

A district shall provide the following to the parent of each district student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and
2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

Contents

The notice must contain:

1. The following statement in boldface type that is 14-point or larger: "Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of district] to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by [insert date]. [Insert name of district] has designated the following information as directory information: [Here the district must include any directory information it chooses to designate as directory information for the district, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors, and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized

activities and sports, and the weight and height of members of athletic teams.]”;

2. A form, such as a check-off list or similar mechanism, that:
 - a. Immediately follows, on the same page or the next page, the required statement; and
 - b. Allows a parent to record:
 - (1) The parent’s objection to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to object to one or more specific categories of directory information;
 - (2) The parent’s objection to the release of a secondary student’s name, address, and telephone number to a military recruiter or institution of higher education; and
 - (3) The parent’s consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the district and is specifically identified, such as for a student directory, student yearbook, or district publication; and
3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the district that the parent does not want the student’s information disclosed without the parent’s prior written consent.

Education Code 26.013

*Student
Recruiting
Information*

Notwithstanding the Directory Information provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by a military recruiter or an institution of higher education, access to secondary school students’ names, addresses, and telephone listings unless a student’s parent has submitted the prior consent request below.

Consent to
Release

A student who has attained 18 years of age or a parent of a secondary school student may submit a written request to a district that the student’s name, address, and telephone listing not be released for purposes described above without prior written consent.

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Upon receiving such request, a district may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent or student. A district shall notify parents of the option to make a request.

No Opt-In
Process

Nothing in this provision shall be construed to allow a district to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process above.

20 U.S.C. 7908

**Videotapes and
Recordings**

A district employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Exceptions

A district employee 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 only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;
2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

Education Code 26.009 [See EHA, EHBAF, FM, and FO]

RELATIONS WITH EDUCATIONAL ENTITIES
COLLEGES AND UNIVERSITIES

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Facilities

Dual Usage
Educational
Complex

A district may enter into a cooperative agreement with a community college district regarding a dual usage educational complex, provided the district is located in whole or in part in the service area of the college district. The college district shall coordinate and supervise the operation of the complex. The use and the costs associated with the establishment and operation of the complex shall be shared by the parties under the terms of the cooperative agreement. *Education Code 130.0103*

Instructional or
Athletic Facility

A district and an institution of higher education may contract for the design or construction of an instructional facility or athletic facility in accordance with Education Code 45.109. *Education Code 45.109* [See CX]

College Courses in
District Facilities

If a district is located in a county contiguous to, but not part of, a community college district, a board may enter into a contract with the community college district for the community college to hold college courses in a district's facilities. The contract shall be approved by board resolution. Either party may terminate the contract by giving the other party at least one year's written notice. *Education Code 130.006*

District Courses on
Higher Education
Campus

A board may operate a school or program or hold a class on the campus of an institution of higher education in this state if the board obtains written consent from the president or other chief executive officer of the institution, regardless of whether the institution is located within the boundaries of the district. *Education Code 11.166*

**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 (see High School Credit-Only Courses, below).
2. Award of Dual Course Credit (see Dual Credit Courses, below).
3. Tech-Prep Programs.
4. Remedial or Developmental Instruction (see Remedial Programs, below).
5. College Preparatory Programs for High School Students. College prep courses are locally developed through a memorandum of understanding created between school districts and public two-year colleges.

19 TAC 9.143, .146

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Agreement	<p>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:</p> <ol style="list-style-type: none">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. Transcribing of credit.8. Funding provisions. <p><i>19 TAC 9.144</i></p>
High School Credit-Only Courses	<p>A district may contract with a community college district for the college district to provide coursework necessary for students to complete high school. The district and college district shall negotiate an agreed cost for instruction. <i>19 TAC 9.125</i></p>
Dual Credit Courses	<p>A district may enter into an agreement with a public college to form a dual credit partnership. Dual credit means the process by which a high school student enrolls in a college course and receives simultaneous academic credit for the course from both the college and high school. <i>19 TAC Ch. 4, Subch. D [See EHDD]</i></p>
Remedial Programs	<p>A board may contract 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. <i>Education Code 130.090; 19 TAC 9.146</i></p>
Dropout Recovery Program	<p>A school district may enter into an articulation agreement to partner with the public junior college district in which the school district is located to provide on the campus of the college a dropout recovery program for students to successfully complete and receive a diploma from a high school of the school district. <i>Education Code 29.402(a)</i></p> <p>A district located wholly or partly in a county with a population of more than three million may enter into an articulation agreement with any public junior college with a service area located wholly or partly in a county with a population of more than three million. <i>Education Code 29.402(a-1)</i></p>

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	<p>The program must meet the requirements at Education Code 29.402(c) and 29.081(e), (f). <i>Education Code 29.402(c), (d)</i></p>
Student Eligibility	<p>A person is eligible to enroll in the dropout recovery program if the person:</p> <ol style="list-style-type: none">1. Is under 26 years of age;2. Must complete not more than three course credits to complete the curriculum requirements for the foundation high school program, as appropriate, for high school graduation; or3. Has failed to perform satisfactorily on an end-of-course assessment instrument under Education Code 39.023(c), or an assessment instrument under Education Code 39.023(c) as that section existed before 2007. [See EKB] <p><i>Education Code 29.402(b)</i></p>
Funding	<p>A school district shall pay the college district a negotiated amount for each student from the school district enrolled in the dropout recovery program. The negotiated amount shall not exceed the total average per student funding amount in that school district during the preceding school year for maintenance and operations, including state and local funding, but excluding money from the available school fund. <i>Education Code 29.403(a)</i></p> <p>A student who is enrolled in a dropout recovery program is included in determining the average daily attendance of the school district. <i>Education Code 29.403(b)</i></p>
Plan to Increase Higher Education Enrollment	<p>An affected district, as described below, shall enter into an agreement with the public institution of higher education in this state in closest geographic proximity to the district to develop a plan to increase the percentage of the district's graduating seniors who enroll in an institution of higher education for the academic year following graduation. The plan must address the elements at Education Code 29.904(d). <i>Education Code 29.904(c), (d)</i></p>
Affected District	<p>An affected district is one with one or more high schools that:</p> <ol style="list-style-type: none">1. During the preceding five years, have had an average of at least 26 students in the high school graduating class; and2. For any two consecutive years during the preceding five years, have been among the lowest ten percent of high schools in this state in the percentage of students graduating and enrolling for the following academic year in an institution. <p><i>Education Code 29.904(a)</i></p>

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Timeline

Unless a district is already operating under a plan to increase enrollment, not later than May 1 of each year TEA shall notify a district if it is an affected district. The district must enter into an agreement to develop a plan to increase enrollment by August 1 of the year in which it receives notice from TEA. *Education Code 29.904(b), (c)*

A district shall file the plan with the commissioner of education and the commissioner of higher education. A district must implement the plan at the beginning of the school year following the year during which the district receives notice from TEA that it is an affected district. A district may revise the plan as necessary in response to achieving or failing to achieve goals under the plan. *Education Code 29.904(e)–(g)*

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Note: The following legal provisions address the notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. For additional legal provisions addressing reporting child abuse and neglect and investigations generally, see FFG.

Child Protective Investigations

A Texas Department of Family and Protective Services (DFPS) investigation of a report of child abuse or neglect under Family Code Chapter 261 may include an interview and examination of the subject child, which may be conducted at any reasonable time and place, including the child's school. A school official may not deny the request of an investigator, investigating a report of suspected child abuse or neglect, to interview, at school, a student who is an alleged victim. A school official may not condition granting the request on a requirement that school personnel, such as a counselor, attend the interview. *Family Code 261.302(a), (b); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of an investigation under Family Code Chapter 261 shall release that information to DFPS on request. The release of information to DFPS by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

Special Investigations

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code Chapter 261 and the rules adopted thereunder.

The Special Investigations program (SI) of the Child Protective Investigations division (CPI) of DFPS investigates allegations of abuse or neglect of a child by school personnel or volunteers in a school setting.

Family Code 261.406(a); 40 TAC 707.597-.625

Definitions

"School personnel and volunteers" means persons who have access to children in a school setting and are providing services to or caring for the children. School personnel include but are not limited to school employees, contractors, school volunteers, school bus drivers, school cafeteria staff, and school custodians.

"School setting" means the physical location of a child's school or of an event sponsored or approved by the child's school, or any other location where the child is in the care, custody, or control of

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school personnel in their official capacity, including transportation services. This does not include:

1. School settings involving only children in facilities regulated by the Texas Health and Human Services Commission (HHSC) when HHSC contracts with the local school district to provide education services; or
2. School settings that are a part of child care operations regulated by the Child Care Licensing division of HHSC.

40 TAC 707.605(6)–(7)

Notice to School
Personnel

Prior to conducting an investigation of school personnel or volunteers, SI shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time SI plans to visit the school campus to begin the investigation.

SI must also orally notify the superintendent about the investigation.

SI must request that the school personnel notified of the investigation not alert the alleged perpetrator or others regarding the report until SI has had an opportunity to interview the alleged perpetrator.

Family Code 261.105(d); 40 TAC 707.615

No Interference with
Investigation

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS.

Interviews on
School Premises

Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by SI, pursuant to all applicable standards. SI will notify appropriate school personnel prior to conducting an interview or visual inspection on school premises.

Presence of School
Personnel

SI may request that school personnel or volunteers not be present during the interview or visual inspection of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or
2. A better interview or examination of the child would result without school personnel or volunteers being present.

Family Code 261.303(a); 40 TAC 707.619(a)

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Report of Findings After the completion of an investigation, SI must provide a report of the investigation, redacted to remove the identity of the reporter, to the Texas Education Agency (Director of Education Investigations) for an investigation concerning an employee of the district. On request, SI shall provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the school board;
3. The superintendent; and
4. The school principal, unless the principal is the alleged perpetrator.

SI is not required to provide notice to a school official if it administratively closes a report of abuse or neglect prior to notifying school officials that DFPS received a report of abuse or neglect in the school setting.

Family Code 261.406(b); 40 TAC 707.623

Students Taken into Custody

A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code):

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer, including a school district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.
5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

Family Code 52.01(a), 58.0021

In addition, a child may be taken into custody without a court order:

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1. By an authorized representative of the DFPS, a law enforcement officer, or a juvenile probation officer under the conditions set out in Family Code 262.104, relating to the student's physical health or safety; or
2. As otherwise provided by Family Code Chapter 262 (Suit by Governmental Entity to Protect Health and Safety of Child).

Family Code Ch. 262

Students in Custody

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

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**Notices to Law
Enforcement
Agencies**

A principal or designee shall notify local law enforcement if the principal has reasonable grounds to believe that any of the following activities occurred in school, on school property, or at a school-sponsored or school-related activity on or off school property, without regard to whether the activity is investigated by school security officers:

1. Conduct that may constitute an offense listed in Government Code 508.149; deadly conduct, as described by Penal Code 22.05; or a terroristic threat, as described by Penal Code 22.07.
2. The use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code 481.
3. The possession of any of the weapons or devices listed in Penal Code 46.01(1)–(7), (9)–(14), or (16). [See FNCG]
4. The possession of a weapon as defined by 18 U.S.C. Section 921, in accordance with the Gun-Free Schools Act. [See FOD]
5. Conduct that may constitute a criminal offense under Penal Code 71.02, Engaging in Organized Criminal Activity.
6. Conduct that may constitute a criminal offense for which a student may be expelled under Education Code 37.007(a), (d), or (e).

Notice is not required if the principal reasonably believes that the activity does not constitute a criminal offense.

The principal or designee shall provide the notice to the district police department (if one exists) and the police department of the municipality in which the school is located. If the school is not in a municipality, the principal or designee shall provide the notice to the sheriff of the county in which the school is located. The report shall include the name and address of each student the person believes may have participated in the activity.

**Notice to
Employees**

The principal or designee shall also notify each instructional or support employee of the school who has regular contact with a student whose conduct is the subject of the notice.

Education Code 37.015, .007(e)

**Report of Conduct
Constituting Assault
or Harassment**

A principal or designee may make a report to any school district police department or the police department of the municipality in which the school is located or, if the school is not in a municipality,

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the sheriff of the county in which the school is located if, after an investigation is completed, the principal has reasonable grounds to believe that a student engaged in conduct that constitutes assault under Penal Code 22.01 or harassment with electronic communications under Penal Code 42.07(a)(7).

A person who makes a report may include the name and address of each student the person believes may have participated in the conduct.

Designee

The principal may designate a school employee, other than a school counselor, who is under the supervision of the principal to make the report.

Immunity

A person who voluntarily makes a report is immune from civil or criminal liability. A person who takes any action under this provision is immune from civil or criminal liability or disciplinary action resulting from that action.

This provision does not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides a basis for a cause of action.

District employees and volunteers are immune from suit resulting from an act under this provision, including an act under related policies and procedures.

An act by a district employee or volunteer under this provision, including an act under related policies and procedures, is the exercise of judgment or discretion on the part of the employee or volunteer and is not considered to be a ministerial act for purposes of liability of the district or the district's employees.

Education Code 37.0151

**Notices from Law
Enforcement
Agencies**

As described below, representatives of the juvenile justice system shall provide notice to a district when:

1. A student is arrested or referred to the juvenile board [see Arrest, below];
2. A student is convicted, or receives deferred prosecution or deferred adjudication [see Conviction or Adjudication, below];
3. A student was removed to a disciplinary alternative education program (DAEP) and the criminal case against the student is refused or the student is found not guilty [see Not Guilty/Charges Dropped, below]; or

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4. A student on parole, probation, or community supervision transfers into or reenrolls in a district [see Transfer Students, below].

