Garland Independent School District

Board of Trustees

Regular Meeting

Tuesday, June 22, 2021

Agenda

5:00 PM

I. Call to Order and Determination of a Quorum
II. Pledges of Allegiance
III. Conduct Public Meetings
- A. Conduct a Public Meeting on the District's Safe Return to In-Person Instruction and Continuity of Services Plan – **Dr. Shelley Garrett and Renee Kotsopoulos** 5
- B. Conduct a Public Meeting on the District's 2021-2022 Budget and Proposed Tax Rate – **Dr. Brent Ringo and Brandy Mayo** 35
- C. Conduct a Public Meeting on the District's Intent to Submit Application and Use of ESSER III Funds – **Dr. Jovan Grant-Wells, Dr. Kimberly Caddell, Dr. Brent Ringo and Brandy Mayo** 60

IV. Public Forum: Members of the public who wish to make comments may complete a Public Comment Participation Request in person at Harris Hill Administration Building or via email at BoardPublicComments@garlandisd.net prior to the start of the meeting indicated in the posting notice. The emailed comments will be read aloud at the meeting by a designated speaker. Emails should include the requester's name, address and the detailed topic to be read aloud. Complaints about student discipline, specific student issues or personnel must be addressed through appropriate administrative channels, in accordance with the Texas Open Meetings Act and Board policy. For more information about public comment procedures, please review the Board Policy for Public Comment accessible at the following link: https://pol.tasb.org/Policy/Code/364?filter=BED.

V. Information Items
- A. Evidence of Excellence
  - 1. Recognize Region 10 ESC Third Grade Spanish Spelling Bee Winner Ariana Martinez Hueda - **Jessica Hicks** 61
- B. Going the Extra Mile (GEMs)
  - 1. Recognize Going the Extra Mile (GEM) Recipients Harris Hill Custodial Team - **Sherese Lightfoot** 62
- C. Introduction of District Administrators - **Dr. Gradyne E. Brown** 64

D. Receive American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) III Grant Program Information – **Dr. Brent Ringo** 65
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4. Recognition of new programs and special activities
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B. Consider Approval of Amendment of 2021-2022 Salary Schedule for Retention Stipends - **Dr. Gradyne Brown** 429
C. Consider Approval of the MOU for JJAEP - **Dr. Babetta Hemphill** 432
D. Consider Approval of Teacher Data Portal of the Texas Assessment Management System Waiver - **Dr. Pam Neblett** 464
E. Consider Approval of Budget Transfers and Amendments to the 2020-2021 General Fund, Student Nutrition Service Fund, and Debt Service Fund – **Brandy Mayo** 470
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G. Consider Approval of the Budget for the 2021-2022 School Year – **Dr. Brent Ringo and Brandy Mayo** 481
H. Consider Approval of Resolution Authorizing Contribution to the Garland Economic Development Partnership – **Dr. Brent Ringo** 483
I. Consider Approval of Resolution Authorizing Contribution to the Rowlett Chamber Foundation – **Dr. Brent Ringo** 488
J. Consider Approval of Independent Sources of Instruction for the Training of Investment Officers – **Dr. Brent Ringo and Rhonda Rountree** 494
K. Consider Approval of Qualified Investment Brokers – **Dr. Brent Ringo and Rhonda Rountree** 496

L. Review the Investment Policy and Investment Strategy and adopt a written instrument stating review of same and recording any changes made to either the investment policy or investment strategies – **Dr. Brent Ringo and Rhonda Rountree** 498
M. Consider Approval of Resolution Designating Investment Officers for the District – **Allison Davenport** 523
N. Consider Approval of Resolution of the Adoption of Committing Fund Balances – **Allison Davenport** 544
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P. Consider Approval of Williams Stadium Grandstands Repairs – **Javier Fernandez** 548
Q. Consider Approval of Increase Amount and Modification of Scope to the HVAC Energy Management Controls Software and Hardware Project – **Paul Gonzales and Javier Fernandez** 553
R. Consider Approval of Williams Stadium Grandstands Repairs – **Javier Fernandez** 555
S. Contract #206-21 – Consider Approval of Running Tracks Resurfacing and Repairs Project at Lakeview Centennial High School, Naaman Forest High School, Rowlett High School and Sachse High School – **Javier Fernandez** 560
T. New Bids
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2. Contract #248-21 – Consider Approval of Purchase of Printers and Scanners – **Matt Yeager** 577
3. Contract #288-21 – Consider Approval of Purchase of Network Equipment and Services – **Matt Yeager** 585
4. Contract #302-21-11 – Consider Approval of Purchase of English Language Arts Materials – **Dr. Jovan Grant-Wells** 588
5. Contract #310-21-08 – Consider Approval of Purchase of Professional Staff Development, Training and Coaching – **Dr. Jovan Grant-Wells** 592
6. Contract #394-20-04 – Consider Approval of Purchase of Special Education – Large & Small Equipment – **Dr. Jovan Grant-Wells** 596
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1. Contract #318-19 – Consider Approval of Increase in Awarded Amount for Internal Audit Services – **Mark A. Booker** 639

2. Contract #361-19-01 – Consider Approval of Increase Amount and to Extend Contract of the Recommended Contractor for Facilities Condition Assessment, Educational Adequacy Assessment, and Long-Range Capital Planning – **Paul Gonzales** 651

3. Contract #399-17 JOC – Consider Approval of Increase Amount for Job Order Contracting – **Paul Gonzales** 654

IX. Executive Session: Executive session will be held for purposes permitted by Texas Open Meetings Act, Texas Government Code Section 551.001 et seq.

A. Pursuant to Texas Government Code Section 551.071, private consultation with the Board's attorney, in person or by phone, when the Board seeks the advice of its attorney about: 1) pending or contemplated litigation; 2) a settlement offer; or 3) on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

1. Hear, Consider and Deliberate on Level III Employee Grievance Appeal of Gloria Alferez.

B. Pursuant to Texas Government Code Section 551.074, deliberation regarding 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.

1. Consultation and deliberation regarding administrative recommendations including Executive Director of Leadership Elementary; Principal, Etheridge Elementary School; Principal, Handley Elementary School.

X. Reconvene from Executive Session for action relative to items considered during Executive Session

A. Consideration and possible action regarding administrative recommendations including Executive Director of Leadership Elementary; Principal, Etheridge Elementary School; Principal, Handley Elementary School.

B. Consider, Discuss and Take Action on Level III Employee Grievance Appeal of Gloria Alferez.

XI. Adjournment

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Conduct a Public Meeting on the District's Safe Return to In-Person Instruction and Continuity of Services Plan

Agenda Section: Public Meeting

Administrator Responsible: Dr. Shelley Garrett
Assistant Superintendent of Safety Operations

Ms. Renee Kotsopoulos
Director of Health Services

Board Goal Objective:

Not applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Dr. Shelley Garrett, Assistant Superintendent of Safety Operations, and Ms. Renee Kotsopoulos, Director of Health Services, will present the District's Safe Return to in-person instruction and continuity of services plan. Immediately after the presentation, Board President will open the meeting to any citizen who wishes to address the Board regarding the District's safe return to in-person instruction and continuity of services plan.

After all interested individuals wishing to address the Board have expressed opinions about the District's safe return to in-person instruction and continuity of services plan, the President will close the meeting and all further input will cease. Formal adoption of the District's safe return to in-person instruction and continuity of services plan will be considered in the Board Meeting following the Public Meeting.

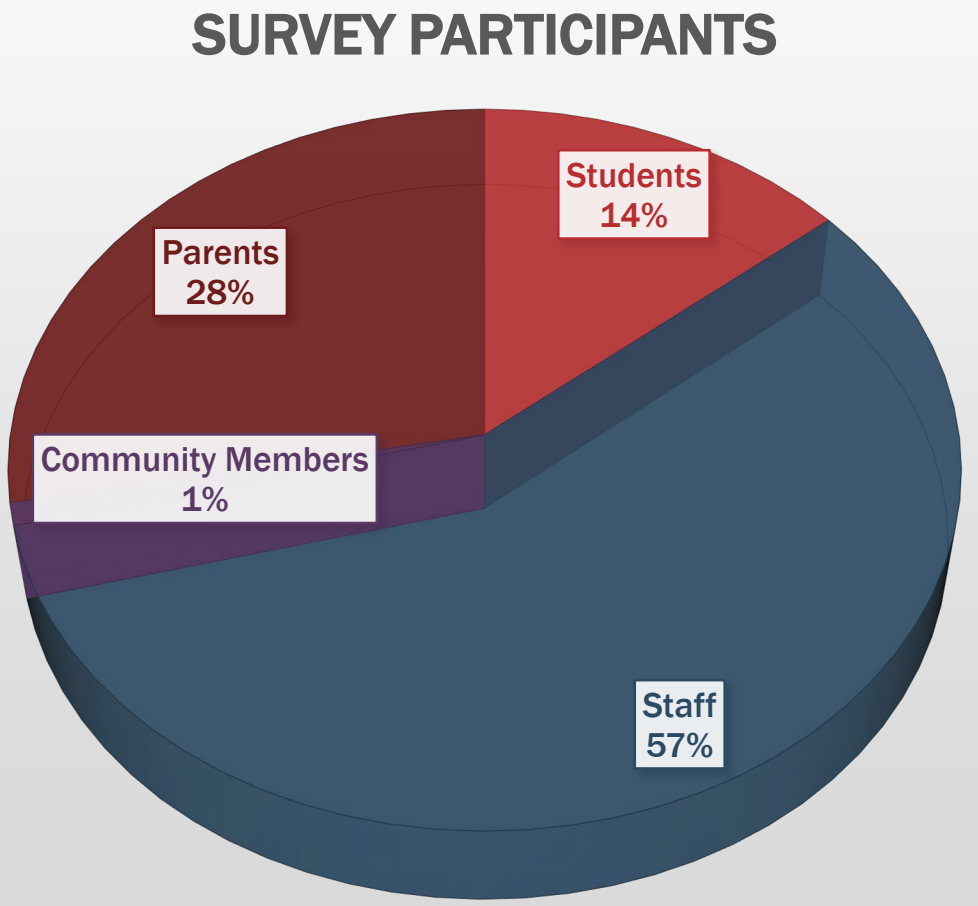
This agenda item was submitted for discussion to the Finance Committee on June 15, 2021.

Return to In-Person Instruction & Continuity of Services Plan 2021-2022

Stakeholders Outreach

- Direct emails to Community Groups to push out to members
- Direct emails to staff, administration & student groups
- In-person meetings with students
- In E-newsletter to families, staff, VIPs, GISD Littles Club members & local media (63,708 contacts)
- COVID-19 & School Operations page was accessed 1,713 times between June 4-16