Code of Criminal Procedure 15.27(a), (b), (c), (g)

Local law enforcement shall provide notice to the superintendent if a registered sex offender intends to reside in the district, as set out below. *Code of Criminal Procedure 62.053(e), .053(f)* [See Registered Sex Offenders, below]

A law enforcement agency that receives a report that a child under 11 years of age is missing shall immediately notify each school that the child attended or in which the child was enrolled that the child is missing. *Code of Criminal Procedure 63.020* [See Missing Children, below]

Reportable
Offenses

Code of Criminal Procedure 15.27 applies to the following offenses:

1. Any felony offense; and
2. The following misdemeanors:
 - a. An offense under Penal Code 20.02 (Unlawful Restraint), 21.08 (Indecent Exposure), 22.01 (Assault), 22.05 (Deadly Conduct), 22.07 (Terroristic Threat), or 71.02 (Engaging in Organized Criminal Activity);
 - b. The unlawful use, sale, or possession of a controlled substance, drug paraphernalia, or marijuana, as defined by Health and Safety Code Chapter 481; and
 - c. The unlawful possession of any of the weapons or devices listed in Penal Code 46.01(1)–(7), (9)–(14), or (16), or a weapon listed as a prohibited weapon under Penal Code 46.05.

Code of Criminal Procedure 15.27(h)

Contents of Notice

Oral or written notice under Code of Criminal Procedure 15.27 must include all pertinent details of the offense or conduct, including details of any:

1. Assaultive behavior or other violence;
2. Weapons used in the commission of the offense or conduct; or
3. Weapons possessed during the commission of the offense or conduct.

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*Threat
Assessment and
Safety Plan*

In addition to the information above, the law enforcement agency shall provide information relating to the student that is requested for the purpose of conducting a threat assessment or preparing a safety plan relating to that student. A school board may enter into a memorandum of understanding with a law enforcement agency regarding the exchange of information relevant to conducting a threat assessment or preparing a safety plan. Absent a memorandum of understanding, the information requested by the superintendent or the superintendent's designee shall be considered relevant.

Code of Criminal Procedure 15.27(k), (k-1)

Law enforcement records concerning a child may be inspected or copied by the superintendent of a public school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. *Family Code 58.008(d), (d-1)*

Electronic Notice

A person may substitute electronic notice for oral notice where oral notice is required by Code of Criminal Procedure 15.27. If electronic notice is used, any written notice required by article 15.27 is not required. *Code of Criminal Procedure 15.27(i)*

Arrest

Oral Notice

If a law enforcement agency arrests a person or refers a child to the juvenile board for an offense specified at Reportable Offenses, and the agency believes the person is enrolled as a student in a public school, the head of the agency or designee shall orally notify the superintendent or designee in the district in which the student is enrolled, or believed to be enrolled, of the arrest or referral. The notice shall be provided within 24 hours after the arrest or referral is made or before the next school day, whichever is earlier.

Written Notice

Within seven days after oral notice is given, the head of the law enforcement agency or designee shall mail written notice to the superintendent or designee. The written notice shall include the facts in the oral notice, the name of the person who was orally notified, and the date and time of the oral notice.

Both the oral and written notice shall contain sufficient details of the arrest or referral and the acts allegedly committed by the student to enable a superintendent or designee to determine whether there is a reasonable belief that the student has engaged in conduct defined as a felony offense by the Penal Code or whether it is necessary to conduct a threat assessment or prepare a safety plan related to the student. The information in the notice shall be considered by a superintendent or designee in making such a determination.

Code of Criminal Procedure 15.27(a)

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<i>Failure to Provide Notice to District</i>	If the superintendent of a district in which a student is enrolled learns of a failure of the head of a law enforcement agency or designee to provide a notice under Code of Criminal Procedure 15.27(a), the superintendent or principal shall report the failure to the Commission on Law Enforcement Officer Standards and Education. <i>Code of Criminal Procedure 15.27(m)</i>
<i>Notice to Employees</i>	<p>A superintendent or designee shall immediately notify all instructional and support personnel who have responsibility for supervision of a student who has been arrested or taken into custody. All personnel shall keep the information received confidential.</p> <p>A superintendent or designee shall send to an employee having direct supervisory responsibility over the student the information in the confidential notice provided by the law enforcement agency.</p>
<i>Failure to Provide Notice to Employees</i>	<p>If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(a) or (a-1), the board shall report the failure to the State Board for Educator Certification (SBEC).</p> <p><i>Code of Criminal Procedure 15.27(a), (a-1), (l)</i></p>
<p>Conviction or Adjudication</p> <p><i>Oral Notice</i></p>	On conviction, deferred prosecution, deferred adjudication, or adjudication of delinquent conduct of a student for an offense or for any conduct specified at Reportable Offenses, the office of the prosecuting attorney shall orally notify a superintendent or designee of the conviction or adjudication and whether the student is required to register as a sex offender. Oral notice must be given within 24 hours of the time of the order or before the next school day, whichever is earlier.
<i>Written Notice</i>	Within seven days after the date the oral notice is given, the office of the prosecuting attorney shall mail written notice, which must contain a statement of the offense of which the individual is convicted or on which the adjudication, deferred adjudication, or deferred prosecution is grounded and a statement of whether the student is required to register as a sex offender.
<i>Notice to Employees</i>	A superintendent or designee shall, within 24 hours of receiving notice from the office of the prosecuting attorney, or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.
<i>Failure to Provide Notice to Employees</i>	<p>If a board learns of a failure by the superintendent or a principal to provide a notice required under Code of Criminal Procedure 15.27(b), the board shall report the failure to the SBEC.</p> <p><i>Code of Criminal Procedure 15.27(b), (l)</i></p>

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Not Guilty/Charges Dropped	<p>The office of the prosecuting attorney or the office or official designated by the juvenile board shall notify the district that removed a student to a (DAEP) if:</p> <ol style="list-style-type: none">1. Prosecution of the student's case was refused for lack of prosecutorial merit or insufficient evidence and no formal proceedings, deferred adjudication, or deferred prosecution will be initiated; or2. The 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. <p>Notice shall be provided to the district within two working days.</p>
<i>Review of Placement</i>	<p>On receipt of the notice, the superintendent or designee shall review the student's placement in the DAEP [see FOC].</p> <p><i>Code of Criminal Procedure 15.27(g); Education Code 37.006(h)</i></p>
Transfer Students	<p>If a juvenile justice agency has jurisdiction over a student who is arrested, referred, convicted, or adjudicated for a reportable offense and the student transfers from a school or is subsequently removed from a school and later returned to a school or district other than the one the student was enrolled in when the arrest, referral, conviction, or adjudication occurred, the juvenile justice agency shall notify the superintendent or designee of the district to which the student transfers or is returned.</p> <p>The juvenile justice agency shall provide notice of an arrest or referral in a manner similar to that provided above, at Arrest. The juvenile justice agency shall provide notice of a conviction or delinquent adjudication in a manner similar to that provided above at Conviction or Adjudication. In either case, notice shall be provided within 24 hours of learning of the student's transfer or reenrollment, or before the next school day, whichever is earlier.</p>
<i>Notice to Employees</i>	<p>The superintendent of the district to which the student transfers or is returned shall, within 24 hours of receiving notice or before the next school day, whichever is earlier, notify all instructional and support personnel who have regular contact with the student.</p> <p><i>Code of Criminal Procedure 15.27(c)</i></p>
Registered Sex Offenders	<p>The local law enforcement authority shall immediately provide notice to the superintendent of the district in which a person subject to registration as a sex offender intends to reside, by mail to the office of the superintendent, as set out below. <i>Code of Criminal Procedure 62.053(e), .053(f)</i></p>

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A local law enforcement authority shall provide notice to a superintendent regarding a registered sex offender only if:

1. The victim was at the time of the offense a child younger than 17 years of age or a student enrolled in a public or private secondary school;
2. The person subject to registration is a student enrolled in a public or private secondary school; or
3. The basis on which the person is subject to registration is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Penal Code 43.25 (Sexual Performance by a Child) or 43.26 (Possession or Promotion of Child Pornography), or a substantially similar offense.

A local law enforcement authority may not provide notice to a superintendent if the basis for the notice is a conviction, deferred adjudication, or adjudication of delinquent conduct for an offense under Section 25.02, Penal Code (Prohibited Sexual Conduct, relating to incest), or a substantially similar offense.

Code of Criminal Procedure 62.054

Notice to
Employees

On receipt of the notice from law enforcement regarding a registered sex offender, a superintendent shall release the information in the notice to appropriate district personnel, including peace officers and security personnel, principals, nurses, and counselors.
Code of Criminal Procedure 62.053(e), .055(f)

Missing Children

Duty to Flag
Records

Upon receipt of notification from a law enforcement agency or the missing children and missing persons information clearinghouse that a child under 11 years of age who attended or who is enrolled in the school is missing, the school shall flag the child's records and maintain the records in its possession so that on receipt of a request regarding the child, the school will be able to notify law enforcement or the missing children and missing persons information clearinghouse that a request for a flagged record has been made.
Code of Criminal Procedure 63.020(c), .021

Request in Person

When a request for a flagged record is made in person, the school may not advise the requesting party that the request concerns a missing child and shall:

1. Require the person requesting the flagged record to complete a form stating the person's name, address, telephone number, and relationship to the child for whom a request is made, and the name, address, and birth date of the child;

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2. Obtain a copy of the requesting party's driver's license or other photographic identification, if possible;
3. If the request is for a birth certificate, inform the requesting party that a copy of a certificate will be sent by mail; and
4. Immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and include a physical description of the requesting party, the identity and address of the requesting party, and a copy of the requesting party's driver's license or other photographic identification.

After providing the information listed above, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

Request in Writing

When a request for a flagged record is made in writing, the school may not advise the requesting party that the request concerns a missing child and shall immediately notify the appropriate law enforcement agency that a request has been made concerning a flagged record and provide to the law enforcement agency a copy of the written request. After providing the notification, the school shall mail a copy of the requested record to the requesting party on or after the 21st day after the date of the request.

Code of Criminal Procedure 63.021(d)

Removal of Flag

On the return of a missing child under 11 years of age, the law enforcement agency shall notify each school that has maintained flagged records for the child that the child is no longer missing. On receipt of this notification, the school shall remove the flag from the records.

A school that has reason to believe that a missing child has been recovered may request confirmation that the missing child has been recovered from the appropriate law enforcement agency or the missing children and missing persons information clearing-house. If a response is not received after the 45th day after the date of the request for confirmation, the school may remove the flag from the record and shall inform the law enforcement agency or the missing children and missing persons information clearing-house that the flag has been removed.

Code of Criminal Procedure 63.022



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Resolution Regarding ESSER III and Board Policy CB (Local)

Date: May 24, 2021

Background Information and Rationale:

On April 28, 2021, the Texas Education Agency issued guidance on the Elementary and Secondary School Emergency Relief III (ESSER III) Fund application process. TEA advises school districts to give public notice for all federal grant applications before submitting an application to TEA. A school district may meet this requirement by providing a summary of the application and plan for the use of funds as an information item at a board meeting. TEA further recommends that:

1. Approval of ESSER III plans be based on local policies; and
2. School districts develop local board policy to address how they will provide the required public notice regarding federal grants and awards.

To comply with TEA's guidance, the District seeks to revise Board Policy CB (Local), as recommended by TASB and set forth in the Resolution Regarding ESSER III and Board Policy CB (Local).

Documents for Review:

- Resolution Regarding ESSER III and Board Policy CB (Local)
- Board Policy CB (Local), effective October 30, 2015

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: N/A

Recommendations: Approve the Resolution Regarding ESSER III and Board Policy CB (Local).

Respectfully submitted,



Ryder Warren, Ed.D.
Superintendent



Christie Hobbs
General Counsel

STATE AND FEDERAL REVENUE SOURCES

CB
(LOCAL)

HS Principals –
Student Council
Groups – send names
for TY letters – kids
coming to Board
meeting

Governor's new mask
announcement

Grants and Awards

The Superintendent shall be authorized to:

1. Apply, on behalf of the Board, for any and all special federal and state grants and awards as deemed appropriate for the District's operations;
2. Approve commitment of District funds for matching, cost sharing, cooperative, or jointly funded projects up to the amounts specifically allowed under the District budget approved by the Board; and
3. Approve grant and award amendments as necessary.

The District shall comply with all requirements for state and federal grants and awards imposed by law, the awarding agency, or an applicable pass-through entity. The Superintendent shall develop and enforce financial management systems, internal control procedures, procurement procedures, and other administrative procedures as needed to provide reasonable assurance that the District is complying with requirements for state and federal grants and awards.

[See CAA, CBB]

Federal Awards

Conflict of Interest

Each employee, Board member, or agent of the District who is engaged in the selection, award, or administration of a contract supported by a federal grant or award and who has a potential conflict of interest as defined at Code of Federal Regulations, title 2, section 200.318, shall disclose to the District, in writing, any conflict that meets the disclosure threshold in Chapter 176 of the Local Government Code. [See CBB]

In addition, each employee, Board member, or agent of the District shall comply with any other conflict of interest requirements imposed by the granting agency or a pass-through entity.

For purposes of this policy, "immediate family member" shall have the same meaning as "family member" as described in Chapter 176 of the Government Code. [See BBFA]

For purposes of this policy, "partner" shall have the same meaning as defined in Business Organizations Code Chapter 1, Subchapter A.

An employee, Board member, or agent of the District who is required to disclose a conflict in accordance with the provisions above shall not participate in the selection, award, or administration of a contract supported by a federal grant or award.