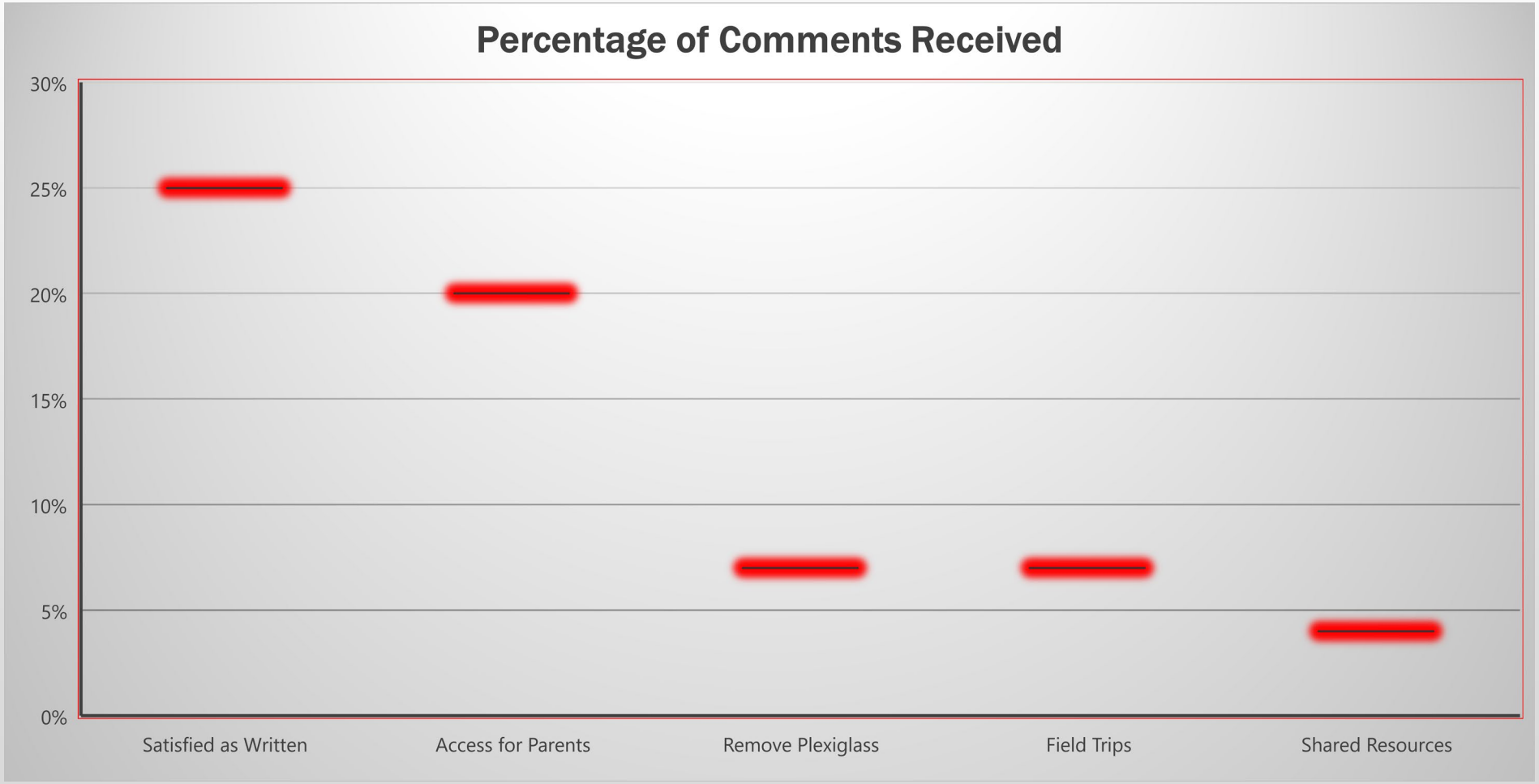
Participants



Total number
of queries = 1713

Total number
of respondents = 485

Comment Categories



Garland Independent School District

Return to In-Person Instruction & Continuity of Services Plan 2021-2022

These guidelines are subject to change based on CDC guidance. 6/2021

GARLAND INDEPENDENT SCHOOL DISTRICT

Return to In-Person Instruction & Continuity of Services Plan

2021-2022

If you have difficulty accessing the information in this document because of disability, please contact the Communications Department at 972-487-3256.

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Letter from Dr. López

As we head into the 2021-22 school year, I cannot wait to be reunited with the best students and staff in our state and nation. GISD continues to lead the way with student opportunities and educational excellence.

GISD's *Return to In-Person Instruction & Continuity of Services Plan* provides details about procedures and safety requirements that have been created for the well-being of students, staff and visitors. This is our top priority. We are also committed to the district's board goal of ensuring ALL students graduate prepared for college, careers and life.

This handbook includes guidance on the following:

- Parental and public notices;
- Practices to prevent the virus from entering the school;
- Practices to respond to a test-confirmed case in the school; and
- Practices to mitigate the spread of COVID-19.

Please note that our handbook is subject to change based on CDC guidance and executive orders. We are living in unprecedented times and must remain flexible. As guidelines and orders change from local, state and federal authorities, Garland ISD will adjust, but rest assured, our focus will always remain on doing what is best for students and staff.

I look forward to seeing each of you as we begin this journey together in 2021-22.

Charge on,

Ricardo López, Ed.D.
Proud Garland ISD Superintendent

Public Health Considerations

The virus that causes COVID-19 can infect people of all ages, which is why Garland ISD is doing everything feasible to keep students, teachers, staff and community members safe. Research from the Centers for Disease Control (CDC) has found that while children can be infected by COVID-19 and severe outcomes have been reported, relatively few children with COVID-19 are hospitalized or have severe symptoms. The American Academy of Pediatrics notes that COVID-19 risks must be balanced with the need for children to attend school in person, given that lack of physical access to school leads to a number of negative consequences, placing, "children and adolescents at considerable risk of morbidity, and in some cases, mortality."

While it is not possible to eliminate all risks of furthering the spread of COVID-19, GISD will utilize current science to take every step possible to reduce significantly the risks to students, teachers, staff and their families.

The following changes have been made to the 2021-22 protocols:

- Masks may be highly encouraged but not required
- Disinfectant micro spray on buses daily and as needed
- Plexiglas dividers in classrooms and cafeteria removed (plexiglas in cafeteria available upon parental request)
- Plexiglas shields in offices and reception areas removed or kept as desired by staff
- Staff self-screens prior to coming to work – no online pre-screening form
- Parent self- screens students – discontinue temperature and verbal screenings
- Less restrictive recess guidelines: Use of hand sanitizer and cohorting
- Discontinue bus pre-screening form required of parents
- Add back field trips
- Confirmed COVID cases sent to parents in one letter per week

Academic Calendar

2021-22 Calendar: English - Spanish - Vietnamese

PROVIDE NOTICE: Parental and Public Notices

All Texas public schools are required to provide parents a summary of the plan that will be followed to mitigate COVID-19 spread in schools based on the requirements and recommendations outlined in the Texas Education Agency's *SY 20-21 Public Health Planning Guidance* document. This GISD handbook was developed in consultation with teachers, staff and parents, and contains required notices on the following pages.

COVID-19 Champions

Every campus and department is assigned a COVID Champion. COVID-19 Champions, as well as Health Services, are designated staff that are available to answer concerns or questions related to all things COVID-19.

Attendance and Enrollment

Education Code requires students to attend class 90 percent of the days the class is offered in order to be awarded credit.

On-Campus Instruction

GISD is returning to full on-campus face-to-face instruction in the fall of 2021. Canvas and Seesaw will still be used to support teaching and learning in both on-campus and virtual instructional models.

PREVENT: Practices to Prevent the Virus from Entering the School

The prevention practices outlined on the following pages are designed to significantly reduce the likelihood that a coronavirus outbreak occurs on campus. Consistently implementing recommendations of the CDC, health department and Texas Education Agency to the extent feasible is the best way to reduce the potential negative impact of infection.

Visitor Access/Screening/PPE Requirements

- Visitors are required to self-screen for fever or COVID-19 symptoms before coming onto a GISD facility. If they themselves have COVID-19 symptoms or are test-confirmed with COVID-19, they must remain off campus until they meet the criteria for re-entry as noted below.
- Any visitor who is diagnosed with COVID-19 will be required to meet readmission criteria.

- Building access for parents, guardians and other adults will be by appointment only.
- Volunteers that have been cleared will be allowed on campus to assist with essential functions.
- There will be no unescorted access into schools.
- Students will purchase their meal from the school cafeteria or bring their lunch to school with them each day. Meal drop offs will not be allowed.

Student Pick-Up During the Instructional Day

- Parents picking up ill students during the day will call ahead so that students can be sent or accompanied to parent vehicles upon arrival.

Health Clinic Guidelines

- Each campus will designate a well area and a sick/isolation area to minimize cross contamination. Each area will be cleaned and disinfected on a consistent basis. Any student feeling feverish will be sent to the isolation area for temperature and symptom screening.
- Students will be required to visit the clinic for assessment before calling parents to be picked up. If a student calls his/her parent, the parent will instruct them to report to the school nurse. It is very important that school nurses know the reason a student is being sent home ill. This will aid in keeping everyone as safe as possible.

Student, Teacher and Staff Safety Training

Students, teachers and staff will complete Return-to-School Training that includes:

- Proper use of PPE
- Proper handwashing and use of hand sanitizer techniques
- Communicable exposure guidelines
- Steps to minimize disease spread
- The importance of covering coughs and sneezes with a tissue, and if not available, with an elbow

Off-Campus Student Events

- GISD will continue to pursue virtual activities in lieu of field trips, assemblies and special performances when community levels of COVID-19 is high in

Dallas County. Special performances and off campus field trips will be allowed after approval by administration.

- When participating in off-campus, school-sanctioned activities, students will follow all on-campus, in-person protocols and requirements.

On-Campus Events

- Typical parent meetings, such as meet-the-teacher, open houses, parent conferences, etc. will adhere to all required safety protocols that are currently in place.
- Any extracurricular activities, including campus club meetings, that are approved to be held on campus will adhere to all safety protocols that are currently in place.

RESPOND: Practices to Respond to a Test-Confirmed Case in the School

The response practices outlined on the following pages are in accordance with applicable federal, state and local laws. GISD will continue to notify the local health department, GISD staff and the Texas Department of State Health Services upon receipt of information that there has been a test-confirmed COVID-19 case on campus.

Screening, Isolation and Return to Campus After Exposure

Parents are required to screen their student(s) for fever or COVID-19 symptoms before coming onto Campus. If they have COVID-19 symptoms or are test-confirmed with COVID-19, they must remain off campus until they meet the criteria for re-entry as noted below.

Students, staff or household members with the following symptoms, not related to a current known health condition, will not be allowed to enter campus:

- Feeling feverish or a measured temperature greater or equal to 100.0
- Loss of taste or smell
- Cough
- Difficulty breathing
- Shortness of breath
- Headache
- Chills
- Sore throat
- Shaking or exaggerated shivering
- Significant muscle pain or ache
- Diarrhea
- Fatigue
- Congestion/runny nose
- Nausea or vomiting

If a student fails screening, a medical doctor's note or other appropriate documentation will be required to return to campus.

All students, staff and visitors who become ill while on campus will be immediately isolated, and the area will be disinfected.

Teachers and staff are required to self-screen for fever or COVID-19 symptoms before coming onto campus each day. Teachers and staff must report to their supervisor if they themselves have COVID-19 symptoms or are test-confirmed with COVID-19, and, if so, they must remain off campus until they meet the criteria for re-entry as noted below. Additionally, teachers and staff must report to the school system if they have had close contact with an individual who is test-confirmed with COVID-19.

Known Exposure

Vaccinated persons with an exposure to someone with suspected or confirmed COVID-19 are not required to quarantine if they meet all of the following criteria:

- Are fully vaccinated (i.e., ≥2 weeks following receipt of the second dose in a 2-dose series, or ≥2 weeks following receipt of one dose of a single-dose vaccine)
- Have remained asymptomatic since the current COVID-19 exposure

Persons who have had COVID-19 within the last three months are not required to quarantine as long as they have remained asymptomatic since current COVID-19 exposure.

Students or employees who have had known close contact outside of a GISD facility to a person who is test-confirmed with COVID-19, will not be allowed to return to work or school until the end of the 10-day self-quarantine period from the last date of exposure. Symptom monitoring must continue for the full 14-day incubation period.

Students or employees who have had known close contact to a person **within** a GISD facility who is test-confirmed with COVID-19 may participate in the COVID-19 Rapid Testing Program. Health Services staff will determine eligibility based on type of exposure. This program is voluntary. Staff and students who do not want to participate in the testing program will be required to quarantine for the remainder of the 10-day period. Symptom monitoring must continue for the full 14-day incubation period.

Close contact is defined as:

- Being directly exposed to infectious secretions (e.g., being coughed on while not wearing a mask or face shield); or
- Being within six feet for a cumulative duration of 15 minutes.

Individuals are presumed infectious at least two days prior to symptom onset or, in the case of asymptomatic individuals who are test-confirmed with COVID-19, two days prior to confirming lab tests.

If diagnosed with COVID-19 either by a positive test or assumed positive based on symptoms, the following criteria must be met to return to a GISD facility:

- At least 24 hours have passed since recovery (resolution of fever without the use of fever-reducing medications); **and**
- The individual has improvement in symptoms (e.g., cough, shortness of breath); **and**
- At least 10 days have passed since symptoms first appeared.

If the individual has symptoms that could be related to COVID-19 and wants to return to work or school before completing the above self-isolation period, the individual must either:

- Obtain a medical professional's note clearing the individual for return based on an alternative diagnosis, or
- Return a lab test negative for COVID-19.