STATE AND FEDERAL REVENUE SOURCES

CB
(LOCAL)

Gifts and Gratuities Employees, Board members, and agents of the District shall not solicit any gratuities, favors, or items from a contractor or a party to a subcontract for a federal grant or award and shall not accept:

1. Any single item with a value at or above \$50; or
2. Items from a single contractor or subcontractor that have an aggregate monetary value exceeding \$100 in a 12-month period.

[See BBFA, BBFB, CBB, DBD. In the event of a violation of these requirements, see CAA and DH.]

**Resolution of the Board of Trustees of
the Northwest Independent School District Regarding
ESSER III and Board Policy CB (Local)**

WHEREAS, on April 28, 2021, TEA notified school districts of the opportunity to apply for their allocation of the Elementary and Secondary School Emergency Relief III (ESSER III) Fund, which should be used to respond to the pandemic and to address student learning loss as a result of COVID-19;

WHEREAS, TEA published guidance regarding how these funds can be used and local compliance requirements school districts must follow, including a recommendation that districts develop local board policy to address how the district will provide the required public notice regarding federal grants and awards for consistency;

WHEREAS, Texas Education Code § 11.151 gives the Board of Trustees the exclusive power and duty to govern and oversee the management of the public schools of the District; and

WHEREAS, the Board finds that a need exists to adjust local policy provisions to address public notice for federal grants and awards and approval of required grant plans;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Northwest Independent School District adopts the following text for inclusion at Board Policy CB (Local), State and Federal Revenue Sources:

- The District shall provide public notice of federal grant applications through an information item at a Board meeting and by publishing information on the District's website. The District shall make available opportunities for public input as required by law or the granting agency.
- Approval of required grant and award plans shall be by the Superintendent.

The change to Board Policy CB (Local) is effective based on the adoption date of this resolution.

Adopted this _____ day of _____, 2021 by the Board of Trustees.

Dr. Anne Davis-Simpson
President, Board of Trustees

Dr. Lillian Rauch
Secretary, Board of Trustees



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Possible Nominations for the TASB Board of Directors for TASB Region 11, Position D

Date: May 24, 2021

Background Information and Rationale: The Texas Association of School Boards (TASB) has a vacancy open on the TASB Board of Directors in Region 11, Position D. An active NISD school board member can be nominated. If an individual is nominated the attached information has to be in the TASB Austin office no later than Wednesday, June 30, 2021.

Corrine French (Valley View ISD – Cooke County), the current representative for Position D, has indicated an intent to seek reelection. Between July 3 and August 31 endorsements of a nominated individual from a board within our TASB Region who has completed the June 30, 2021 requirements can be accepted.

The term of this position is for three years beginning at the close of the 2021 Annual TASA/TASB Convention and expiring after Convention 2024.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: None

Recommendation: Consider and possibly nominate an active Northwest ISD school board member to the TASB Board of Directors for TASB Region 11, Position D.

Respectfully submitted,

Ryder Warren, Ed.D., Superintendent



TASB NOMINATION FORM

This is to serve as the nomination of a member of our local board to fill a position on the TASB Board of Directors.

CANDIDATE INFORMATION

NAME: _____

SCHOOL DISTRICT: _____

CANDIDATE MAILING ADDRESS: _____

CITY: _____ ZIP: _____

Our school district's board of trustees understands:

1. *Expenses incurred for the candidate to attend the Nominations Committee interview will be the responsibility of the candidate's local school district.*
2. *The local board's nomination of one of its trustees shall be considered the district's endorsement for that Director position.*
3. *A TASB Director's attendance at regular TASB Board meetings is important.*
4. *Lodging and transportation expenses incurred by TASB Directors attending regular spring, summer and December Board meetings are reimbursed by the Association and transportation expenses and three nights' lodging incurred attending the Convention Board meeting are reimbursed by the Association.*

This nomination was approved by our board of trustees at a duly called meeting on _____.
(Date)

Signature of board president or officer (If candidate is the board president or officer, must be signed by another officer)

PRINTED NAME: _____

TITLE: _____

WILLINGNESS TO SERVE (To Be Completed By the Candidate)

I, _____, confirm my willingness to serve, if elected, as a member of the TASB Board of Directors for Region _____, Position _____.

Signature of candidate

This form is to be used to nominate a member of your Local Board as a candidate to fill a position on the TASB Board of Directors.

Must be received by TASB on or before June 30, 2021.

Interviews will be held at TASB Headquarters in Austin on September 10-11, 2021.

**RETURN TO: E-mail: boardcommunications@tasb.org
FAX: 512.467.3554**

**TASB BOARD CANDIDATE BIOGRAPHICAL SKETCH**

TODAY'S DATE: _____

NAME: _____

ADDRESS: _____

CITY: _____ ZIP: _____

BUSINESS PHONE: _____ RESIDENCE PHONE: _____

CELL PHONE: _____ FAX NUMBER (if applicable): _____

We communicate with our Board members primarily via e-mail and the Internet. Please list your preferred active email address.

E-MAIL: _____

SCHOOL DISTRICT: _____

LOCAL TERM EXPIRES: _____ YEARS ON BOARD: _____
(Month/year)

Upon expiration of current term on your local board, will you seek reelection?

Yes____ No____

BOARD POSITIONS HELD/DATES: _____

OCCUPATION: _____

CURRENT EMPLOYER: _____ Dates: _____

EDUCATION-HIGH SCHOOL: _____ COLLEGE: _____

OTHER EDUCATION: _____ DEGREES: _____

HOBBIES/SPECIAL INTERESTS: _____

BUSINESS/PROFESSIONAL/CIVIC GROUP MEMBERS (Offices held and dates): _____

ADDITIONAL COMMENTS (Use reverse side if additional space is required.): _____

Please attach a short bio and include a current picture in jpeg format.

Additional Comments: (Use reverse side if additional space is required.)



TASB BOARD CANDIDATE QUESTIONNAIRE

NAME: _____

SCHOOL DISTRICT: _____

POSITION: _____

I affirm that my board has approved my candidacy, and the Nominations Form has been submitted to TASB (or is included) as evidence.

1. What motivates you to serve on the TASB Board?

2. What contributions can you make?

3. Service as a TASB Director is a very rewarding experience, but it is a time-consuming endeavor. Please address your commitment to serve as a Director.

4. Please provide evidence of your leadership abilities.

5. If selected, what are some unique characteristics or perspectives you bring to the Board?

6. Describe the characteristics of a good board member. What are at least three or four behaviors of a good board member?

- Elaborate on why you think they are critical issues.

10. Additional information: What else would you like for us to know about you?

(Signature of candidate)

(Date)

This form is to be used by a candidate interested in filling a position on the TASB Board of Directors.

Must be received by TASB on or before June 30, 2021.

Interviews will be held at TASB Headquarters in Austin on September 10-11, 2021.

**RETURN TO: E-mail: boardcommunications@tasb.org
FAX: 512.467.3554**

**Texas Association of School Boards
Board of Directors Nominations—Frequently Asked Questions**

1. *Who elects the TASB Board of Directors?*

The general governing body of TASB is the Delegate Assembly, which meets each fall on the Saturday of the TASA/TASB Convention. One of the responsibilities of the Assembly is to elect the TASB Board of Directors (TASB Board).

2. *Who makes up the Delegate Assembly?*

Each Active Member is eligible to designate a Delegate and Alternate from the local board to represent the board's interests at the Delegate Assembly. Either the Delegate or the Alternate, whichever is present on the floor, is the Active Member's voting representative. Members of the TASB Board and the four Legislative Advisory Council members on the TASB Legislative Committee also are voting representatives on the Assembly floor by virtue of their positions.

3. *What is an Active Member of TASB?*

Active Members are local public school boards and education service center boards that have paid current annual dues.

4. *What is the composition of the TASB Board?*

The 42-member TASB Board is composed of the President, the President-Elect, the Immediate Past President, and members from the 20 TASB Regions, which follow the boundaries of the education service centers. These Directors are elected to staggered three-year terms, with the exception of the President-Elect, President, and Immediate Past President who serve one-year terms in each position. An education service center representative also is a member of the TASB Board, serving as a voting *ex officio* member.

5. *What are the responsibilities of the TASB Board?*

The TASB Board actively promotes the purposes of the Association, oversees its fiscal affairs, and establishes Board policies.

6. *How are TASB Board positions determined, and why do some TASB Regions have more than one representative?*

Representation on the TASB Board is determined by state average daily attendance (ADA). Calculations to determine Board positions are completed each April with ADA data furnished by the Texas Education Agency. The TASB Board has two types of positions: large district and regional.

- a. **Large District Members**—An Active Member with at least 1.25 percent of the total state ADA is entitled to a large district position on the TASB Board. Currently, 10 districts qualify as large district members: Aldine ISD, Austin ISD, Cypress-Fairbanks ISD, Dallas ISD, Fort Bend ISD, Fort Worth ISD, Houston ISD, Katy ISD, North East ISD, and Northside ISD-Bexar County.
- b. **Regional Members**—Each of the 20 TASB Regions have a regional member on the TASB Board. However, a TASB Region will gain another position for each 4.25 percent, or fraction thereof, of the total state ADA after subtracting the ADA of each large district member.

7. *Does a TASB Director have to be a member of a local school board?*

Yes, Directors of the TASB Board must be a member of a local school board that is an Active Member of TASB. Except in the case of the President and the Immediate Past President, a Director of the TASB Board who ceases to be a local school board member automatically vacates his or her position on the TASB Board. The TASB President must be a member of a local board at the time of succession to the office.

8. *How do districts know when to nominate an individual for a position on the TASB Board?*

On or before April 30, the board president, superintendent and superintendent secretary of each Active Member will be notified that a vacancy or expiring term exists for a position in the Active Member's TASB Region. This information also will be posted on the TASB website.

9. *How does an Active Member nominate an individual?*

Active Members have until June 30 to place the name of a local board member in nomination for a position. A nomination is accepted when the following completed nominations forms, provided by the Association, are received by TASB:

- (1) Form A, Active Member's Nomination and Willingness to Serve form
- (2) Form B, Candidate's Biographical Sketch
- (3) Form C, Candidate's Questionnaire

The nomination requires local board action, and Form A must be signed by the board president or other board officer and include the date of board action and the candidate.

Once these materials are received, the board president, candidate, and superintendent will receive an e-mail acknowledging the candidacy, along with information regarding the interview with the TASB Nominations Committee.

10. *Can an Active Member nominate more than one individual for a position?*

No.

11. *Can an individual be a candidate for more than one position?*

No.

12. *What is the endorsement period, and how does an Active Member endorse a nominated individual?*

The endorsement period is open July 3–August 31 and is an opportunity for regions to support, or even elect, a candidate nominated to the TASB Board.

During the endorsement period, an Active Member may endorse the candidacy of a nominated individual from another board within their TASB Region. Active Members must use Form D, Endorsement Form, provided by the Association.

It is important to note that TASB Bylaws require local board action for endorsements. Also, the Nominations Committee cannot accept endorsements acted on before July 3 or those not on the form provided by the Association (Form D, Endorsement Form). Completed endorsement forms must be received in TASB Headquarters on or before August 31.

If a majority of Active Members in an Association Region endorse the same candidate, that candidate is elected to the TASB Board and will take office at the completion of the final official session of the TASA/TASB Convention. If more than 25 percent of Active Members in a Region endorses the same candidate, that candidate will be placed on the slate of nominees presented to the Delegate Assembly.

13. *How can candidates contact Active Members in their TASB Regions for endorsements?*

Upon request, TASB will provide a mailing list to candidates, at no charge.

14. *How are vacancies on the TASB Board filled throughout the year?*

The TASB Board can fill vacancies that occur during the year. The board president and superintendent of each Active Member within the affected Region will be notified about the vacancy and the process for nominations. The Nominations Committee will interview all candidates and make a recommendation to the TASB Board. The TASB Board will elect an individual to fill the vacancy until the next Delegate Assembly.

15. *What is the TASB Nominations Committee, and what is the committee's role in the Delegate Assembly election process?*

The TASB Nominations Committee is composed of Directors on the TASB Board. Eleven

committee members and nine alternates are elected by the Board annually. In the election of the committee, the Board considers school district size, geographic location, wealth per student, and other factors, such as gender and ethnicity.

The Nominations Committee meets prior to the Delegate Assembly to interview nominated individuals in Director races that have not been elected by endorsement by the Regions. The Committee prepares a slate of Director nominees by selecting one or more candidates for each open position.

If a Director candidate has received endorsements from a majority of the Active Members in the TASB Region, that individual is automatically elected to the position and will take office after the final Convention session in the year elected.

If no Director candidate has received a majority of the endorsements, the slate of nominees will include the committee's nominees and also will list any nominated individuals who have received endorsements from at least 25 percent, but less than a majority, of the Active Members within their TASB Region.

16. Who pays the nominated individual's expenses incurred in attending the interview with the Nominations Committee?

The candidate's local board typically pays. This is not a TASB expense.

17. Can someone still run for TASB Director if he or she is not chosen by the Nominations Committee and has not received endorsements from at least 25 percent of the Active Members?

Yes. Even if a candidate was not selected as a nominee by the Nominations Committee or did not receive at least 25 percent of the endorsements from his or her region, he or she may still run for a Director position on the TASB Board through the delegate nomination process.

A delegate nomination may be made by the candidate's Delegate, provided the following conditions are met: (a) the candidate's completed nomination materials had been submitted to TASB Headquarters by June 30, (b) the candidate interviewed with the Nominations Committee, and (c) the candidate's intent and consent to run for the position by this alternate means is received in TASB Headquarters at least five days before the annual Delegate Assembly.