If the individual has tested positive for COVID-19 and believes the test was a false positive and wants to return to school before completing the above stay-at-home period, the individual must either:

- Obtain a medical professional's note clearing the individual for return based on an alternative diagnosis, though for health privacy reasons the note does not need to indicate what the alternative diagnosis is, or
- Obtain two PCR acute infection tests (at a physician's office, approved testing location, or other site) at least 24 hours apart that come back negative for COVID-19.

Results from a COVID-19 test administered at home will NOT be accepted.

MITIGATE: Practices to Mitigate the Spread of COVID-19 Inside the School

The mitigation practices that follow utilize best practices and current research in lessening the spread of COVID-19. GISD will implement health and hygiene practices with fidelity.

Face Coverings

- Masks are highly encouraged but not required.
- The district will rely on guidance from the Department of State Health Services (DSHS) and the Dallas County and Garland Health Department, as well as executive orders or directives from Governor Greg Abbott, to determine the mandatory use of face coverings.
- The district will alert students, parents/guardians and staff when face coverings must be worn.
- For more information, visit the Dallas County COVID-19 Health Guidance for the Public.
- A facemask will be placed on any student exhibiting respiratory symptoms to prevent droplet transmission during close contact.

Disinfecting and Hand Sanitizing

- There will be frequent cleaning and disinfecting of high-touch areas, such as desks, light switches, door handles, computers, bathrooms, health clinics, etc., utilizing EPA-approved disinfectants for COVID-19.
- Per CDC guidance, GISD will employ more frequent deep cleaning during moderate to high COVID activity.
- GISD will immediately clean any areas used by an individual who shows COVID-19 symptoms.
- Hand sanitizer stations are located in every classroom and by elevators, entrances and high-traffic areas.

- Students and staff are encouraged to properly use hand sanitizer upon entering and leaving the building, before and after use of communal items or areas such as elevators, stairwells and lounges, and when entering the classroom.
- Elementary teachers will be encouraged to supervise student handwashing for at least 20 seconds throughout the day, including after using the restroom and before eating.
- Secondary students will be encouraged and provided reminders to wash hands at least two times a day, after using the restroom and before eating.
- Handwashing techniques will be taught as part of the Return-to-School Training for students.
- Soft and porous materials, such as shag type area rugs and seating, will be stored to reduce the challenges with cleaning and disinfecting.

Special Considerations for Students with Respiratory Health Conditions

- Use of aerosolized medication will be avoided as they spread respiratory droplets and are not advised by the CDC.
- Inhalers with spacers will be used to treat asthma whenever possible.
- Students experiencing ongoing asthma-type symptoms will be encouraged to stay home and seek medical care.
- Asthma management training will be provided to families as needed.

Special Considerations for Students with Special Needs

- Students will be provided with instruction and reinforcement on wearing a facemask and/or shield upon request of parent.
- Due to the varied needs of students with special needs, it may be impractical to enforce the wearing of a face covering.
- Social distancing will be adhered to as much as possible.
- Manipulatives that cannot be cleaned and sanitized should not be used.
- Manipulatives that children have placed in their mouths should be set aside until they are cleaned by hand by a person wearing gloves.
    - Clean with water and soap, rinse, sanitize with an EPA-registered disinfectant, rinse again and air-dry.
    - May be cleaned in a dishwasher.
    - Enough manipulatives should be available so they can be rotated between cleanings.
- Face shields and gloves should be worn anytime staff are unable to socially distance, i.e., feeding students, diaper changes, hand-over-hand instruction, etc.
- Staff will wash hands prior to diapering, wear gloves and wash hands immediately following changings.
- Surfaces used to change students should be cleaned by a district-approved disinfectant.

- If staff are working closely with a student and there is a possibility of fluid contamination, an isolation gown should be worn.
- Staff are encouraged to protect themselves by wearing an over-large, button-down, long-sleeved shirt.
- Staff with long hair will wear it up, off the collar, in a ponytail or other up-do.
- Staff should wash their hands, neck and anywhere touched by a child's secretions.
- Contaminated clothes should be placed in a plastic bag or washed in a washing machine.
- Students will be monitored when utilizing hand sanitizer.

Communicable Disease Monitoring

- There will be collaboration between nurses, data clerks and attendance clerks to record symptoms when students have called in sick.
- Health Services will be notified of any positive findings immediately so contact tracing can be implemented.
- School nurses will follow up with the employee or parent to determine if the individual will or has been seen by a physician and the plan of care.
- The school nurse must provide return-to-school clearance before the individual is allowed back on campus.
- GISD will maintain ongoing monitoring of local, national and global health trends.
- GISD will follow up-to-date communications from DSHS, CDC, TEA and the Office of the Governor regarding community-specific communicable disease concerns, planning and interventions.
- Updates to this handbook will be made accordingly.

Other Excludable Conditions

Garland ISD will continue to follow all Board policies and Texas Department of State Health Services and local guidelines concerning communicable disease reporting and exclusion from school. Refer to 25 Tex. Admin. Code § 97.7 for further information.

Notifications

- If an individual who has been on a campus is test-confirmed to have COVID-19, parents, teachers and staff of that campus will receive notification via Skylert messaging on a weekly basis.
- Parents and staff must ensure that GISD has a correct phone number on file.
- For those individuals who have had close contact with an individual who is test-confirmed to have COVID-19, additional notification will be sent, along with instructions about self-monitoring or required quarantine.
- Health Services will contact the local health department for any presumed or positive COVID-19 case.

Classroom Configurations and Procedures

- Student desks (or seats at a table if tables are used) will be spread out a minimum of three feet apart when possible. If possible, students' desks will face the same direction rather than facing each other.
- Classroom manipulatives that will be shared amongst students will be cleaned frequently. As feasible, each student will be assigned his/her own supplies.
- Supplies that must be shared will be made of easily cleanable surfaces and disinfected between uses, e.g., calculators.

Common Areas

- Visual reminders will be displayed for social distancing throughout common areas.
- Used tissues will be thrown in the trash, and hands will be washed immediately with soap and water for at least 20 seconds, or hand sanitizer will be used.

Water Fountains

- Water fountains that have not been retrofitted with bottle-filling stations have been turned off.
- Students are encouraged to bring a clear water container to school each day with their name clearly marked on it.

Transportation

Bus transportation is provided for Special Education students when required by the students ARD and IEP. All general education students will be provided transportation if eligible from the designated transportation areas to each campus or if they are enrolled in an eligible magnet program at one of the many magnet campuses in the district.

Transportation is not guaranteed to your school of choice if you do not reside in a designated transportation area for that campus. Parents can view the transportation areas at the following link GISD Bus Eligibility Link.

- Parents are strongly encouraged to provide transportation to school for their children.
- Parents are required to screen their student for fever and COVID-19 symptoms prior to students entering the bus. Based on the exclusion criteria listed in this document, parents are to notify dispatch and campus if student is ill.

- During transport, drivers will maintain as much social distancing as possible between students. Members of the same family may sit together.
- Seats will be numbered and assigned to students.
- Buses will be loaded from back to front and unloaded front to back.
- Required Bus Sanitation Guidelines:
    - Bus drivers will use an EPA-approved disinfectant on frequently touched surfaces after each morning run, each afternoon run, and as needed.
    - Buses will be disinfected using the EPA-approved antimicrobial misting system on a rotating basis, based on manufacturer specifications.

Student Meals: Breakfast & Lunch

GISD is encouraging cashless payments. Make payments at PayPAMS. For more information, visit GISD Curbside Meals Link.

For students receiving on-campus instruction, each campus will establish meal service that meets the following criteria:

- Meal service may include classroom service.
- Disposable food service items will be used to the greatest extent possible.
- Computerized kiosk systems for grab-n-go food service will be used where possible.
- Hands-free transactions with ID badges will be used to the greatest extent possible.
- Breakfast in Class programs will continue.

Recess

- Use of playground equipment is permitted. Use of hand sanitizer before and after use is required. Students will be cohorted.
- Campuses will limit the number of students per recess group by creating a staggered schedule.
- Teachers will monitor students to ensure safety guidelines are followed.
- Movement and brain breaks will be implemented as needed, at the discretion of the campus/teacher.

Specials

- Activities requiring multiple students to touch or handle the same equipment will be avoided.
- Equipment will be disinfected between each use.
- Any activities bringing students into close physical contact will be avoided.

Social Emotional Student Supports

GISD counselors are available to support students academically, socially and emotionally. Counselors are prepared and ready to provide mental health support and resources for families who may be struggling emotionally. These services may be provided remotely or face-to-face. To provide families with free or low-cost face-to-face and telehealth services, Garland ISD has numerous partnerships with local community-based counseling agencies. Access to schedule a meeting with a GISD counselor or to find a list of local counseling-based resources can be found on our district's website. Family resources, such as *Coping With COVID*, *Virtual Counseling*, and *Social Emotional Learning*, can also be found at GISD Counseling Resources Link.

In addition to providing individual and group counseling, the Guidance and Counseling Department also provides behavioral health and wellness-based classroom guidance lessons for all students. These lessons include the following:

- Orientation to the Counseling Program
- Bullying/Cyberbullying Prevention/Harassment
- Violence Prevention/Conflict Resolution
- College, Career, Military Readiness (CCMR)
- Suicide Prevention/Mental Health Safety
- Drug Education Prevention

Social Emotional Learning lessons are offered to GISD students to develop important skills such as self-awareness, self-management, social awareness, relationship skills and responsible decision-making. The lessons include remote self-paced learning using the EverFi platform, in conjunction with a synchronous component being utilized by teachers via face-to-face instruction.

Employee Wellness

GISD offers health and wellness resources for employees in the following ways:

- GISD Wellness Program
- Programs offered by independent healthcare professionals
- TRS ActiveCare Wellness
- Employee Assistance Program

Please visit the GISD Employee Wellness Link or contact the Employee Wellness Department for support and resources at wellness@garlandisd.net or 972-487-3164.

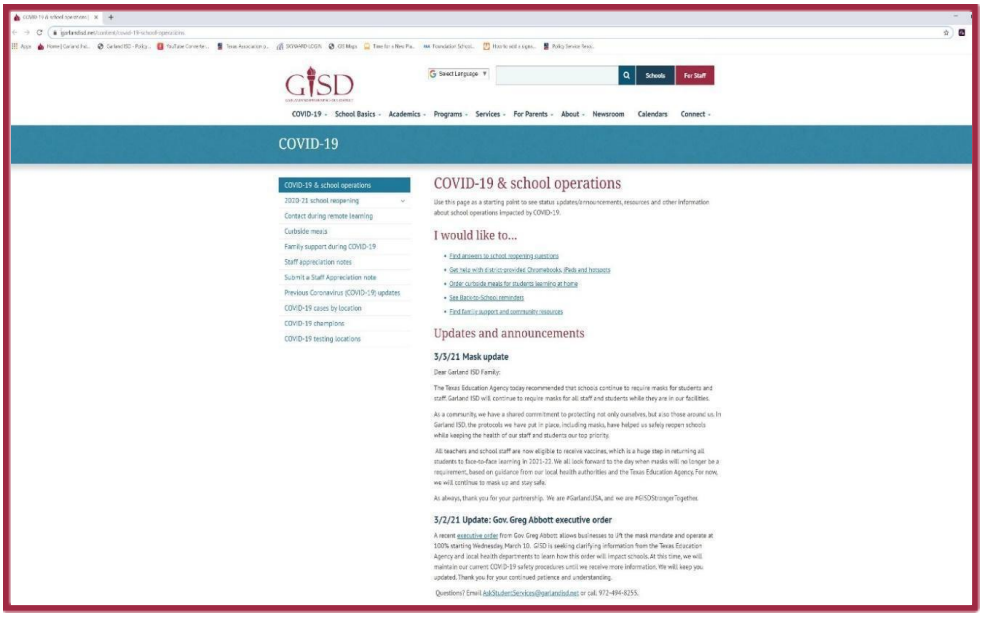
For vaccine information, click here: City of Garland Vaccination Information

Employee Clinic

The Employee Clinic is currently taking patients by appointment only. Contact the Employee Clinic to make an appointment at 972-487-4567. Visit the Employee Clinic website for clinic information, FAQs and current clinic protocols. Email the Employee Clinic with additional questions at gisdclinic@garlandisd.net.

More Resources

For more information, see the COVID-19 page on the district website.



Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Conduct a Public Meeting on the District's 2021-2022 Budget and Proposed Tax Rate

Agenda Section: Public Meeting

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Ms. Brandy Mayo
Executive Director of Budget

Board Goal Objective:

Not applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Dr. Ringo, Chief Financial Officer, and Ms. Brandy Mayo, Executive Director of Budget, will present the 2021-2022 budget and proposed tax rate. Immediately after the presentation, Board President will open the meeting to any citizen who wishes to address the Board regarding the District's budget and proposed tax rate for 2021-2022.

After all interested individuals wishing to address the Board have expressed opinions about the budget and proposed tax rate, the President will close the meeting and all further input will cease. Formal adoption of the budget for 2021-2022 will be considered in the Board Meeting following the Public Meeting.

This agenda item was submitted for discussion to the Finance Committee on June 15, 2021.

GARLAND INDEPENDENT SCHOOL DISTRICT

Public Meeting on the 2021-22 Budget & Proposed Tax Rate

June 22, 2021

Agenda

- 2021-2022 Proposed Budgets for Approval: General Fund, Debt Service Fund, Student Nutrition Fund
- 2021-22 Proposed Tax Rates (Adopted in August 2021)

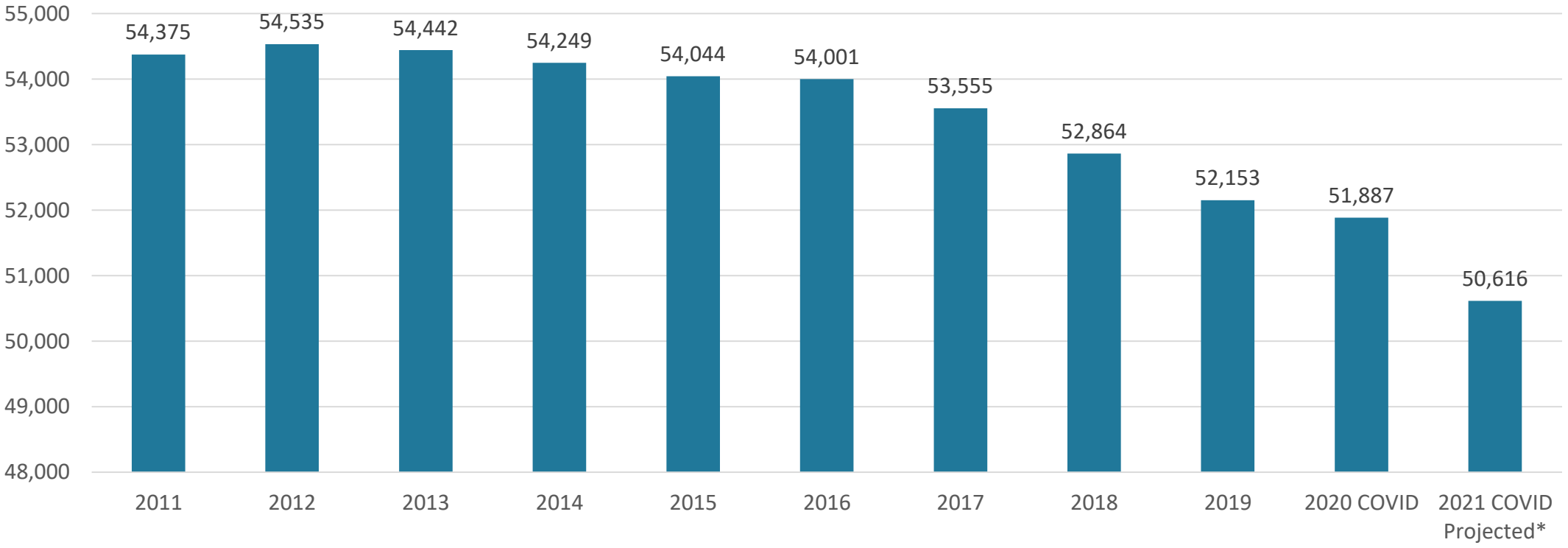
GARLAND INDEPENDENT SCHOOL DISTRICT

2021-22 Proposed Budgets for Approval

2021-2022 General Fund (GF) Budget Assumptions

- Fully Operational in FY22
- Fiscal Year: July 1, 2021, to June 30, 2022
- Taxable Assessed Value Growth: 3% - will change with DCAD information
  - M&O Tax Rate: $0.9469, includes 5th Golden Penny
- 98% Tax Collection Rate
- Any future Federal/State relief funds should be considered for one time purchases only
- Average Daily Attendance: 49,906
- Expect Revenue Fluctuations, Positive or Negative, with New Legislation

Average Daily Attendance



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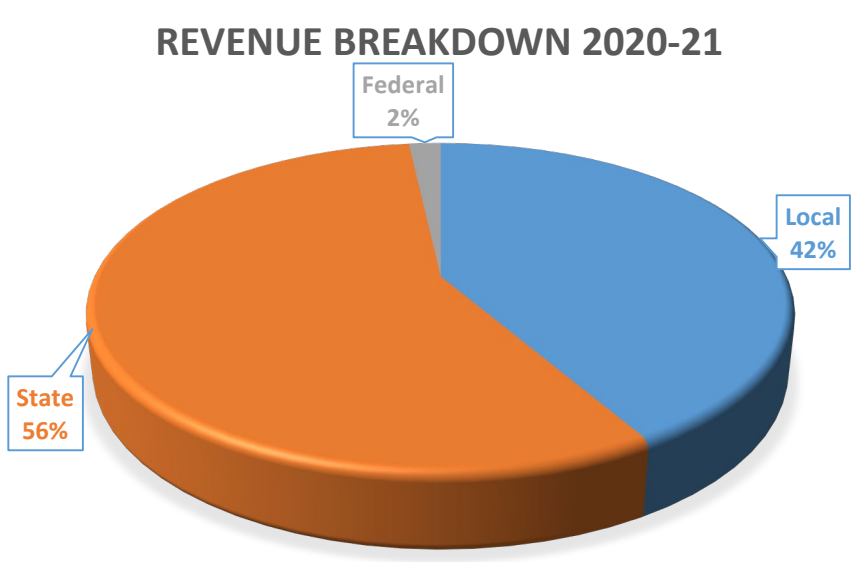
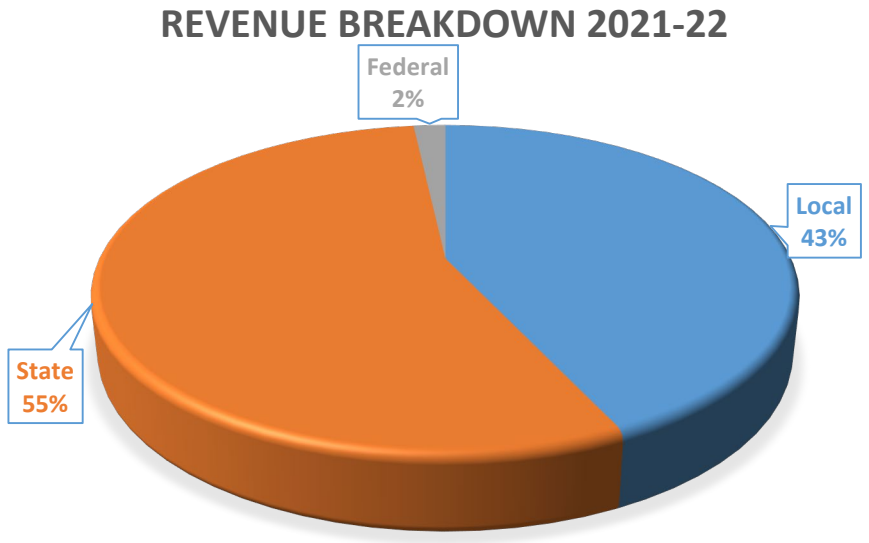
** This figure does not include Hold Harmless, ADA will be finalized after PEIMS summer submission*

Revenue Breakdown 2021-2022





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2021-2022 General Fund (GF) Budget Assumptions

- Unknowns:
  - Undetermined changes to funding formulas with Legislative impact
  - Projections are subject to change with updated guidance from TEA & COVID impact
  - ADA recovery & Open Enrollment not included
- Fleet replacement schedule for Transportation, and allocated funds in 2021-22 ($3+ million per year)
  - Following planned model, funds come from fund balance
- Expect Revenue Shifts, either positive or negative

Potential Post COVID & Other Budget Saves

Future Potential Expenditure Reductions	Budget Impact
In-house Disinfecting (Any reductions would be through attrition) 55 Positions added	($1,587,776)
COVID related expenses, including disinfecting	($1,000,000)
Future HR Confirmations to Staffing	(Unknown in April 2021)
***Total Estimations for Potential Budget Impact for 2021-22 Budget**	**($2,587,776)**

**Not reflected as a reduction in the budget at this time*

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General Fund Budget Recommendations

Recommendation 1-Time (only in 2021-22 Fiscal Year)	Amount	Board Update
Wireless Hotspots	451,325	May-20
Oracle ERP Upgrade	750,000	January-21
21-2022 Convocation	100,000	April-21
Pre-K Furniture-- expansion	270,000	March-21
COVID Gloves	(791,000)	April-21
Montessori teacher training, furniture, curriculum and materials	299,700	May-21
Transpar	(250,000)	May-21
SGHS Mascot Rollover	470,000	June-21
Total One Time Add	**1,300,025**	

Recommendation Ongoing (2021-22 & Future Fiscal Years)	Amount	Board Update	
SRO Contract Increase including salaries and Natatorium security	243,230	July-20	
TRS On-behalf increase	800,000	April-20	
Increase days for Bus Driver Pool, Substitute Drivers, Sped Bus Aide	251,164	March-21	
Early College SGHS and Sachse Magnet Program	75,000	April-21	
24 Pre-k Teachers and 25 Pre-k Paraprofessionals-Updated-	2,185,000	April-21	
ABM/GCA funds for yearly contract increase-Maintenance	499,697	April-21	
Principal Pipeline, Ensemble Learning, Principal Coaching & Impact Collaborative	120,000	April-21	
Contract lease agreement fees-employee clinic	4,554	April-21	
Equity adjustments for positions that require CDL in Maintenance and Warehouse	66,000	April-21	
Intersession and PK/K Summer School	1,406,000	April-21	Supplemental Pay for Teachers
Virtual School- CTA's,Instructional Coaches, Principals, Assistant Principal, Counselor	326,286	April-21	
Virtual School- Curriculum and Resources	50,000	April-21	
Oracle E-Business Suite Maintenance and Support	121,767	April-21	
Transportation Route Planning software and daily bus disinfection	450,000	April-21	
Purchasing warehouse contract increase, increase to Region 10, web design	85,298	April-21	
Montessori Record Keeping software	2,790	May-21	
Position changes, Intersession, etc.	223,226	June-21	
Total Ongoing Add	**6,910,012**		
Total Ongoing & 1-Time Adds for Fiscal Year 2020-21	**8,210,037**		