18. When are Active Members notified of the official slate of Director and Officer nominees?

The nominations slate of nominees is sent to all Active Members as soon as feasible after the August 31 deadline for Director candidate endorsements and prior to Delegate Assembly.

Officer nominees are selected by the TASB Board at the Summer Board Meeting.

19. *What happens if a nominee is unable to serve?*

The Nominations Committee, at the call of its chair, will select an alternate Director nominee; and the TASB Board, at the call of its President, will select an alternate Officer nominee. Active Members and their Delegates will be notified of the amended report of the Nominations Committee as soon as feasible, but no later than the opening of the Delegate Assembly.

20. *Can candidates in contested races campaign for Delegate votes?*

Yes, within certain limit, candidates in contested races can campaign for Delegate votes.

- a. Distribution of Materials**—Candidates are permitted to place a one page biographical document on the Delegate tables prior to start of the Assembly.
- b. Solicitation of Votes**—Candidates are prohibited from soliciting votes in the vicinity of the Delegate Assembly Hall and at the TASB Board meeting. Other than that, candidates are not prohibited from campaigning elsewhere.
- c. Campaigning at the Delegate Assembly itself**—Aside from distributing a one-page biographical flier, candidates are prohibited from soliciting votes from Delegates outside of the Assembly hall, at the entrance to the hall, or on the floor of the Assembly.

21. *Will nominees be allowed to speak at the Delegate Assembly?*

Yes, speeches are allowed in contested races and each nominee is given three minutes, in accordance with the standing rules adopted by the Assembly. Contested nominees speak in alphabetical order for each position; however, the recommended nominee speaks last.

22. *At the Delegate Assembly, do Delegates cast their vote for all positions or just those within their TASB Region?*

All Delegates of the Assembly may cast a vote in each contested position.

23. *How are votes cast, tallied, and reported?*

Voting is done by electronic keypads. The Teller Committee supervises the voting and certifies the accuracy of the counts. The Teller Committee Chair reports the results to the Assembly.

24. *How is the Teller Committee selected?*

The TASB President appoints Delegates to serve on the Delegate Assembly Teller Committee. A Delegate from an Active Member that has a nominee on the slate is ineligible to serve on the Teller Committee.

25. *How are the winners determined?*

The nominee receiving the majority of the votes of the Delegates present and voting shall be elected. If no nominee receives a majority, a run-off election shall be conducted between the two nominees receiving the greater number of votes, and the election shall be repeated for that position as many times as necessary to obtain a majority.

26. *When do the terms of newly elected Directors and Officers begin?*

The newly elected Directors and Officers (including those Directors elected by endorsement within their regions) begin serving their terms at the end of the final official session of the Convention.

27. *When does the TASB Board meet?*

The TASB Board meets four times a year (December, spring, summer, and Convention).

28. *Who pays the Director's expenses to attend meetings?*

In accordance with TASB Board Policy, TASB will reimburse Directors for the following expenses:

1. Expenses incurred while attending the regular December, Spring, and Summer TASB Board Meetings.
2. Transportation expenses and three nights' lodging expenses incurred by Directors attending the regular Convention Board Meeting held in conjunction with the TASA/TASB Convention.
3. Expenses incurred while attending any other meetings of the TASB Board or standing committees.

29. *Whom do I contact for more information?*

Contact Lysa Hoelscher at 800.580.8272, extension 2976 or lysa.hoelscher@tasb.org.

Excerpt from the Bylaws of the
TEXAS ASSOCIATION OF SCHOOL BOARDS, INC.
(as last amended on September 29, 2018)

ARTICLE VI. BOARD OF DIRECTORS

SECTION 1. ASSOCIATION REGIONS.

The Association Regions shall correspond to the ESC region boundaries.

SECTION 2. QUALIFICATIONS, NOMINATION, ENDORSEMENT, AND ELECTION OF DIRECTORS.

A. Each voting Director shall be a trustee of the governing board of a school district that is an Active Member, except as provided below:

- (1) The President and the Immediate Past President, and
- (2) The ESC ex officio Director, in accordance with Article VI, Section 4F.

B. No Active Member shall have more than one candidate running for a Director position, even if more than one Director position is subject to an expiring term or vacancy within the Active Member's Region. No person shall be a candidate for more than one Director position.

C. For purposes of this section, an Active Member school district with an Average Daily Attendance (ADA) meeting the requirements of Article VI, Section 4C(1) shall be treated as an Association Region and referred to in these Bylaws as a Large District.

D. Nominations and endorsements shall be accepted in accordance with the following requirements, in chronological order within the timeframes and deadlines set out in Board policy:

(1) Active Members in any Association Region in which there are expiring terms or vacancies in Director positions shall be notified, by the date established through Board policy, that the Active Member may nominate one of its trustees as a candidate for a Director position in which the term is expiring or a vacancy exists within the Active Member's Region.

(2) The Nominations Committee's chair, or designee, shall have received the following in writing in the Austin office of the Association by the deadline established through Board policy:

(a) The Active Member's nomination, in such form as required by the Association, which shall include a verification by the Active Member's board president or other board officer as to the date of board action; and

(b) Candidate information required by the Association, which shall include (i) the candidate's written confirmation of his or her intent to be nominated as a candidate and willingness to serve

if elected, (ii) biographical information, and (iii) responses to the questionnaire(s) developed by the Association.

(3) A listing of all candidates running for Director positions shall be sent to the superintendent and board president of each Active Member in each Association Region in which there are any expiring terms or vacancies in Director positions by the date established through Board policy. The candidate listing shall also be posted on the Association's Web site. Candidates, Directors, Delegates, and Active Members shall be subject to any campaign protocols or regulations established through Board policy.

(4) Active Member endorsements of candidates shall be received in the Austin office of the Association by the deadline established through Board policy in order for such endorsements to be considered. An Active Member may endorse only one candidate for each open Director position within its Association Region. Only candidates who have complied with the requirements of Article VI, Section 2D(2), may be endorsed. Endorsements adopted by an Active Member before the Association sends the list of candidates pursuant to Article VI, Section 2D(3), or endorsements that are not on the endorsement form provided by the Association in a given year shall not be accepted. An Active Member's nomination of one of its trustees [Article VI, Section 2D(2)] shall be considered the Active Member's endorsement for that Director position.

(5) If a majority of the Active Members in an Association Region endorses the same candidate, that candidate shall be elected to the Director position and shall take office at the completion of the final official session of the annual convention during the year in which the Director was elected.

(6) If no candidate receives endorsements from a majority of the Active Members in the candidate's Association Region [Article VI, Section 2D(4)], the official annual Delegate Assembly list of nominees shall include the following:

(a) Candidates nominated by the Nominations Committee [Article VIII, Section 2H] and

(b) Candidates receiving endorsements from at least 25 percent but less than a majority of the Active Members in an Association Region.

(7) Thereafter nominations may be made by the candidate's Delegate, provided the following conditions are met:

(a) The candidate's nomination was submitted in compliance with Article VI, Section 2D(2),

(b) The candidate interviewed with the Nominations Committee, unless the Committee waived the need for an interview based on criteria set out in Board policy, and

(c) The candidate's intent and consent to run for the position by this alternate means is received in the Austin office of the Association five days prior to the annual Delegate Assembly.

E. Except for a Director position filled in accordance with Article VI, Section 2D(5), the official annual Delegate Assembly list of nominees shall be prepared by the Nominations Committee as

provided in these Bylaws [Article VIII, Section 2I]. The election shall comply with these Bylaws and any rules and procedures adopted by the Delegate Assembly at the start of the meeting. Such rules and procedures may allow uncontested nominees to be deemed elected without a vote.

F. If there is more than one nominee for a Director position, the nominee receiving the majority of the votes of the Delegates present and voting shall be elected. If no nominee receives a majority vote of the Delegates, a run-off election shall be conducted between the two nominees receiving the greater numbers of votes, and the election shall be repeated for that position as many times as necessary to obtain a majority.

SECTION 3. DUTIES. The Board shall supervise, control, and direct affairs of the Association in accordance with the Articles of Incorporation, Bylaws, beliefs, and Advocacy Agenda approved by the annual Delegate Assembly. The Board shall:

- A. Actively promote the mission, beliefs, and purposes of the Association.
- B. Adopt the Association's budget and have discretion in the disbursement of the Association's funds.
- C. Receive any devise, bequest, donation, or otherwise, either real or personal property, or both, and hold the same absolutely or in trust, and invest, reinvest, and manage the same, and apply said property and the income arising there from to the mission, beliefs, and purposes of the Association.
- D. Establish such Board policies, as it deems appropriate in fulfilling its responsibilities under these Bylaws.
- E. Appoint such agents as it may consider necessary.

SECTION 4. COMPOSITION.

- A. The Association's governing body shall be composed of Directors from Large Districts or Association Regions. No Active Member shall have more than one individual serving on the Board.
- B. All Directors shall represent their respective Association Regions, except the President, President-Elect, and the Immediate Past President.
- C. By virtue of student enrollment, individual Active Members or Association Regions may be eligible for a Director position as follows:
 - (1)(a) Not more than 14 Active Members shall be entitled to Large District Director positions. To qualify for a Large District Director position, the Active Member shall have had at least 1.25 percent of the total state ADA for two consecutive years. If more than 14 Active Members qualify for Large District Director positions under this provision, the 14 Active Members with the largest ADA shall qualify.

(b) If the Active Member's ADA falls below 1.25 percent of the total state ADA for two consecutive school years, or if an Active Member has qualified for a Large District Director position and that Active Member is no longer one of the 14 school districts with the ADA required under Article VI, Section 4C(1)(a), the Active Member's entitlement to a Large District Director position shall end with the expiration of the current representative's term.

(2)(a) An Association Region shall be entitled to Regional Director positions for each 4.25 percent or fraction thereof of the total state ADA contained within the Association Region for two consecutive years, and after the ADA of each Active Member qualifying for a position by virtue of Article VI, Section 4 C(1), has been subtracted. Notwithstanding the foregoing, an Association Region shall be entitled to no more than three Regional Director positions.

(b) If an Association Region becomes entitled to multiple positions by this provision and, subsequently, for two consecutive years, fails to sustain sufficient ADA for the entitlement, a Regional Director position shall be eliminated as follows:

- i. If a vacancy exists in the Regional Director position, that position shall be eliminated, or
- ii. If there is more than one vacancy in the Regional Director positions, the vacant position with the first expiring term shall be eliminated, or
- iii. If there is no vacancy in the Regional Director positions, the existing position with the first expiring term within the Region shall be eliminated at the end of that term, or
- iv. If there is no vacancy and more than one Regional Director position having the first expiring term in the same year, the position being held by the individual with the least tenure as a Regional Director shall be eliminated at the end of that term, or
- v. If there is no vacancy and more than one Regional Director position having the first expiring term in the same year and being held by individuals with the same tenure, there shall be a drawing of lots to determine which Regional Director position shall be eliminated at the end of the term.

D. All calculations under this section shall be based on ADA data furnished by the Texas Education Agency available as of April 1 preceding the annual Delegate Assembly.

E. The Executive Director shall be a nonvoting ex officio Director and shall not be counted in the quorum of the Board.

F. The ESC boards shall be represented by one voting ex officio Director selected by a process and for a term prescribed by guidelines established by the ESC boards, but shall not be counted in the quorum of the Board.

SECTION 5. DURATION OF OFFICE.

- A. The term of office of each Director shall be three years and shall begin at the completion of the final official session of the annual convention during which the Director was elected by the annual Delegate Assembly.
- B. Terms of Directors shall be staggered to allow, to the extent possible, for the election of one-third of the Directors each year. New Director positions shall be assigned to terms to retain this balance; however, if this is not possible, the assignment of terms shall be decided by drawing of lots.
- C. Upon election to a three-year term, a Director may be reelected to no more than three additional terms. For purposes of determining a Director term limit, service time attaches to the individual and not the Association Region with which the Director is associated.
- D. Upon election or succession to the office of President-Elect, the Director position previously held shall be declared vacant and a successor elected, except as provided in Article VI, Section 4A. Once elected President-Elect, the term limit that applies to a Director position shall no longer apply and shall not prevent the individual from completing the term of one year as President-Elect, one year as President, and one year as Immediate Past President.

SECTION 6. RESIGNATION AND REMOVAL.

- A. A Director may resign by submitting a letter of resignation to the President. The resignation shall become effective upon receipt by the President.
- B. A Director who is absent from three consecutive regularly scheduled Board meetings or from three consecutive regularly scheduled standing committee meetings may be removed from the Director position by a majority vote of all of the Directors. A Large District Director removed pursuant to this section shall be ineligible to serve for the remainder of the term to which the Director was elected.
- C. Any Director may be removed by a two-thirds vote of the Board when, in the Board's judgment, the best interests of the Association would be served by removal.

SECTION 7. MEETINGS.

- A. A Board year or annual period commences at the official close of the annual convention and ends after the same event in the next year. The Board shall hold at least four regular meetings that shall be spread throughout the year, with one taking place during the summer and the last meeting taking place during the week of the annual Delegate Assembly. The Executive Committee of the Board shall determine the dates and locations of the meetings for the upcoming Board year and report the meeting schedule to the Board before the Board year commences. The Board also shall be given 30 days' notice before each regular meeting by electronic means, or by any other means accessible to the Directors.

B. Additional meetings of the Board may be called by the President or by the written request of a majority of the Board, provided that a written notice is sent to each Director at least 10 days before the meeting.

C. A meeting of the Board or a committee may be conducted in person or by alternate means, such as teleconference, videoconference, the Internet, or any other means by which each participant can communicate with all other participants.

SECTION 8. QUORUM AND VOTING.