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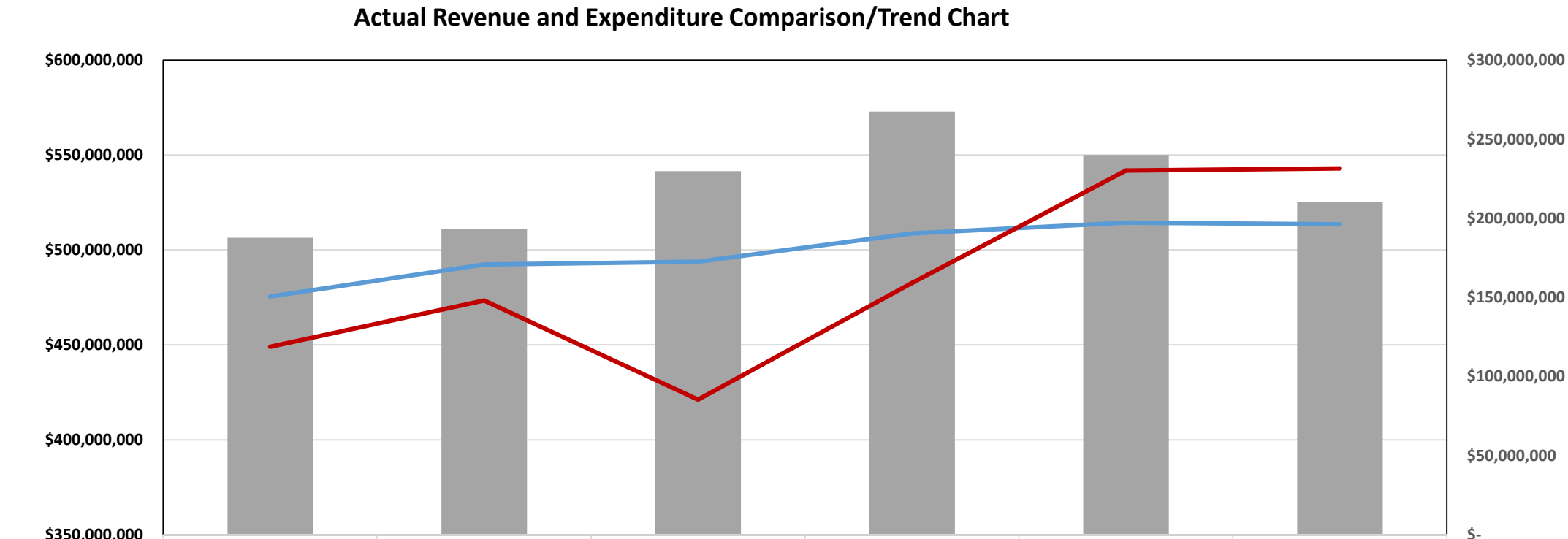
Changes will continue to occur through the budget process

Line Graph of Projected Revenues and Expenses Through 2021-22



	16-17 Actuals	17-18 Actuals	18-19 Actuals (10 month)	19-20 Actuals	20-21 Current Budget*	21-22 Proposed Budget
Fund Balance	$187,763,311	$193,387,258	$229,871,386	$267,485,471	$240,004,449	$210,575,201
Revenue	$475,458,185	$492,392,674	$493,785,644	$508,711,667	514,444,941	513,571,816
Total Expense	$448,968,306	$473,451,617	$421,154,072	$482,641,273	541,925,963	543,001,064

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GARLAND INDEPENDENT SCHOOL DISTRICT

*Does not include projected payroll and non payroll savings

2021-22 General Fund Scenarios

	2020-21	2021-22
	Current Budget No TRE	Projected Budget 3% TAV Growth
		Loss of 1,000 ADA
REVENUE SUMMARY		
TOTAL LOCAL REVENUE	214,209,287	220,814,473
TOTAL STATE REVENUE	291,235,654	283,757,343
Teacher Incentive Allotment	-	7,206,840
TOTAL FEDERAL REVENUE	9,000,000	9,000,000
TOTAL REVENUE SUMMARY	**514,444,941**	**513,571,816**
EXPENDITURE SUMMARY		
PAYROLL	**451,846,180**	**461,085,915**
Added Payroll		4,457,676
TRS Increase		800,000
District Staffing Reductions		(7,951,661)
Teacher Incentive Allotment		7,206,840
2% Pay Raise		8,385,393
NON-PAYROLL	**90,079,783**	**81,915,149**
Additional Non Payroll Reductions	-	(2,033,125)
Program increases		2,952,361
1.5% Non Payroll Increase		
TOTAL EXPENDITURE SUMMARY	**541,925,963**	**543,001,064**
Revenue in Excess (Short of) Expenditures	(27,481,022)	(29,429,248)
TOTAL OTHER FINANCING USES	-	-
Net Change in Fund Balance	**(27,481,022)**	**(29,429,248)**
Ending Fund Balance	**$ 240,004,449**	**$ 210,575,201**

***If the District expends every dollar**

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2022-2024 Budget Projections

	2021-22	2022-23	2023-24
	Projected Budget 3% TAV Growth	Projected Budget 2% TAV Growth	Projected Budget 2% TAV Growth
	Loss of 1,000 ADA	Loss of 800 ADA	Loss of 500 ADA
REVENUE SUMMARY			
TOTAL LOCAL REVENUE	220,814,473	224,402,221	227,481,950
TOTAL STATE REVENUE	283,757,343	274,058,926	267,592,417
Teacher Incentive Allotment	7,206,840	7,206,840	7,206,840
TOTAL FEDERAL REVENUE	9,000,000	9,000,000	9,000,000
TOTAL REVENUE SUMMARY	**513,571,816**	**507,461,147**	**504,074,367**
EXPENDITURE SUMMARY			
PAYROLL	**461,085,915**	**461,485,915**	**461,885,915**
Added Payroll	4,457,676		
TRS Increase	800,000	400,000	400,000
District Staffing Reductions	(7,951,661)		
Teacher Incentive Allotment	7,206,840		
2% Pay Raise	8,385,393	-	
NON-PAYROLL	**81,915,149**	**81,954,081**	**92,752,067**
Additional Non Payroll Reductions	(2,033,125)		
Program increases	2,952,361	110,230	10,500,000
1.5% Non Payroll Increase		1,228,727	1,229,311
TOTAL EXPENDITURE SUMMARY	**543,001,064**	**543,439,996**	**554,637,982**
Revenue in Excess (Short of) Expenditures	(29,429,248)	(35,978,850)	(50,563,615)
TOTAL OTHER FINANCING USES	-	-	-
Net Change in Fund Balance	**(29,429,248)**	**(35,978,850)**	**(50,563,615)**
Ending Fund Balance	**$ 210,575,201**	**$ 174,596,351**	**$ 124,032,736**

Elementary 1:1 Refresh cycle

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GARLAND INDEPENDENT SCHOOL DISTRICT

General Operating Fund

2021-22 Proposed Budget
June 22, 2021

		General Fund 199	
REVENUES:			
57 Local Revenue	$	220,814,473	
58 State Revenue		283,757,343	
59 Federal Revenue		9,000,000	
Total Revenues	$	513,571,816	
EXPENDITURES:			
11 Instruction	$	319,755,544	58.89%
12 Instructional Resources and Media Services		7,826,046	1.44%
13 Curriculum Development and Instructional Staff Development		15,596,228	2.87%
21 Instructional Leadership		8,470,547	1.56%
23 School Leadership		33,580,856	6.18%
31 Guidance, Counseling and Evaluation		26,600,828	4.90%
32 Social Work Services		491,210	0.09%
33 Health Services		8,417,693	1.55%
34 Student Transportation		16,234,639	2.99%
35 Food Services		379,779	0.07%
36 Extracurricular Activities		12,822,417	2.36%
41 General Administration [1]		18,475,461	3.40%
51 Facilities Maintenance and Operations		48,599,006	8.95%
52 Security and Monitoring Services		7,282,629	1.34%
53 Data Processing Services		15,259,057	2.81%
61 Community Services		1,792,660	0.33%
71 Debt Service - Principal on Long-Term Debt		482,517	0.09%
72 Debt Service - Interest on Long-Term Debt			0.00%
73 Bond Issuance Cost and Fees			0.00%
81 Facilities Acquisition and Construction			0.00%
95 Juvenile Justice Program		36,000	0.01%
99 Other Intergovernmental Charges		897,947	0.17%
Total Expenditures	$	543,001,064	
Excess (Deficiency) Revenues Over (Under) Expenditures	$	(29,429,248)	

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GARLAND INDEPENDENT SCHOOL DISTRICT

Student Nutrition Fund

June 22, 2021	Student Nutrition Services Fund 240
REVENUES:	
57 Local Revenue	$ 7,262,000
58 State Revenue	170,000
59 Federal Revenue	26,580,122
Total Revenues	$ 34,012,122
EXPENDITURES:	
35 Food Services	34,012,122
Total Expenditures	$ 34,012,122
Excess (Deficiency) Revenues Over (Under) Expenditures	$ -

- Assumptions
  - Normal operations
  - Lower Planned Expenditures to build back fund balance
  - 2% Raise included
  - Potential General Fund Impact if face-to-face does not resume-COVID/Virtual School

Debt Service Fund

June 22, 2021		Debt Service Fund 599
REVENUES:		
57 Local Revenue	$	70,735,788
58 State Revenue		
59 Federal Revenue		470,994
Total Revenues	$	71,206,782
EXPENDITURES:		
71 Debt Service - Principal on Long-Term Debt		42,265,000
72 Debt Service - Interest on Long-Term Debt		20,559,389
73 Bond Issuance Cost and Fees		1,000,000
Total Expenditures	$	63,824,389
Excess (Deficiency) Revenues Over (Under) Expenditures	$	7,382,393

- Assumptions
  - No new bond election
  - I&S Rate: $0.3094 (based on 3% TAV Growth)

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GARLAND INDEPENDENT SCHOOL DISTRICT

Proposed Budgets for Fiscal Year 2020-21

GARLAND INDEPENDENT SCHOOL DISTRICT

Garland ISD
2021-22 Proposed Budget
June 22, 2021

	General Fund 199	Student Nutrition Services Fund 240	Debt Service Fund 599
REVENUES:			
57 Local Revenue	$ 220,814,473	$ 7,262,000	$ 70,735,788
58 State Revenue	283,757,343	170,000	
59 Federal Revenue	9,000,000	26,580,122	470,994
Total Revenues	$ 513,571,816	$ 34,012,122	$ 71,206,782
EXPENDITURES:			
11 Instruction	$ 319,755,544	$ -	$ -
12 Instructional Resources and Media Services	7,826,046		
13 Curriculum Development and Instructional Staff Development	15,596,228		
21 Instructional Leadership	8,470,547		
23 School Leadership	33,580,856		
31 Guidance, Counseling and Evaluation	26,600,828		
32 Social Work Services	491,210		
33 Health Services	8,417,693		
34 Student Transportation	16,234,639		
35 Food Services	379,779	34,012,122	
36 Extracurricular Activities	12,822,417		
41 General Administration *	18,475,461		
51 Facilities Maintenance and Operations	48,599,006		
52 Security and Monitoring Services	7,282,629		
53 Data Processing Services	15,259,057		
61 Community Services	1,792,660		
71 Debt Service - Principal on Long-Term Debt	482,517		42,265,000
72 Debt Service - Interest on Long-Term Debt			20,559,389
73 Bond Issuance Cost and Fees			1,000,000
81 Facilities Acquisition and Construction			
95 Juvenile Justice Program	36,000		
99 Other Intergovernmental Charges	897,947		
Total Expenditures	$ 543,001,064	$ 34,012,122	$ 63,824,389
Excess (Deficiency) Revenues Over (Under) Expenditures	$ (29,429,248)	$ -	$ 7,382,393
Other Financing Sources (Uses)	$ -	$ -	$ -
Net Change in Fund Balance	$ (29,429,248)	$ -	$ 7,382,393

*Publish Required Notices - Expenditures to publish all statutorily required public notices - $56,357.
*Lobbying - Expenditures for "directly or indirectly influencing or attempt to influence the outcome of legislation or administrative action - $5,665.

GARLAND INDEPENDENT SCHOOL DISTRICT

Proposed Tax Rates

NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The Garland Independent School District will hold a public meeting at 5:00 PM, June 22, 2021 in Board Room at 601 S Jupiter Rd Garland TX 75042. **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	$0.966900/$100 (proposed rate for maintenance and operations)
School Debt Service Tax Approved by Local Voters	$0.329400/$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	-1.01 % decrease
Debt Service	-3.33 % decrease
Total Expenditures	-1.26 % 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	$28,295,431,767	$30,379,481,170
Total appraised value* of new property**	$523,920,250	$586,740,838
Total taxable value*** of all property	$23,585,754,912	$25,927,432,363
Total taxable value*** of new property**	$341,940,708	$586,740,838

*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* $459,545,000

*Outstanding principal.

Comparison of Proposed Rates with Last Year's Rates

	Maintenance & Operations	Interest & Sinking Fund*	Total	Local Revenue Per Student	State Revenue Per Student
Last Year's Rate	$0.9513	$0.305*	$1.2563	$5,392	$5,045
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	$0.98062	$0.2765*	$1.25712	$5,815	$5,052
Proposed Rate	$0.9669	$0.3294*	$1.2963	$5,907	$5,160

***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

	Last Year	This Year
Average Market Value of Residences	$219,641	$227,866
Average Taxable Value of Residences	$194,641	$202,866
Last Year's Rate Versus Proposed Rate per $100 Value	$1.2563	$1.2963
Taxes Due on Average Residence	$2,445.27	$2,629.75
Increase (Decrease) in Taxes		$184.48

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 $1.296662. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of $1.296662.