A. A quorum shall consist of a majority of the Board.

B. Unless otherwise specifically provided by these Bylaws, a majority vote of those present and voting shall govern. No proxy voting shall be permitted.

C. Any action required to be taken at a meeting of Directors, or any action which may be taken at a meeting of the Directors or any committee, may be taken without a meeting if a consent in writing, setting forth the action to be taken, shall have been signed or executed by the number of Directors or committee members as would be necessary to take that action at a meeting at which all of the Directors or members of the committee were present and voted. The Board, by policy or resolution, may increase the number of votes required for an action taken by written consent. A written consent shall be signed or executed and dated by each Director or committee member, and consent may be provided in multiple counterparts. Directors or committee members may provide written consent by facsimile, email (from the email address of record), or any other form of writing which comes from the Director or committee member.

SECTION 9. VACANCIES. By majority vote of those present and voting, the Board may fill vacancies that occur in Director positions by electing an individual to fill the vacancy until the next annual Delegate Assembly, in accordance with Board policy. At that time, a candidate shall be elected by the annual Delegate Assembly to fill the unexpired term in accordance with Article VI, Section 2D.

INSTRUCTIONS FOR TASB BOARD NOMINATIONS

About the TASB Board of Directors

The TASB Board of Directors is charged with carrying out directives established by the Delegates at the Delegate Assembly. The individual Director is expected to attend four Board meetings a year, with one of the meetings being at the same time as the annual TASA/TASB Convention. In addition, the Director will be asked to serve on a standing committee that will meet, as needed, in conjunction with Board meetings. The Director should be a capable, experienced school board member who can assist in providing the Association with outstanding leadership.

How to Nominate a Candidate to the TASB Board

To nominate an individual from your local school board, please complete the following attached forms:

- A. Active member's nomination and candidate's willingness to serve
- B. Candidate biographical sketch
- C. Candidate questionnaire

The completed materials must be received by TASB no later than Wednesday, June 30, 2021. Nominations that do not meet the deadline cannot be accepted.

TASB will e-mail the nominated individual and the superintendent a confirmation that the forms have been received. If an acknowledgment is not received, contact Lysa Hoelscher at **800.580.8272, extension 2976, or lysa.hoelscher@tasb.org**.

The Next Steps

By July 3, a list of all candidates running for the position will be posted on the TASB website.

The candidate endorsement process runs Saturday, July 3–Tuesday, August 31, 2021. During this time, Active Members may endorse one nominated individual from their TASB regions. If a majority of the Active Members of a region endorse a candidate, that individual will be elected to the TASB Board. If at least 25 percent, but not a majority, of the Active Members of a region endorse a candidate, that individual will be included on the official ballot at the TASB Delegate Assembly.

The Nominations Committee will meet Friday, September 10–Saturday, September 11, at TASB Headquarters in Austin to interview candidates and develop a slate of nominees for the Delegate Assembly. The nominated individual will be notified of the time for the interview. Expenses incurred, including lodging and transportation, for the interview are the responsibility of the individual or his or her school district.

If you have questions or need further information, please contact Lysa Hoelscher at **800.580.8272, extension 2976, or lysa.hoelscher@tasb.org**.

We appreciate your participation in this nomination process.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Notice of Public Meeting to Discuss Budget and Proposed Tax Rate

Date: May 24, 2021

Background Information and Rationale:

Section 44.004 of the Texas Education Code establishes the legal basis for budget development in school districts.

Certified Estimate of Appraisal Value:

The Central Appraisal District's June Certified Estimates for the 2021 Certified and Under Protest Appraisal Totals will be used for the June 28th budget adoption. The Central Appraisal Districts will certify the tax roll on or about July 25th based on property values as of January 1st of the tax year. The July 25th 2021 Certified and Under Protest Appraisal Totals will be used for the August 2021 tax rate adoption.

Public Meeting to Discuss Budget and Proposed Tax Rate:

The Board of Trustees is beginning the Budget Adoption phase of the budget process as outlined on the Budget Calendar for the Year 2021 – 2022. The Board of Trustees is scheduled to adopt the budget at the June 28, 2021 regular meeting. The adoption of the tax rates is scheduled for August 2021.

The required quarter page NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE will be published on Saturday, June 5th or Saturday, June 12th in the Denton Record Chronicle and a copy placed on the District's web site as well.

With the passage of House Bill 3, school districts will no longer set their own M&O tax rates. This part of the district's tax rate will be computed by the Texas Education Agency based upon tax compression calculations. These calculations are based upon the district's property value growth vs the State's average. As of May 24, 2021, it is estimated that districts will be notified of their M&O rate within the first week of August 2021.

2021 – 2022 Proposed Total Tax Rate

Maintenance & Operations (M&O) Tax Rate	\$0.9163
Interest & Sinking (I&S) Tax Rate	<u>0.42</u>
Total Tax Rate	<u>\$1.3363</u>

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact:

Approving the tax rate funds the Adopted Budget for the Year Ending June 30, 2022.

Recommendation:

Approve the Notice of Public Meeting to Discuss Budget and Proposed Tax Rate.

Respectfully submitted,



Ryder Warren, Ed.D.
Superintendent



Brian Carter
Chief Financial Officer

NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The NORTHWEST ISD will hold a public meeting at 6:30 PM 06/28/2021 in NISD Board Room, 2001 Texan Drive Fort Worth, TX 76177. **The purpose of this meeting is to discuss the school district's budget that will determine the tax rate that will be adopted. Public participation in the discussion is invited.**

The tax rate that is ultimately adopted at this meeting or at a separate meeting at a later date may not exceed the proposed rate shown below unless the district publishes a revised notice containing the same information and comparisons set out below and holds another public meeting to discuss the revised notice.

Maintenance Tax	\$0.916300 /\$100 (Proposed rate for maintenance and operations)
School Debt Service Tax Approved by Local Voters	\$0.420000 /\$100 (Proposed rate to pay bonded indebtedness)

Comparison of Proposed Budget with Last Year's Budget

The applicable percentage increase or decrease (or difference) in the amount budgeted in the preceding fiscal year and the amount budgeted for the fiscal year that begins during the current tax year is indicated for each of the following expenditure categories:

Maintenance and operations	% (increase) or	6.6% (decrease)
Debt service	%(increase) or	.96% (decrease)
Total expenditures	% (increase) or	6.67% (decrease)

Total Appraised Value and Total Taxable Value (as calculated under section 26.04, Tax Code)

	Preceding Tax Year	Current Tax Year
Total appraised value* of all property	\$28,723,747,132	\$32,261,507,679
Total appraised value* of new property**	\$1,827,641,053	\$1,687,783,671
Total taxable value*** of all property	\$22,279,235,837	\$25,638,147,861
Total taxable value*** of new property**	\$1,793,676,450	\$1,596,929,962

* "Appraised value" is the amount shown on the appraisal roll and defined by Section 1.04(8), Tax Code.

** "New property" is defined by Section 26.012(17), Tax Code.

*** "Taxable value" is defined by Section 1.04(10), Tax Code.

Bonded Indebtedness

Total amount of outstanding and unpaid bonded indebtedness: \$1,069,039,741

* Outstanding principal

Comparison of Proposed Rates with Last Year's Rates

	<u>Maintenance & Operations</u>	<u>Interest & Sinking Fund*</u>	<u>Total</u>	<u>Local Revenue Per Student</u>	<u>State Revenue Per Student</u>
Last Year's Rate	\$0.916300	\$0.420000*	\$1.336300	\$11,522	\$542
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	\$0.970670	\$0.375120*	\$1.345790	\$11,613	\$250
Proposed Rate	\$0.874700	\$0.420000*	\$1.294700	\$11,936	\$345

* The Interest & Sinking Fund tax revenue is used to pay for bonded indebtedness on construction, equipment, or both. The bonds, and the tax rate necessary to pay those bonds, were approved by the voters of this district.

Comparison of Proposed Levy with Last Year's Levy on Average Residence

	<u>Last Year</u>	<u>This Year</u>
Average Market Value of Residences	\$330,739	\$334,835
Average Taxable Value of Residences	\$299,557	\$308,871
Last Year's Rate Versus Proposed Rate per \$100 Value	\$1.336300	\$1.336300
Taxes Due on Average Residence	\$4,002.98	\$4127.45
Increase (Decrease) in Taxes	\$0.00	\$124.47

Under state law, the dollar amount of school taxes imposed on the residence homestead of a person 65 years of age or older or of the surviving spouse of such a person, if the surviving spouse was 55 years of age or older when the person died, may not be increased above the amount paid in the first year after the person turned 65, regardless of changes in tax rate or property value.

Notice of Voter-Approval Rate: The highest tax rate the district can adopt before requiring voter approval at an election is 1.336300. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of 1.336300.

Fund Balances

The following estimated balances will remain at the end of the current fiscal year and are not encumbered with or by a corresponding debt obligation, less estimated funds necessary for operating the district before receipt of the first state aid payment:

Maintenance and Operations Fund Balance(s)	\$75,000,000
Interest & Sinking Fund Balance(s)	\$67,000,000

A school district may not increase the district's maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: 2021-2022 Learning Options

Date: August 13, 2018

Background Information and Rationale: This is a follow-up presentation containing information from the administration's exploration of learning options, including remote learning, for the 2021-22 school year.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: None

Recommendation: It is the administration's recommendation that we offer only in-person learning for all students for the 2021-2022 school year.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Michael Griffin, Ed.D.
Assistant Superintendent
for Curriculum & Instruction



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Easements for NISD Owned Land

Date: May 24, 2021

Background Information and Rationale: NISD staff and engineers have finalized the easement for Right Of Way and drainage easements for the expansion of Avondale Haslet Road at the high school site located in the LaTera Development and the new construction of Highway 170 adjacent to the Legacy Learning Center. The attached documents show NISD's properties and the location of the easements. These easements will allow for the widening of Avondale Haslet Road as well as the connection to Highway 170 with granting a ROW and drainage easements at both sites.

Support of Strategic Goals:

- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: Funds for the easements have no budgetary impact. However, NISD is receiving a credit for Middle School #7 fees.

Recommendation: Approve the Right Of Way and drainage easement for the expansion of Avondale Haslet Road and Highway 170 as recommended by the administration.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Tim McClure
Assistant Superintendent for
Facilities

Sarah Stewart
Executive Director of
Planning

STATE OF TEXAS §
COUNTY OF TARRANT §

consisting of an approximate 1.3083 acre portion of right-of-way (the “Parcel 12 Right-of-Way”), and an approximate 0.5216 acre permanent drainage easement (the “Parcel 12 Drainage Easement”) as further described and depicted on the attached Exhibit “B” incorporated herein by reference; and additionally the City needs to acquire an approximate 1.7326 acre permanent drainage easement for the Project on Parcel 26 of the Owner’s property (the “Parcel 26 Drainage Easement”) as further described and depicted on the attached Exhibit “C” incorporated herein by reference; and

WHEREAS, the Owner agrees to dedicate to the City at no cost the Parcel 12 Right-of-Way, the Parcel 12 Drainage Easement, and the Parcel 26 Drainage Easement needed for the Project as shown on the attached Exhibits “B” and “C” through a dedication deed and easement form acceptable to the City, as further set forth in this Agreement; and

WHEREAS, the City could utilize an assessment program to recover the cost of the Project improvements by assessing the properties that are benefitted such improvements; and

WHEREAS, in lieu of such an assessment program, the City and the Owner desire to enter into this Agreement with regard to the dedication of the needed right-of-way and easements and the funding of the Project.

NOW, THEREFORE, the City and the Owner, in consideration of mutual covenants and agreements contained herein, including the benefits to be received by the Owner’s property from the Project, the receipt and sufficiency of which are hereby acknowledged, do agree as follows:

SECTION 1. CITY RESPONSIBILITIES

A. Construction of the Project.

(1) The City, and its Project Partners shall be responsible for the cost of the preparation of the design, plan and specifications, to include all roadway improvements, and associated water and sewer infrastructure and drainage improvements, for the Project as further detailed in Exhibit “A.” All engineering design work shall comply with the development standards and requirements of the City.

(2) The City, through its Project Partners, shall bid the construction contract for the Project, and shall construct the Project in accordance with the approved plans and specifications. The City and its Project Partners shall be responsible for all Project construction costs.

(3) The City agrees to work with the Owner on the location of access points to the Owner’s property from the Project roadway; however, the City and the Owner acknowledge and agree that curb cut and median breaks are subject to the TxDOT Environmental Assessment Process and TxDOT spacing and location requirements.

B. **Tax Increment Financing Reinvestment Zone.** The City has created a tax increment financing reinvestment zone (TIRZ) including the Project area. The City has agreed to dedicate fifty percent (50%) of the City tax revenue attributable to the increases in property value in the TIRZ district due to the Project improvements to repay the City's share of the Project costs with its Project Partners. The TIRZ shall remain in effect until the earlier of twenty (20) years from its creation or until the City's share of the Project costs have been repaid to its Project Partners.

C. **Land Use.** If and when the Owner's property adjacent to the right-of-way for the Project develops or redevelops, the City agrees to conduct the required public hearings in accordance with Chapter 211, Texas Local Government Code, to consider establishing appropriate land use/zoning for such Property. The City agrees to waive the administrative application fee associated with such zoning change request for the portion of the Owner's property adjacent to the Project.