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)	$235,094,649
Interest & Sinking Fund Balance(s)	$72,822,285

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.

Due to Certified Values not being released until the end of July the
M&O and I&S Tax Rate in Notice will Exceed What is Approved in August.
TEA requires submission of Certified Value to set compressed tax rate.

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Tax Ratification Election (TRE) Option in Tax Year 2021

- Elections must be on the November uniform election date
- Need July DCAD Value to complete TEA Survey to determine M&O Tax Rate
- TEA will have to confirm and communicate the tax rate to the District
- To hold a November TRE, a district must
  - Call the election no later than August 16
  - Publish notice of the meeting where the District will adopt the tax rate and call the election no later than August 6

Per Penny Impact M&O Tax Rate

	Penny	Tax Rate	Local Additional Revenue Generated	State Additional Revenue Generated	Total State and Local Revenue Generated	Cumulative Revenue Generated	
Golden	5	0.9469					Board Approved Add
	6	0.9569	2,276,528	4,328,910	6,605,438	6,605,438	VATRE
	7	0.9669	2,276,528	4,419,095	6,695,623	13,301,062	
	8	0.9769	2,276,528	4,419,095	6,695,623	19,996,685	
Copper	1	0.9869	2,276,528	1,071,283	3,347,811	23,344,497	
	2	0.9969	2,276,528	1,071,284	3,347,812	26,692,309	
	3	1.0069	2,276,528	1,071,283	3,347,811	30,040,120	
	4	1.0169	2,276,528	1,071,283	3,347,811	33,387,932	
	5	1.0269	2,276,528	1,071,283	3,347,811	36,735,743	
	6	1.0369	2,276,528	1,071,283	3,347,811	40,083,555	
	7	1.0469	2,276,528	1,071,283	3,347,811	43,431,366	
	8	1.0569	2,276,528	1,071,283	3,347,811	46,779,177	
	9	1.0669	2,276,528	1,071,283	3,347,811	50,126,989	

**Maximum Compressed Rate*

Estimated T2 value for TY 2021 $23,229,881,537

Collections estimated at 98%

ADA is 49,906

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GARLAND INDEPENDENT SCHOOL DISTRICT

Adopted in August

	2020- 21	2021-22 Proposed	Change in Rate
Maintenance & Operation Tax Rate	0.9513	0.9469	-0.0044
Interest & Sinking Tax Rate	0.3050	0.3094	0.0044
Total Tax Rate	**1.2563**	**1.2563**	**0.00**

Due to Certified Values not being released until the end of July the M&O and I&S Tax Rate in Notice will Exceed What is Approved in August. TEA requires submission of Certified Value to set compressed tax rate.

Summary

Currently Implemented

- FY22 12% reductions implemented to non payroll resulted in budget reductions of $7,019,700.
- Budget restrictions implemented will resume, non payroll restrictions and a review of each vacancy. Savings will be realized at year end.
- Vacant positions reduced and accounted for
- FY22 Raise scenarios
- Additional payroll reductions

Currently Under Review

- Impact of Legislature
- Impact of ESSER III

Expect Revenue Shifts: Positive or Negative

Comments & Questions

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GARLAND INDEPENDENT SCHOOL DISTRICT

NOTICE OF PUBLIC MEETING TO DISCUSS BUDGET AND PROPOSED TAX RATE

The Garland Independent School District will hold a public meeting at 5:00 PM, June 22, 2021 in Board Room at 601 S Jupiter Rd Garland TX 75042.
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	$0.966900/$100 (proposed rate for maintenance and operations)
School Debt Service Tax Approved by Local Voters	$0.329400/$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	-1.01 % decrease
Debt Service	-3.33 % decrease
Total Expenditures	-1.26 % 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	$28,295,431,767	$30,379,481,170
Total appraised value* of new property**	$523,920,250	$586,740,838
Total taxable value*** of all property	$23,585,754,912	$25,927,432,363
Total taxable value*** of new property**	$341,940,708	$586,740,838

*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* $459,545,000

*Outstanding principal.

Comparison of Proposed Rates with Last Year's Rates

	Maintenance & Operations	Interest & Sinking Fund*	Total	Local Revenue Per Student	State Revenue Per Student
Last Year's Rate	$0.9513	$0.305*	$1.2563	$5,392	$5,045
Rate to Maintain Same Level of Maintenance & Operations Revenue & Pay Debt Service	$0.98062	$0.2765*	$1.25712	$5,815	$5,052
Proposed Rate	$0.9669	$0.3294*	$1.2963	$5,907	$5,160

***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

	Last Year	This Year
Average Market Value of Residences	$219,641	$227,866
Average Taxable Value of Residences	$194,641	$202,866
Last Year's Rate Versus Proposed Rate per $100 Value	$1.2563	$1.2963
Taxes Due on Average Residence	$2,445.27	$2,629.75
Increase (Decrease) in Taxes		$184.48

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 $1.296662. This election will be automatically held if the district adopts a rate in excess of the voter-approval rate of $1.296662.

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)	$235,094,649
Interest & Sinking Fund Balance(s)	$72,822,285

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.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Conduct a Public Meeting on the District's Intent to Submit Application and Use of ESSER III Funds

Agenda Section: Public Meeting

Administrator Responsible: Dr. Jovan Grant-Wells
Chief Academic Officer

Dr. Kimberly Caddell
Assistant Superintendent of Curriculum & Instruction

Dr. Brent Ringo
Chief Financial Officer

Ms. Brandy Mayo
Executive Director of Budget

Board Goal Objective:

Not applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Dr. Wells, Chief Academic Officer, Dr. Caddell, Assistant Superintendent of Curriculum & Instruction, Dr. Ringo, Chief Financial Officer, and Ms. Mayo, Executive Director of Budget, will present the District's intent to submit application and use of ESSER III funds. Immediately after the presentation, Board President will open the meeting to any citizen who wishes to address the Board regarding the District's intent to submit application and use of ESSER III funds.

After all interested individuals wishing to address the Board have expressed opinions about the District's intent to submit application and use of ESSER III funds, the President will close the meeting and all further input will cease. Formal adoption of the District's intent to submit application and use of ESSER III funds will be considered in the Board Meeting following the Public Meeting.

This agenda item was submitted for discussion to the Finance Committee on June 15, 2021.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Evidence of Excellence Award

Agenda Section: Information Items

Administrator Responsible: Jessica Hicks
Principal, Herfurth Elementary

Board Goal Objective: Superintendent Goal #4 & #6

Superintendent Goal #4 – Educational Leadership
The superintendent provides leadership and direction for an educational system that is based on desired student achievement.

Superintendent Goal #6 – Community Relations & Relationship Building
The superintendent maintains a positive and productive working relationship with District employees and the community.

Summary/Background Information:

Herfurth Elementary School student Ariana Martinez Hueda set a district record in May when she became the first Garland ISD student to win the Region 10 ESC Third Grade Spanish Spelling Bee.

She won the title May 19 when she beat competitors from seven North Texas districts. This is only the second year Garland ISD has participated in the Region 10 ESC Spanish Spelling Bee.

The 9-year-old — who has been attending classes virtually — developed her own system to study nearly 600 words every night. Following her district win, she refined her system, color coding words by spelling patterns to help her study. Her tiring nightly review of 600 or more words for over six months paid off when she earned the first-place title by correctly spelling anillo (ring) in the regional competition's last round.

The Spanish Spelling Bee offers Spanish-speaking students the opportunity to compete in a bee conducted in their native language. The competitors have to know the language rules such accents and names of symbols and special characters in the Spanish language.

Administrative Recommendations:

Provided for your information only.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Going the Extra Mile (GEM) Recognition

Agenda Section: Information Item

Administrator Responsible: Sherese Lightfoot, Executive Director of Communications and Public Relations

Board Goal Objective:

OBJECTIVE A: EARLY LITERACY (Reading)
Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)
Percent of students in grade 4 demonstrating early literacy as measured by Meets Grad e Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION
Percent of ELL students demonstrating English language acquisition, as measured by yearly progress indicator on the Texas English Language Proficiency Assessment System (TELPAS).

OBJECTIVE D: SCIENTIFIC UNDERSTANDING
Percent of students in grade 8 demonstrating scientific understanding as measured by Meets Grade Level performance on STAAR Science.

OBJECTIVE E: MATHEMATICAL PROFICIENCY
Percent of students demonstrating mathematical proficiency as measured by Meets Grade Level performance by the end of grade 9 on STAAR Algebra I EOC**.**

OBJECTIVE I: GRADUATION OUTCOMES
Percent of students successfully completing graduation and College, Career, Military Ready (CCM-R) requirements.

Superintendent's Goal:
Superintendent Goal #6 – Community Relations & Relationship Building
The superintendent maintains a positive and productive working relationship with District employees and the community.

Summary/Background Information: The Going the Extra Mile (GEM) recognition is a district acknowledgment of those outstanding Garland ISD employees who display superior commitment, innovation, leadership, work ethic, accomplishments and/or initiative.

Garland ISD GEM (Going the Extra Mile) Recognition is open to any GISD employee, and anyone can nominate an employee as a GEM. Those selected are notified and recognized at a GISD Board of Trustees meeting once a month.

Lukas Foster, Miryam Diaz, Imelda Forero, Katrina McGensey, Ruth Pena, and Antonio Vasquez, Custodial Team, at Harris Hill, were nominated by Communications & PR for going above and beyond every day to ensure the staff at Harris Hill have been cared for on a continual basis day in and day out, and especially worked tirelessly during the Covid year.

Administrative Recommendation:

Provided for your consideration.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Introduction of District Administrators

Agenda Section: Information Item

Administrator Responsible: Dr. Gradyne E. Brown
Assistant Superintendent, Human Resources

Summary/Background Information:

The Human Resources Department will be introducing the following new Garland ISD administrators to the Board of Trustees and to the community.

Executive Director, Athletics—Dr. Ron Griffen
Director, Office of Innovation—Michael Bland
Principal, Lyles Middle School—Dr. Ansil Howard
Principal, O'Banion Middle School—Jennifer Garcia
Principal, Carver Elementary School—Liliana Marquez
Principal, Golden Meadows Elementary School—Claudia Saenz
Principal, Northlake Elementary School—Jake Shirley

Administrative Recommendations:

Provided for your information.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Receive American Rescue Plan (ARP) Elementary and Secondary School Emergency Relief (ESSER) III Grant Program Information

Agenda Section: Information Item

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Board Goal Objective:

Not Applicable

Superintendent's Goal:

Superintendent Goal #3 – Board Relations
The superintendent maintains a positive and productive working relationship with the board of trustees and the community.

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Superintendent Goal #6 – Community Relations & Relationship Building
The superintendent maintains a positive and productive working relationship with District employees and the community.

Summary/Background Information:

To apply for ARP ESSER III funds, the District is required to provide information on the background and uses of ESSER III funding.

This agenda item was submitted to the Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for your information.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Receive Transportation Management Update

Agenda Section: Information Item

Administrator Responsible: Dr. Shelley Garrett
Assistant Superintendent of Safety & Operations

Board Goal Objective:

OBJECTIVE I: GRADUATION OUTCOMES
Percent of students successfully completing graduation and College, Career, Military Ready (CCM-R) requirements.

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

This report gives an overview of improvements, challenges, accomplishments, projects, and plans of GISD's Transportation Department.

This agenda item was reviewed by the Finance Committee on June 15, 2021.

Administrative Recommendations:

Provided for your information.