D. **Release of Portion of Drainage Easement.** In the event that Owner's property is developed or redeveloped in the future, and the Owner or Owner's heirs, successors or assigns design, construct and dedicate to the City improved storm drainage and/or underground storm drainage on Owner's property which in the City Engineer's reasonable opinion reduces the need for the size of the Drainage Easement, upon request of the Owner, the Owner's heirs, successors or assigns, the City agrees to vacate, abandon and release that portion of the Drainage Easement no longer needed by the City back to the Owner, or the Owner's heirs, successors or assigns. The vacation, release and abandonment of such portion of the Drainage Easement shall be accomplished by ordinance of the City and quitclaim deed back to the Owner, Owner's heirs, successors and assigns, and shall be without charge as the Drainage Easement was originally dedicated to the City without charge.

SECTION 2. OWNER'S RESPONSIBILITIES

Owner Dedication Requirements.

(1) The Owner agrees to dedicate fee title to the Parcel 12 Right-of-Way, and grant the Parcel 12 Drainage Easement and the Parcel 26 Drainage Easement on the Owner's property necessary for the Project as further described and depicted in Exhibits "B" and "C" at no cost to the City. The dedication deed and easements shall be in a form reasonably acceptable to the City, free and clear of all liens and encumbrances, with the exception of any existing easements; however, Owner shall reserve and retain all oil, gas or mineral interests in the right-of-way and easements subject to a waiver of all rights of ingress and egress to the surface thereof for the purpose of exploring, developing, mining, or drilling for the minerals. The City shall have full use of the right-of-way and easements during construction of the Project with the right of ingress and egress to the same.

(2) In the event that the Project is terminated by the City and/or the Project Partners, or in the event that construction of the Project does not commence by December 31, 2026, the right-of-way and easements described above on the Owner's property shall revert to the Owner or the Owner's heirs, successors and assigns.

(3) The City and the Owner stipulate and agree that the value of the Parcel 12 Right-of-Way and the Parcel 12 Drainage Easement is \$178,185. Parcel 12 is already developed, but may be redeveloped by Owner; and Parcel 26 is anticipated to be developed by Owner as a middle school site in the near future. In exchange for the dedication to the City of the Parcel 12 Right-of-Way, the Parcel 12 Drainage Easement, and the Parcel 26 Drainage Easement, the City agrees to credit or off-set to the Owner a maximum amount of \$178,185 from the development fees owing from Owner to the City with regard to the redevelopment of Parcel 12 and/or the future development of Parcel 26 as specified in this subsection.

Owner shall be entitled to a fifty percent (50%) credit/off-set of the City's then existing standard development fees applicable to the development or redevelopment of the above referenced parcels, until such time as Owner has received a total credit/off-set of \$178,185. The credit/off-set shall only apply to the following development fees of the City as set forth in the City's fee schedule:

City Fee Schedule Section Reference	Development Fee
7.000(b)(12)	Site Plan Review Fee
7.000(c)	Platting Fees
7.000(d)(1)	Subdivision Infrastructure Plan Review Fee
7.000(d)(2)	Infrastructure Construction Inspection Fee
7.000(i)	Building Permit Fees
7.000(j)	Project Plan Review
7.000(k)	Fire Plan Review Fees
8.100	City Water and Wastewater Impact Fees [Note: No credit/off-set shall apply to any Fort Worth assessed impact fees (pass through impact fees) in Section 8.200, which must be paid in full.]

(4) Owner hereby agrees that the right-of-way and easements required by the City and agreed to by the Owner in this Agreement (collectively the "Exactions"), and any land or property which Owner donates or dedicates to the City as part of the public improvements and the Project, are roughly proportional to the need for such exaction or land, and Owner hereby waives any claim therefor that it may have. Owner further acknowledges and agrees that all prerequisites to such a determination of rough proportionality have been met, and that any costs incurred relative to said donation are related both in nature and extent to the impact of the public improvements. Owner specifically waives and releases all claims which Owner may have against the City: (1) related to any and all rough proportionality and individual determination requirements mandated by Subchapter Z of Chapter 212, Texas Local Government Code, as well as other requirements of a nexus between development conditions and the projected impact of the public Improvements; (2) related to the specific exactions required by the City and agreed to by Owner in this Agreement; and (3) that any exactions required by this Agreement constitute a "taking" (i.e., an inverse condemnation) under the Texas or United States Constitutions.

SECTION 3. GENERAL PROVISIONS

- A. **Mutual Assistance.** Owner and the City shall do all things necessary or appropriate to carry out the terms and provisions of this Agreement and to aid and assist each other in carrying out the terms and provisions hereof.
- B. **Attorneys Fees.** In the event any legal action or process is commenced to enforce or interpret provisions of this Agreement, the prevailing party in any such legal action shall be entitled to seek its necessary and reasonable attorneys' fees and expenses incurred by reason of such action.
- C. **Indemnity.** To the extent permitted by law, Owner, its officers, agents, employees, successors and assigns do hereby fully release and agree to, indemnify and hold harmless the City, its officers, agents, servants and employees, from all claims, suits, judgments, and demands of any nature whatsoever, for property damage or personal injury, including death, arising out of or in connection with the Project or this Agreement.
- D. **Entire Agreement.** This Agreement contains the entire agreement between the parties with respect to the transaction contemplated herein.
- E. **Amendment.** This Agreement may only be amended, altered, or revoked by a written instrument signed by Owner and the City.
- F. **Continuity and Assigns.** This Agreement shall be a covenant running with the land and shall be binding upon Owner, its successors, heirs, assigns, grantees, trustees and/or representatives. Owner may not assign all or any part of its rights and obligations hereunder without prior written approval of the City.
- G. **Notice.** Any notice and/or statement required and permitted to be delivered shall be deemed delivered by depositing same in the United States mail, certified with return receipt requested, postage prepaid, addressed to the appropriate party at the following addresses, or at such other addresses provided by the parties in writing:

Owner: Northwest Independent School District
Attn: Dr. Ryder Warren, Superintendent
2001 Texan Drive
Justin, Texas 76247

With a copy to:
Northwest Independent School District
Attn: Christie Hobbs, General Counsel
2001 Texan Drive
Justin, Texas 76247

City: City of Haslet
Attention: City Administrator

101 Main Street
Haslet, Texas 76052

H. **Interpretation.** Regardless of the actual drafter of this Agreement, this Agreement shall, in the event of any dispute over its meaning or application, be interpreted fairly and reasonably, and neither more strongly for or against any party.

I. **Applicable Law.** This Agreement is made, and shall be construed and interpreted under the laws of the State of Texas and venue shall lie in Tarrant County, Texas.

J. **Severability.** In the event that any provision of this Agreement is illegal, invalid, or unenforceable under present or future laws, then, and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby, and it is also the intention of the parties to this Agreement that in lieu of each clause or provision that is found to be illegal, invalid, or unenforceable, a provision shall be added to this Agreement which is legal, valid and enforceable and is as similar in terms as possible to the provision found to be illegal, invalid or unenforceable.

K. **Approval by City of Haslet, Texas.** This Agreement was approved by the City Council at its meeting on _____, 2021.

[REMAINDER OF PAGE LEFT BLANK]

In Witness Whereof, each of the parties hereto has caused this Agreement to be executed by its duly authorized representative as of the date hereinabove first mentioned.

OWNER: NORTHWEST INDEPENDENT SCHOOL DISTRICT

By: _____
Dr. Anne Davis-Simpson, President
Board of Trustees

Attest: _____
Dr. Lillian Rauch, Secretary
Board of Trustees

Acknowledgment

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority in and for Tarrant County, Texas, on this day personally appeared Dr. Anne Davis-Simpson, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he/she is the President of the Board of Trustees of the Northwest Independent School District, and that he/she is authorized by said entity to execute the foregoing instrument as the act of such entity for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the _____ day of _____, 2021.

Notary Public in and for the State of Texas

Type or Print Notary's Name

My Commission Expires: _____

CITY OF HASLET, TEXAS

James Quin, City Administrator

ATTEST:

CITY SECRETARY

Acknowledgment

STATE OF TEXAS §
 §
COUNTY OF TARRANT §

BEFORE ME, the undersigned authority in and for Tarrant County, Texas, on this day personally appeared James Quin, known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that he is the City of Haslet, Texas, a Texas municipal corporation, and that he is authorized by said corporation to execute the foregoing instrument as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the ____ day of _____, 20____.

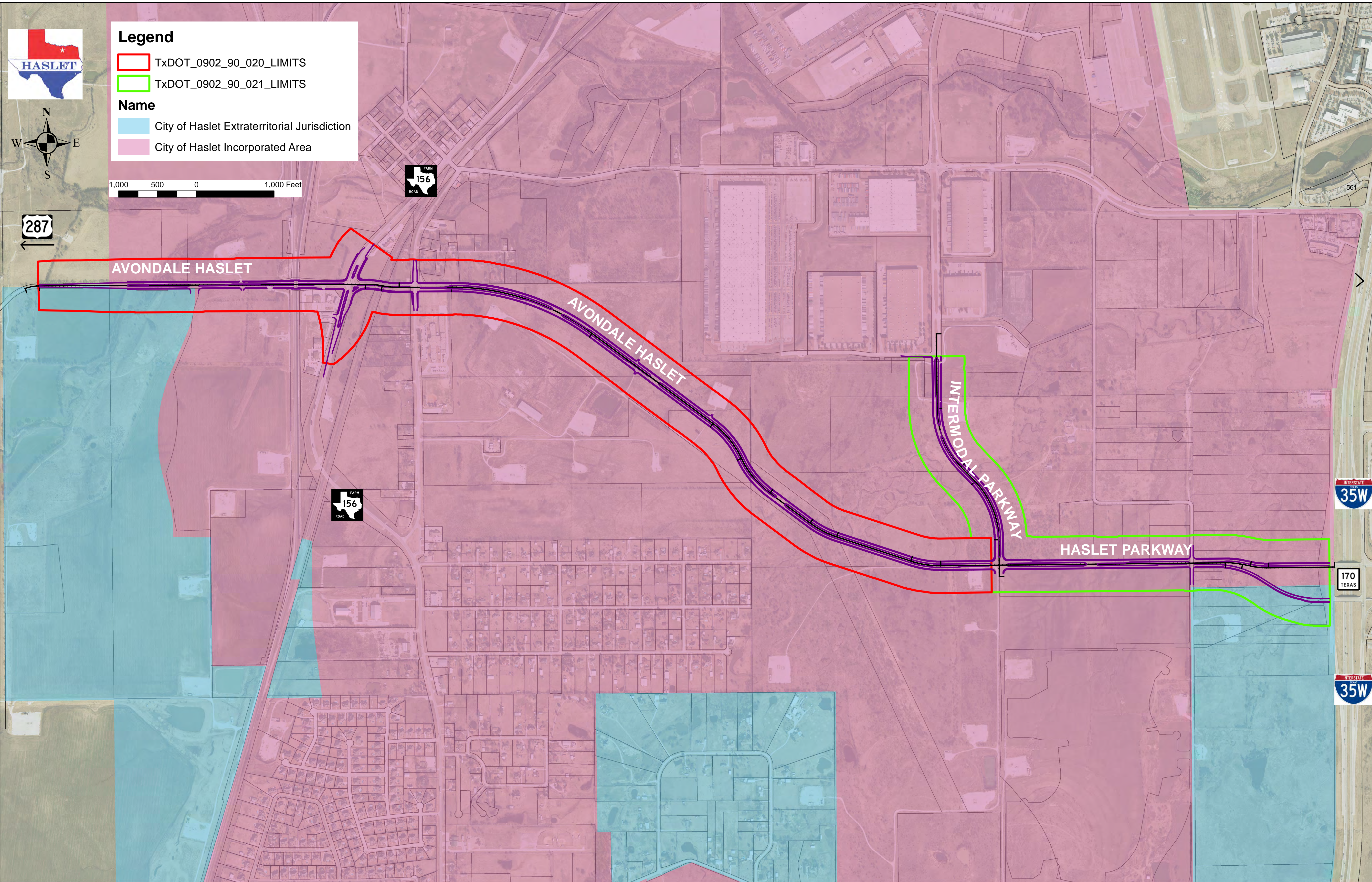
Notary Public in and for the State of Texas

Type or Print Notary's Name

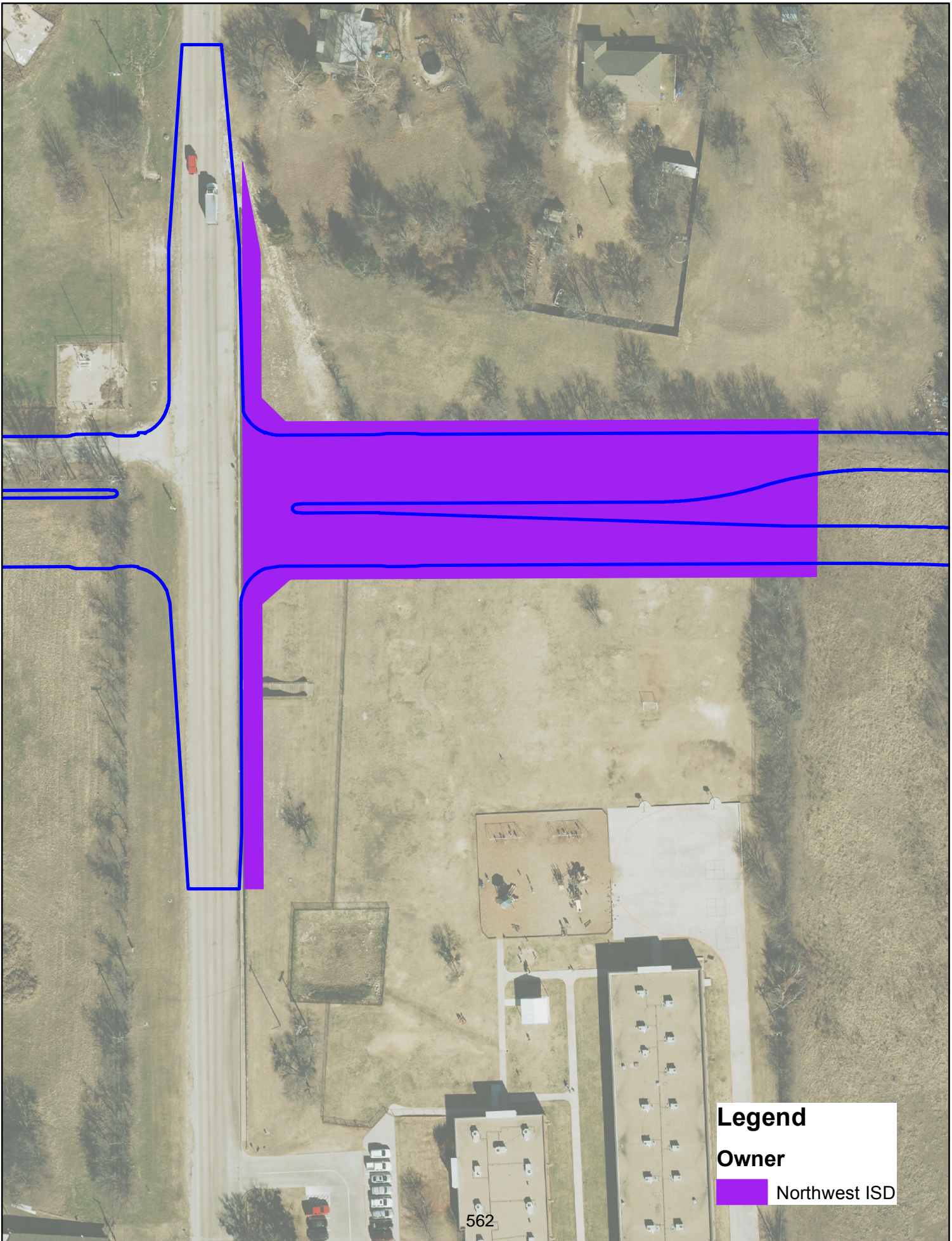
My Commission Expires: _____

EXHIBIT “A”

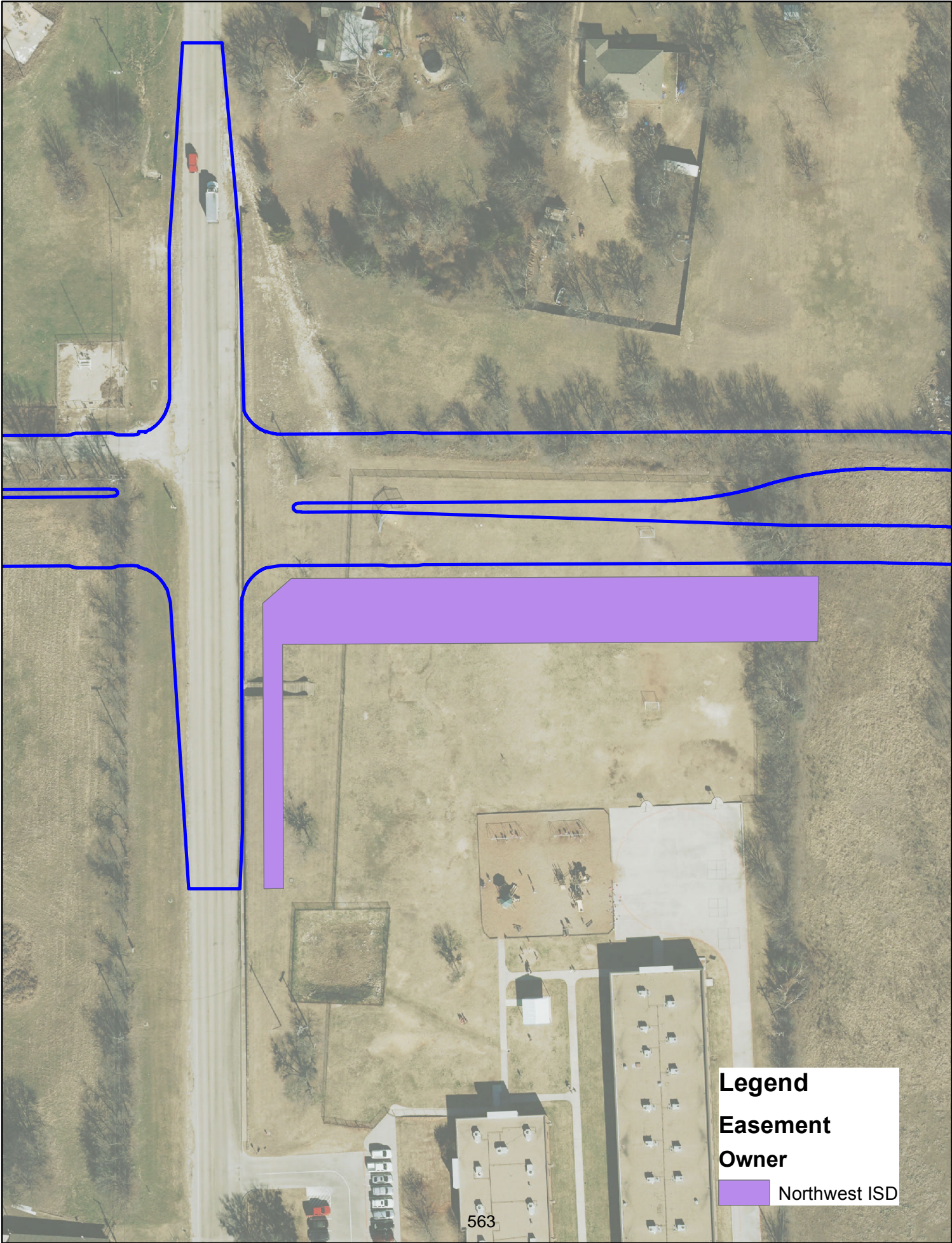
Project Description



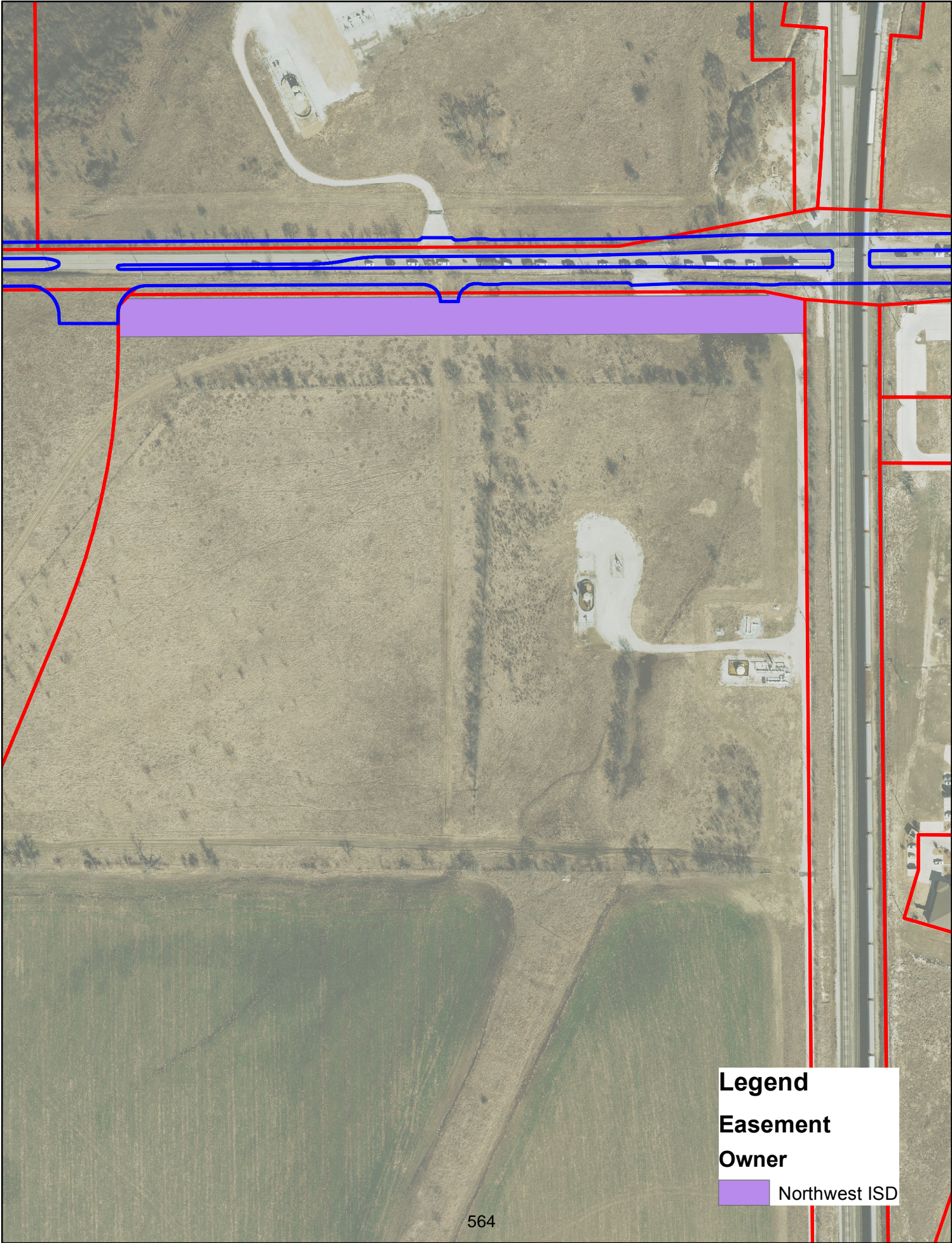
AllianceTexas Haslet Accessibility Improvement Project



Parcel 12 - Right-of-Way



Parcel 12 - Drainage Easement



Parcel 26 - Drainage Easement

EXHIBIT “B”

Parcel 12 Right-of-Way and Parcel 12 Easement Descriptions

LEGAL DESCRIPTION
RIGHT-OF-WAY PARCEL NO. 12

BEING a 1.3083 acre tract of land situated in the J. Van Eaton Survey, Abstract No. 1919 and in the M.E.P.&P. R.R. CO. Survey, Abstract No. 1126, City of Haslet, Tarrant County, Texas; said tract being part of Lot 1, Block 1, Haslet Elementary Site, an addition to the City of Haslet according to the plat recorded in Cabinet A, Slide 956 of the Plat Records, Tarrant County, Texas; said tract being more particularly described as follows:

BEGINNING at a 5/8" iron rod found at the northeast corner of said Lot 1, also being the northwest corner of a tract of land described in deed to AIL West 3, LLC recorded in Instrument No. D219284749 of the Official Public Records of Tarrant County, Texas; from which point a 5/8" iron rod found in the north line of said AIL West 3, LLC tract bears North 89°45'38" East a distance of 135.99 feet;

THENCE South 0°53'42" West, along the east line of said Lot 1, and the west line of the AIL West 3, LLC tract, a distance of 101.74 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE South 89°42'08" West, departing the said east line of Lot 1, and the west line of the AIL West 3, LLC tract, distance of 384.08 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE South 44°42'08" West, a distance of 26.33 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE South 0°14'39" East, a distance of 217.06 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE South 89°45'21" West, a distance of 14.00 feet to a 5/8" iron rod with "KHA" cap set for corner in the east ⁵⁶⁶ right-of-way line of Old School Road and in the west line of said Lot 1;

THENCE North 0°14'39" West, along the said east line of School House Road and the said west line of Lot 1, a distance of 523.38 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE North 8°39'29" East, continuing along the said east line of School House Road, a distance of 50.00 feet to a 5/8" iron rod with "KHA" cap set for corner; said point being the north corner of said Lot 1;

THENCE South 17°08'47" East, along the northeast line of said Lot 1, a distance of 140.14 feet to a 5/8" iron rod with "KHA" cap set for corner;

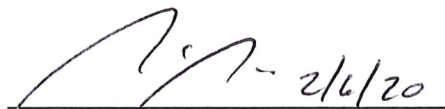
THENCE South 24°53'33" East, continuing along the said northeast line of Lot 1, a distance of 110.07 feet to a 5/8" iron rod with "KHA" cap set for corner in the north line of said Lot 1;

THENCE North 89°54'36" East, along the said north line of Lot 1, a distance of 324.32 feet to the **POINT OF BEGINNING** and containing 1.3083 acres or 56,991 square feet of land, more or less.

NOTES

Bearing system based on the Texas Coordinate System of 1983(2011 adjustment), North Central Zone (4202). A survey plat of even survey date herewith accompanies this metes & bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the right-of-way tract described.


MICHAEL C. BILLINGSLEY
REGISTERED PROFESSIONAL
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michael.billingsley@kimley-horn.com



RIGHT-OF-WAY PARCEL NO. 12
J. VAN EATON SURVEY, ABST. NO. 1919
MEP&P RR CO SURVEY, ABST. NO. 1126
CITY OF HASLET
TARRANT COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102 FIRM # 10194040

Tel. No. (817) 335-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CDP	MCB	2/6/2020	061291602	1 OF 2

LEGAL DESCRIPTION
DRAINAGE PARCEL NO. 12DE

BEING a 0.5216 acre tract of land situated in the M.E.P.&P. R.R. CO. Survey, Abstract No. 1126, City of Haslet, Tarrant County, Texas; said tract being part of Lot 1, Block 1, Haslet Elementary Site, an addition to the City of Haslet, according to the plat recorded in Cabinet A, Slide 956 of the Plat Records, Tarrant County, Texas; said tract being more particularly described as follows:

COMMENCING at a 5/8" iron rod found at the northeast corner of said Lot 1, also being the northwest corner of a tract of land described in deed to Electric Power Research Institute recorded in Instrument No. D204043474 of the Official Public Records of Tarrant County, Texas; from which point a 5/8" iron rod found in the north line of said Electric Power Research Institute tract bears North 89°45'38" East a distance of 135.99 feet;

THENCE South 0°53'42" West, along the east line of said Lot 1 and the west line of said Electric Power Research Institute tract, a distance of 101.74 feet to a 5/8" iron rod with "KHA" cap set for the **POINT OF BEGINNING**;

THENCE South 0°53'42" West, continuing along the said east line of Lot 1, and the said west line of the Electric Power Research Institute tract, a distance of 50.01 feet to a point for corner;

THENCE South 89°42'08" West, departing the said east line of Lot 1, and the said west line of the Electric Power Research Institute tract, a distance of 386.69 feet to a point for corner;

THENCE South 0°14'39" East, a distance of 185.69 feet to a point for corner;

THENCE South 89°45'21" West, a distance of 15.00 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE North 0°14'39" West, a distance of 217.06 feet to a 5/8" iron rod with "KHA" cap set for corner;

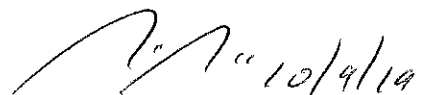
THENCE North 44°42'08" East, a distance of 26.33 feet to a 5/8" iron rod with "KHA" cap set for corner;

THENCE North 89°42'08" East, a distance of 384.08 feet to the **POINT OF BEGINNING** and containing 22,721 square feet or 0.5216 acres of land, more or less.

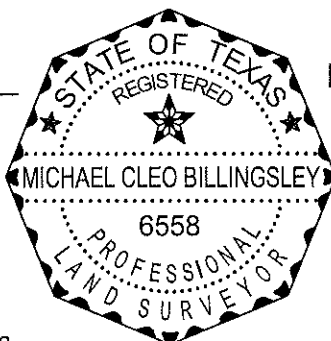
NOTES

Bearing system based on the Texas Coordinate System of 1983(2011 adjustment), North Central Zone (4202). A survey plat of even survey date herewith accompanies this metes & bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.



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michael.billingsley@kimley-horn.com



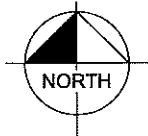
DRAINAGE PARCEL NO. 12DE
MEP&P RR CO SURVEY, ABST. NO. 1126
CITY OF HASLET
TARRANT COUNTY, TEXAS

Kimley»Horn

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CDP	MCB	6/4/2019	061291602	1 OF 2



LEGEND

Δ = CENTRAL ANGLE
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRF = IRON ROD FOUND
C.M. = CONTROLLING MONUMENT



SCHOOL HOUSE ROAD

BLOCK 1
YOUNG ADDITION
(CAB. A, SL. 11560)
LEWIS 1ST PROPERTIES, LLC
(INST. NO. D215081872)

P.O.C.

J. VAN EATON SURVEY,
ABSTRACT NO. 1919

M.E.P. & P. R.R. CO. SURVEY,
ABSTRACT NO. 1126

RIGHT-OF-WAY
(BY SEPARATE INSTRUMENT)

P.O.B.

N89°45'38"E 135.99'

5/8" IRF

(C.M.)

N:7037766.87

E:2321784.23

5/8" IRF
(C.M.)

N:7037767.44

E:2321920.22

CALLED 91.494 ACRES
ELECTRIC POWER
RESEARCH INSTITUTE
(INST. NO. D204043474)

LINE TABLE


NO.	BEARING	LENGTH
L1	S00°53'42"W	50.01'
L2	S89°42'08"W	386.69'
L3	S00°14'39"E	185.69'
L4	S89°45'21"W	15.00'
L5	N00°14'39"W	217.06'
L6	N44°42'08"E	26.33'
L7	N89°42'08"E	384.08'

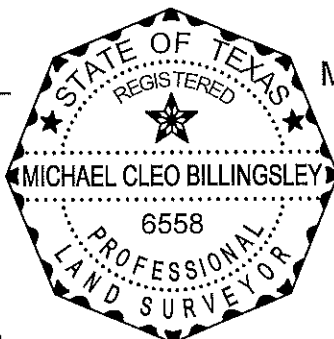
569

NOTES

Bearing system based on the Texas Coordinate System of 1983(2011 adjustment), North Central Zone (4202). A metes & bounds description of even survey date herewith accompanies this survey plat.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the plat of survey accurately sets out the metes and bounds of the easement tract.


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DRAINAGE PARCEL NO. 12DE
MEP&P RR CO SURVEY, ABST. NO. 1126
CITY OF HASLET
TARRANT COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 100'	CDP	MCB	6/4/2019	061291602	2 OF 2

EXHIBIT “C”

Parcel 26 Drainage Easement Description

LEGAL DESCRIPTION
DRAINAGE PARCEL NO. 26DE

BEING a 1.7326 acre tract of land situated in the Coleman Boyd Survey, Abstract No. 225, City of Haslet, Tarrant County, Texas; said tract being part of that tract of land described as "TRACT 1" in Special Warranty Deed to Northwest Independent School District recorded in Instrument No. D217115765 of the Official Public Records of Tarrant County, Texas; said tract being more particularly described as follows:

BEGINNING at a 5/8-inch iron rod found for the northeast corner of said "TRACT 1"; said point being in the west right-of-way line of Burlington Northern Santa Fe Railway; said point also being in the south right-of-way line of Avondale Haslet Road (County Road No. 4029) (a variable width right-of-way at this point);

THENCE South 0°02'08" East, along the said west line of Burlington Northern Santa Fe Railway, a distance of 42.68 feet to a point for corner;

THENCE South 0°32'48" East, continuing along the said west line of Burlington Northern Santa Fe Railway, a distance of 7.60 feet to a point for corner;

THENCE South 89°42'08" West, departing the said west line of Burlington Northern Santa Fe Railway, a distance of 1172.20 feet to a point for corner; said point being in the west line of said "TRACT 1";

THENCE North 0°00'01" West, along the said west line of "TRACT 1", a distance of 44.97 feet to a point for corner;

THENCE North 44°48'02" East, continuing along the said west line of "TRACT 1", a distance of 28.38 feet to a point for corner;


THENCE North 89°42'08" East, along the said north line of said "TRACT 1", a distance of 1082.05 feet to a point for corner;

THENCE South 78°25'25" East, continuing along the north line of said "TRACT 1", a distance of 71.50 feet to the **POINT OF BEGINNING** and containing 1.7326 acres or 75,472 square feet of land, more or less.

NOTES

Bearing system based on the Texas Coordinate System of 1983(2011 adjustment), North Central Zone (4202). A survey plat of even survey date herewith accompanies this metes & bounds description.

The undersigned, Registered Professional Land Surveyor, hereby certifies that the foregoing description accurately sets out the metes and bounds of the easement tract described.


MICHAEL C. BILLINGSLEY
REGISTERED PROFESSIONAL
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UNIT 11 SUITE 1300
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michael.billingsley@kimley-horn.com



DRAINAGE PARCEL NO. 26DE
COLEMAN BOYD SURVEY,
ABSTRACT NO. 225
CITY OF HASLET
TARRANT COUNTY, TEXAS

Kimley»Horn

801 Cherry Street, Unit 11, # 1300
Fort Worth, Texas 76102

FIRM # 10194040

Tel. No. (817) 335-6511
www.kimley-horn.com

Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
N/A	CDP	MCB	6/5/2019	061291602	1 OF 2

PART OF
TRACT 1
HALL-NANCE RANCHES, LTD.
(VOL. 9426, PG. 564)

PART OF
TRIPLE "T" FARMS
(INST. D204357851)

P.O.B.

5/8" IRF (C.M.)
N:7037683.18
E:2319733.66

M.E.P. & P.R.R. CO. #11 SURVEY (ABST. NO. 1132)
COLEMAN BOYD SURVEY (ABST. NO. 225)

AVONDALE HASLET ROAD

LATERA DEVELOPMENT LLC
(INST. NO. D219038309)

RIGHT-OF-WAY
(BY SEPARATE INSTRUMENT)

**DRAINAGE
PARCEL NO. 26DE
1.7326 ACRES
75,472 SQ. FT.**

TRACT 1
NORTHWEST INDEPENDENT
SCHOOL DISTRICT
(INST. NO. D217115765)

LINE TABLE		
NO.	BEARING	LENGTH
L1	S00°02'08"E	42.68'
L2	S00°32'48"E	7.60'
L3	S89°42'08"W	1172.20'
L4	N00°00'01"W	44.97'
L5	N44°48'02"E	28.38'
L6	N89°42'08"E	1082.05'
L7	S78°25'25"E	71.50'

5/8" CIRF (C.M.)
N:7038228.86
E:2292956.29




LEGEND

Δ = CENTRAL ANGLE
P.O.C. = POINT OF COMMENCING
P.O.B. = POINT OF BEGINNING
IRSC = 5/8" IRON ROD W/ "KHA" CAP SET
IRF = IRON ROD FOUND
C.M. = CONTROLLING MONUMENT

NOTES

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The undersigned, Registered Professional Land Surveyor, hereby certifies that the plat of survey accurately sets out the metes and bounds of the easement tract.


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DRAINAGE PARCEL NO. 26DE
COLEMAN BOYD SURVEY,
ABSTRACT NO. 225
CITY OF HASLET
TARRANT COUNTY, TEXAS

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Scale	Drawn by	Checked by	Date	Project No.	Sheet No.
1" = 200'	CDP	MCB	6/5/2019	061291602	2 OF 2



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: 2021-2022 Superintendent's Performance Objectives

Date: May 24, 2021

Background Information and Rationale: As part of the district's strategic planning process, the NISD School Board helps guide the direction of Northwest ISD with the annual development and approval of the Superintendent's Performance Objectives. The Performance Objectives are based on the district's goals and identified areas in need of improvement for the upcoming school year. They are also used as the basis for the superintendent's evaluation.

The 2021-2022 Superintendent's Performance Objectives will be developed with the Board's guidance. District leadership has begun internal discussions and a needs assessment to assist in identifying areas of focus for the coming year. The 2021-2022 Superintendent's Performance Objectives will be presented for discussion at the May 24 Board meeting, with consideration and approval at the June 14 Board meeting.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: None

Recommendation: Discuss the 2021-2022 Superintendent's Performance Objectives and provide input as desired.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent



Proposed 2021-2022

Superintendent's Performance Objectives

Literacy: NISD will place an increased emphasis on literacy across all grade levels and content areas to help ensure that at least 90% of students are reading on or above grade level.

Academic Progress: NISD will increase student performance in all content areas through rigorous instruction designed to meet the needs of every child, every day and ensure equitable access to learning with appropriate supports for success.

College, Career, Military, and Life Readiness: NISD will ensure that every student is prepared to succeed in life after high school by developing strong social, emotional, and behavioral skills and by achieving College, Career, and Military Readiness (CCMR) status in order to attain their definition of personal success through personalized learning opportunities, equitable access free of institutional bias, and appropriate support for their chosen pathways.

Equity and Diversity: NISD will embrace a diverse culture by encouraging cultural proficiency, eliminating bias, and intentionally increasing staff awareness in an effort to support and engage all students, staff, families, and communities.

Faculty and Staff Support: NISD will support and value all employees by equipping staff with the appropriate culture, resources, and professional development to be successful in their role.

Financial Reform: NISD will embrace a culture of financial reform and continued transparency through strategic budget analysis and long-term financial planning.

Safety and Security: NISD will continue efforts to provide safer learning environments for our students, staff, and community.



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: 1Q21 Demographic Report

Date: May 24, 2021

Background Information and Rationale:

A brief demographic report will be provided by Templeton Demographics to discuss the first quarter of 2021 demographic growth of the district.

Support of Strategic Goals:

- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformation work of the NISD family.

Budget and/or Fund Impact:

There is no budgetary impact.

Recommendation:

Receive and review report with discussion as needed.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Tim McClure
Assistant Superintendent for Facilities



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: 2021 Legislative Update

Date: May 24, 2021

Background Information and Rationale:

The 87th Legislative Session is quickly coming to an end, with May 31 marking the last day of the regular legislative session. The 2021 Legislative Update report will provide an update on the bills reviewed during the May 10 board meeting, as well as highlight recent developments.

In an effort to best represent the interest of the district and our students, the NISD Board of Trustees approved Northwest ISD's 2021 Legislative Priorities in January 2020, with a review in December 2020.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact:

None

Recommendation: This is a report only.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Northwest ISD Education Foundation District Effectiveness Report

Date: May 24, 2021

Background Information and Rationale: To provide a Northwest ISD Education Foundation program update as it relates to the Northwest ISD district strategic Goals.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: NA.

Recommendation: This is a report only.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Jennifer Burton
Executive Director of NEF



To: Board of Trustees

From: Ryder Warren, Ed.D., Superintendent of Schools

Subject: Communications District Effectiveness Report

Date: May 24, 2021

Background Information and Rationale: To provide an update on district communications as it relates to the strategic goals, with a primary focus on Strategic Goal III.

Support of Strategic Goals:

- Students will achieve success through meaningful learning experiences, innovative pathways, and personalized opportunities.
- Northwest ISD will recruit, value, and retain exceptional staff to create a rewarding learning environment.
- Northwest ISD will create and foster an environment where all stakeholders are engaged in the transformational work of the NISD family.

Budget and/or Fund Impact: N/A

Recommendation: Report only.

Respectfully submitted,

Ryder Warren, Ed.D.
Superintendent

Lesley Weaver
Executive Director of Communications