TRANSPORTATION
UPDATE JUNE 2021

UPDATE

- CURRENT LANDSCAPE
- IMPROVEMENTS
- ACCOMPLISHMENTS
- THANK YOU BOARD & LEADERSHIP
- CHALLENGES
- PROJECTS& PLANS

CURRENT LANDSCAPE– STAFF

- BEST PRACTICES STAFFING IN PLACE
- 278 drivers & 60 monitors
- 10 mechanics and 6 maintenance support
- 6 route supervisors & 2 route specialists
- 17 operations, office staff &administration
- 66 perfect attendance

GISD TRANSPORTATION

CURRENT LANDSCAPE– FLEET

- BEST PRACTICES REPLACEMENT SCHEDULE IN PLACE
- 397 buses
- 226 white fleet
- 23 buses & 4 white fleet sent to auction
- Daily School Bus Disinfection
- New gasoline buses are performing well

IMPROVEMENTS

- Assistant Director of Fleet Maintenance
- Updated Org Chart
  - Safety and Training Manager
  - Operations Analyst
  - Route Specialists
- Updated 37 Job Descriptions
- 53% Reduction in Overtime (Fall '20 vs. Fall '19)
- Equity Process for Extra-Duty Jobs
- Pre-Trip/Post-Trip Checklist
- Gasoline Buses Will Save $250,000/year

ACCOMPLISHMENTS

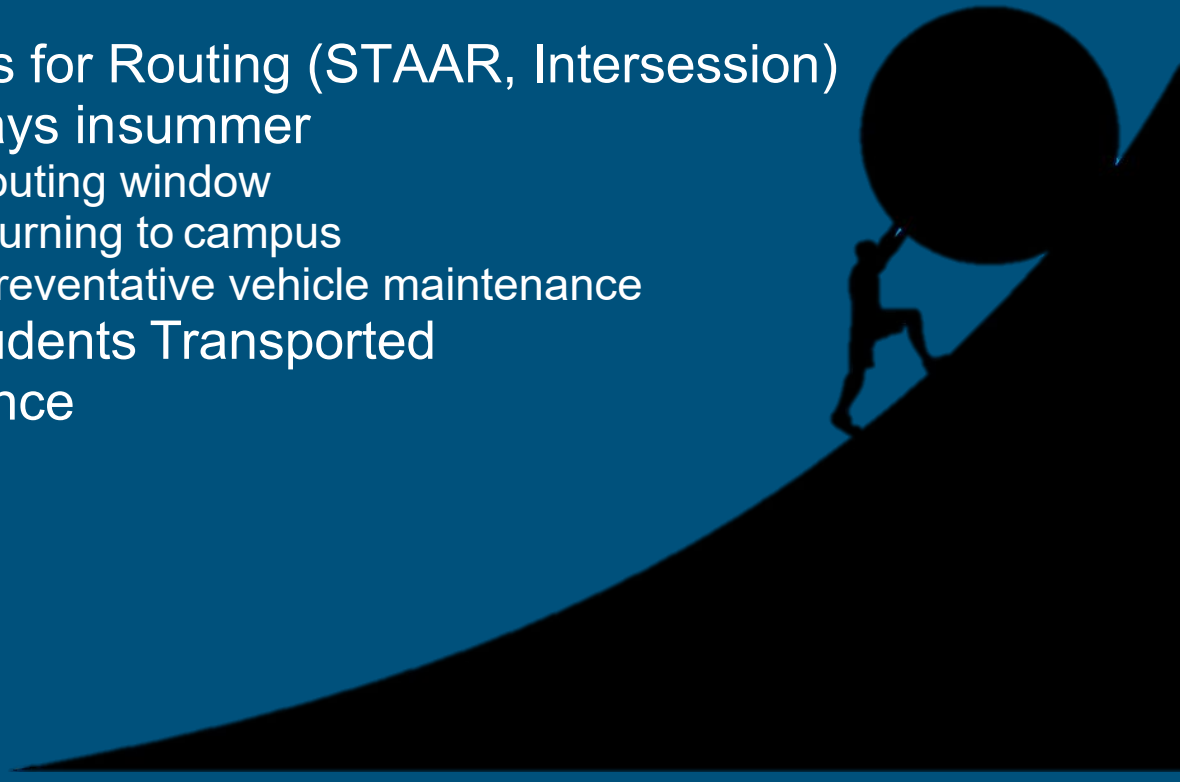
- ComprehensiveStandard Operating Procedures Manual
- Began upgrade Compass Routing System
- Ipads deployed for employee time entry
- 32 new busesapproved for 21-22
- Employee Advisory Committee
- Fully staffed vacancies
- Fleet auction

Thank you, Board & leadership

- Fleet Replacement Plan
  - Proposed & deployed 36 new buses in 20/21
- Organization Design
  - Added 5 of 5 new positions identified by audit analysis as high need
- Incident Management System (IMS)
- Learning Management System (LMS)

CHALLENGES

- Additional Major Events for Routing (STAAR, Intersession)
- Reduced non-school days in summer
  - Compressed student routing window
  - Volume of students returning to campus
  - Fewer open days for preventative vehicle maintenance
- Students Routed vs. Students Transported
- Driver/Monitor Attendance
- Parking Lot Safety
- Student Info Deadlines
- Added Office Security



STRATEGIC TECHNOLOGY TRANSFORMATION

Automated

- Bus Routing – SF/SEON Compass
- Field Trips – SF/SEON Compass
- Fleet Tracking (GPS) – Synovia
- Compass &Synovia disconnected
- Camerasw/ Video Recording

Not Automated (performed manually)

- Student Tracking/Tracing – 6,000 manual forms per month
- Navigation/Paper Maps/Paper Stop Lists
- Pre/Post Bus Inspection – 12,000 manual forms per month
- Parent Route Information & Bus Status Visibility – 100s of calls
- Live Video Streaming – videos available after the fact

Distance Learning
Student Contact Tracing
Vehicle Inspection
Student Accountability & Parent Notification
Video Downloading
Routing
Navigation
Live Video Streaming
LIVE
Predictive Stop Arm™
System Health Checks
SAFE FLEET
Driving Safety Forward™

STRATEGIC TECHNOLOGY TRANSFORMATION

Business Needs

- Fully integrated solution
- Routing/field trips
- Student tracking/tracing
- Fleet tracking (GPS)
- Turn-by-turn navigation, maps, stop locations
- Parent visibility & notification
- Vehicle inspection
- Live video streaming & over-the-air download

Strategic Technology Roadmap

- Document & prioritize business needs
- Evaluate Safe Fleet/SEON for solution viability
- Estimate costs & resources
- Develop phased implementation timeline
- Submit for approval

PROJECTS & PLANS

- Complete Compass routing software migration
- Fully implement driver metrics & feedback
  - On-time performance
  - Idle time
  - Driving style
- Develop strategic technology transformation roadmap
- Add bus ridership as mandatory selection in online student registration forms (22-23)
  - Route 12,000 students vs. 20,000 students
- Pilot ALC Student Tracker for McKinney-Vento students

Any questions?

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Receive Presentation on Harris Hill Administration Building Schematic Design

Agenda Section: Information Item

Administrator Responsible: Mr. Javier Fernandez
Director of Facilities Planning and Construction Services

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Receive presentation on Harris Hill Administration Building Schematic Design. This agenda item was presented to the Facilities Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for your information.

Harris Hill Administration Building

design review presentation

june 15, 2021

glenn | partners

Garland ISD Harris Hill Administration Building

design review presentation

01 | **summary of work**

02 | **site plan**

03 | **photometric lighting study**

04 | **floor plan zoning diagrams**

05 | **receptionist area renovation**

06 | **equipment comparison**

07 | **questions and answers**

01 summary of work

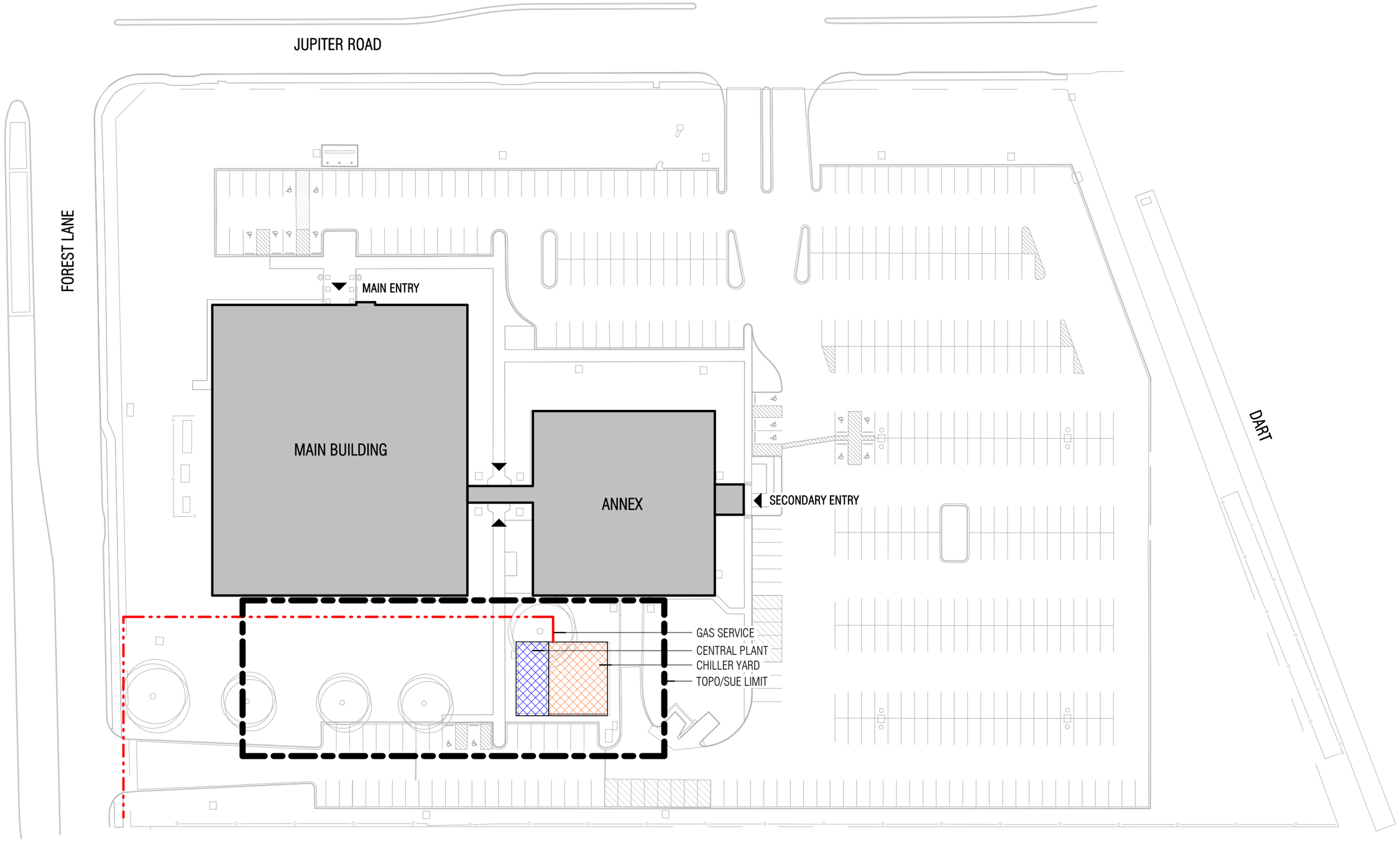
demolition items:

1. Remove existing roof top units and curbs.
2. Remove all existing ceiling tiles, ceiling grids and ceiling diffusers.
3. Lights to remain.
4. Remove all existing ducts.
5. Remove existing storefront in receptionist area.
6. Remove exterior lighting fixture lamps.

new items:

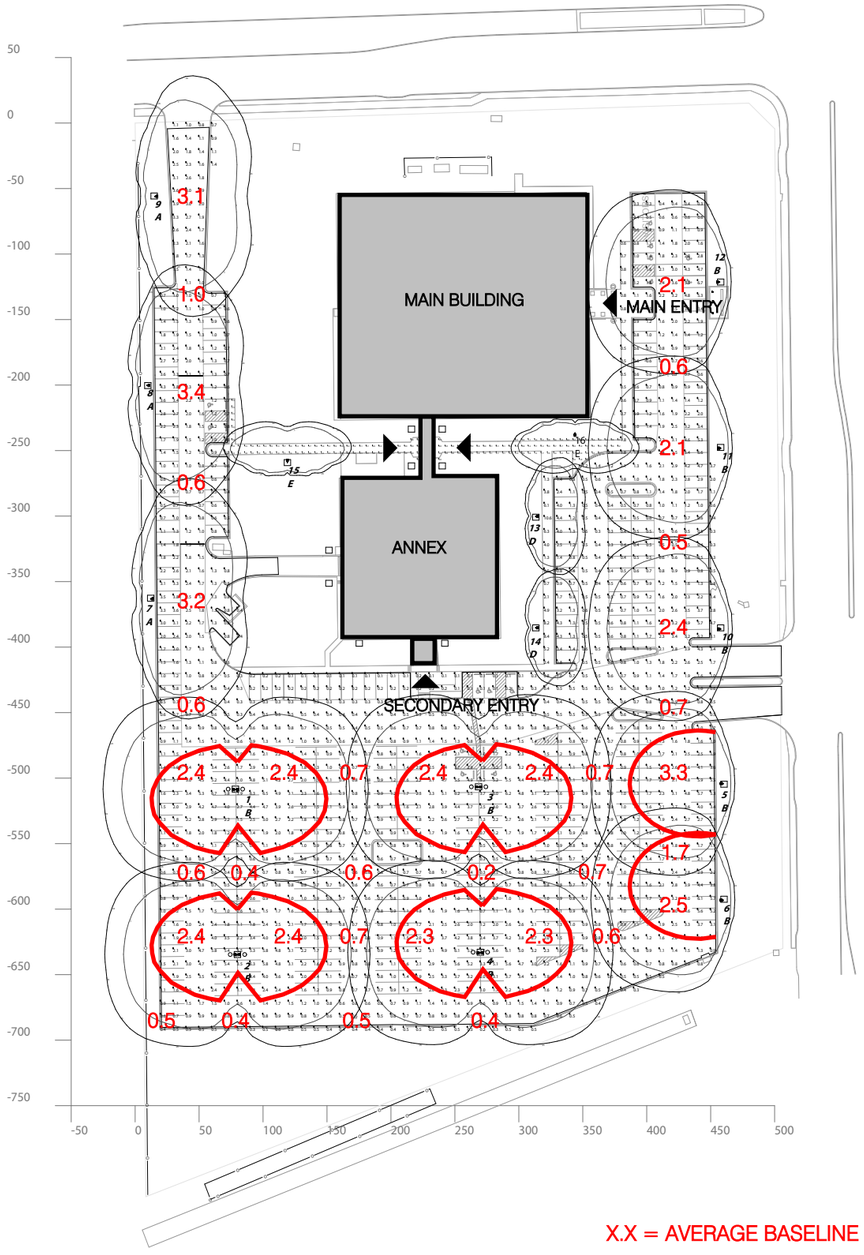
1. Repair existing roof openings to match existing roof system.
2. Install new ceiling tiles, ceiling grids and ceiling diffusers.
3. Install new air handler units and new ducts.
4. Renovate existing receptionist area.
5. Install new exterior light fixture lamps.
6. Install new roof on central plant to match campus.
7. Install new air-cooled chillers.
8. Connect new gas line to central plant.

02 site plan



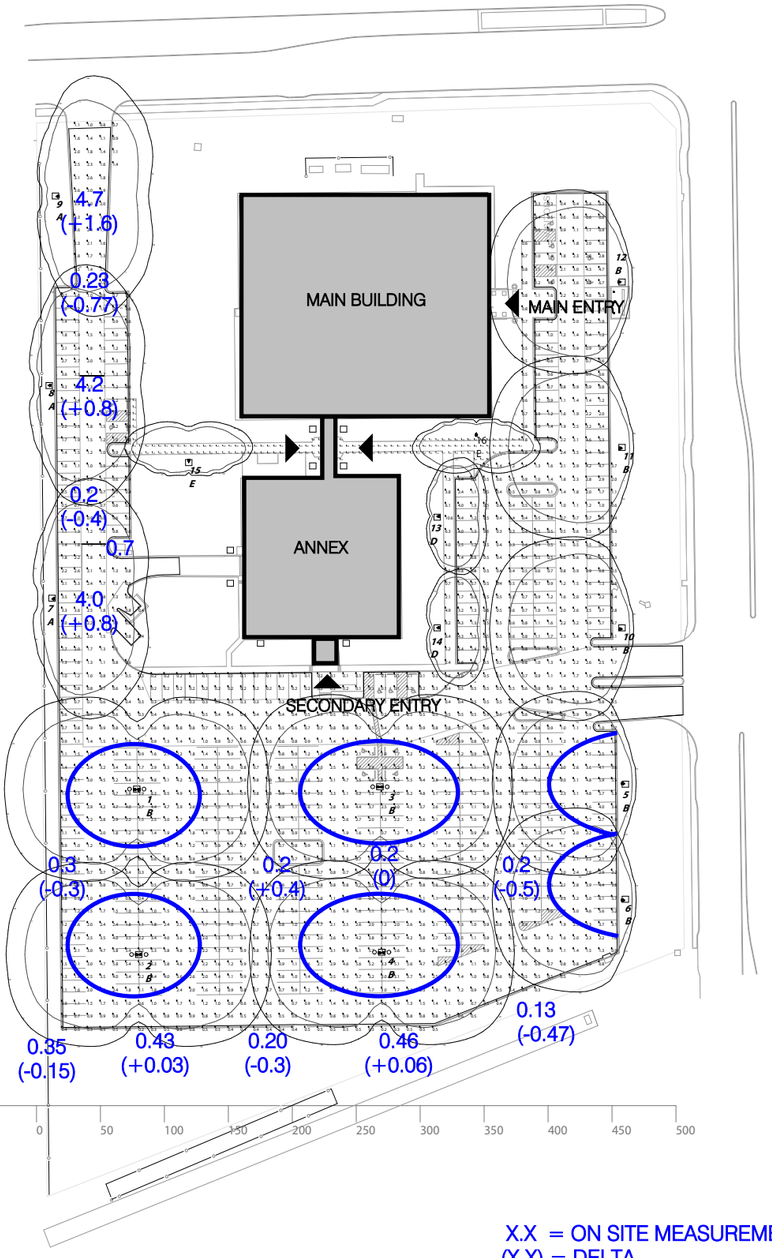
overall site plan

03 photometric lighting study



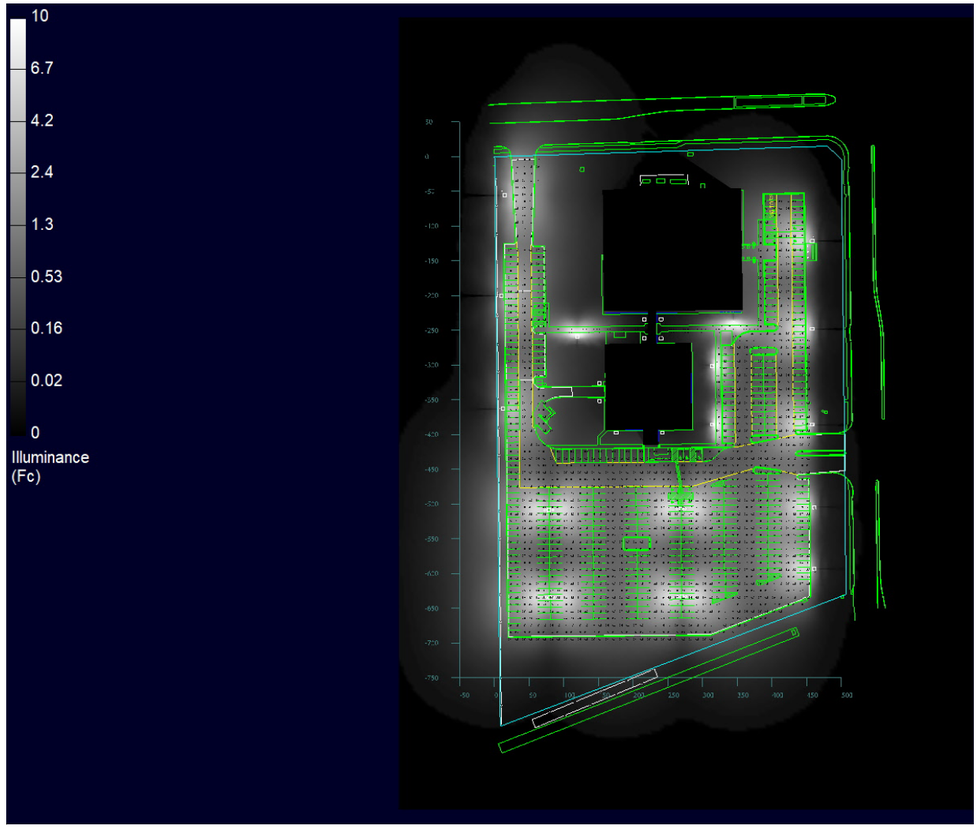
X.X = AVERAGE BASELINE

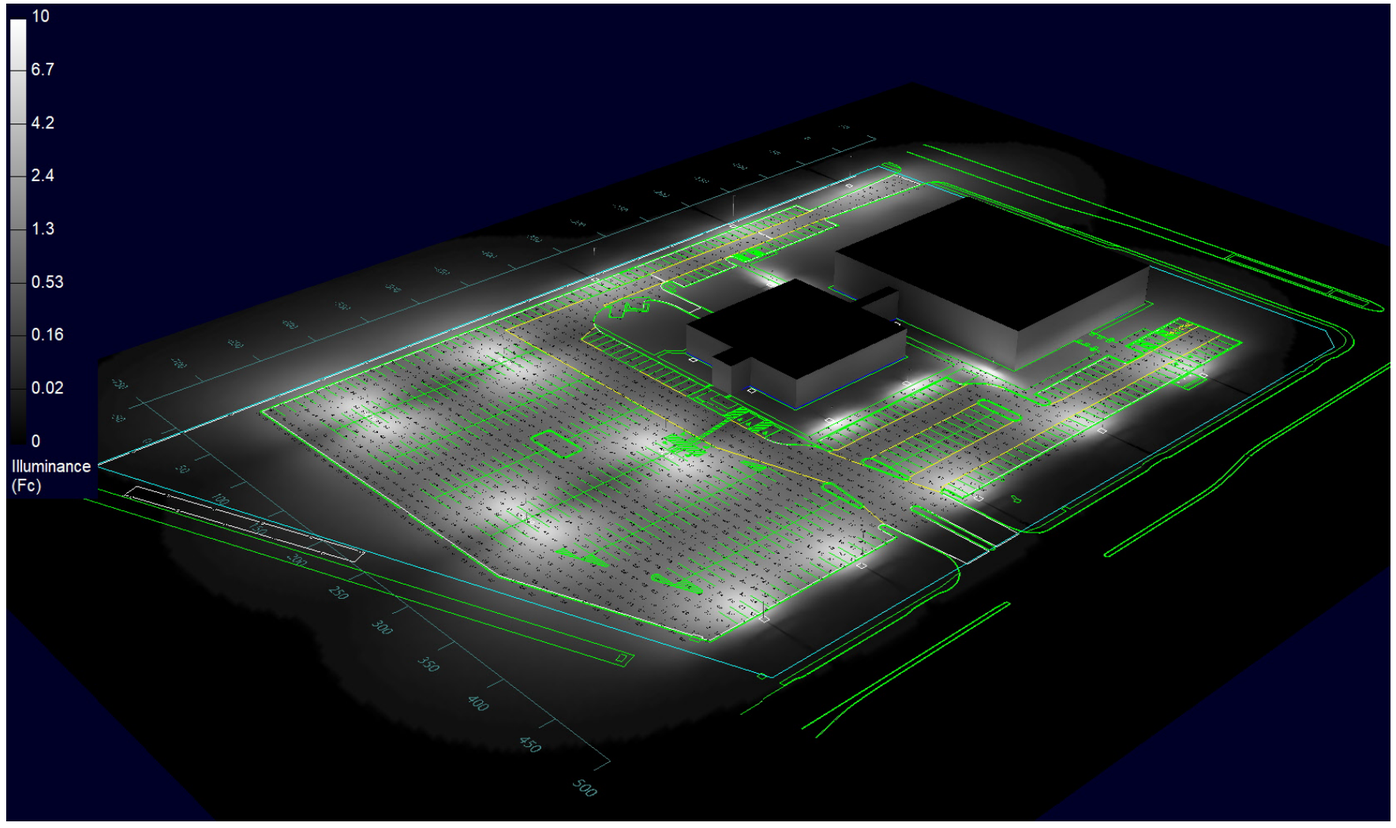
virtual site photometric study



X.X = ON SITE MEASUREMENT
(X.X) = DELTA

onsite photometric measurement

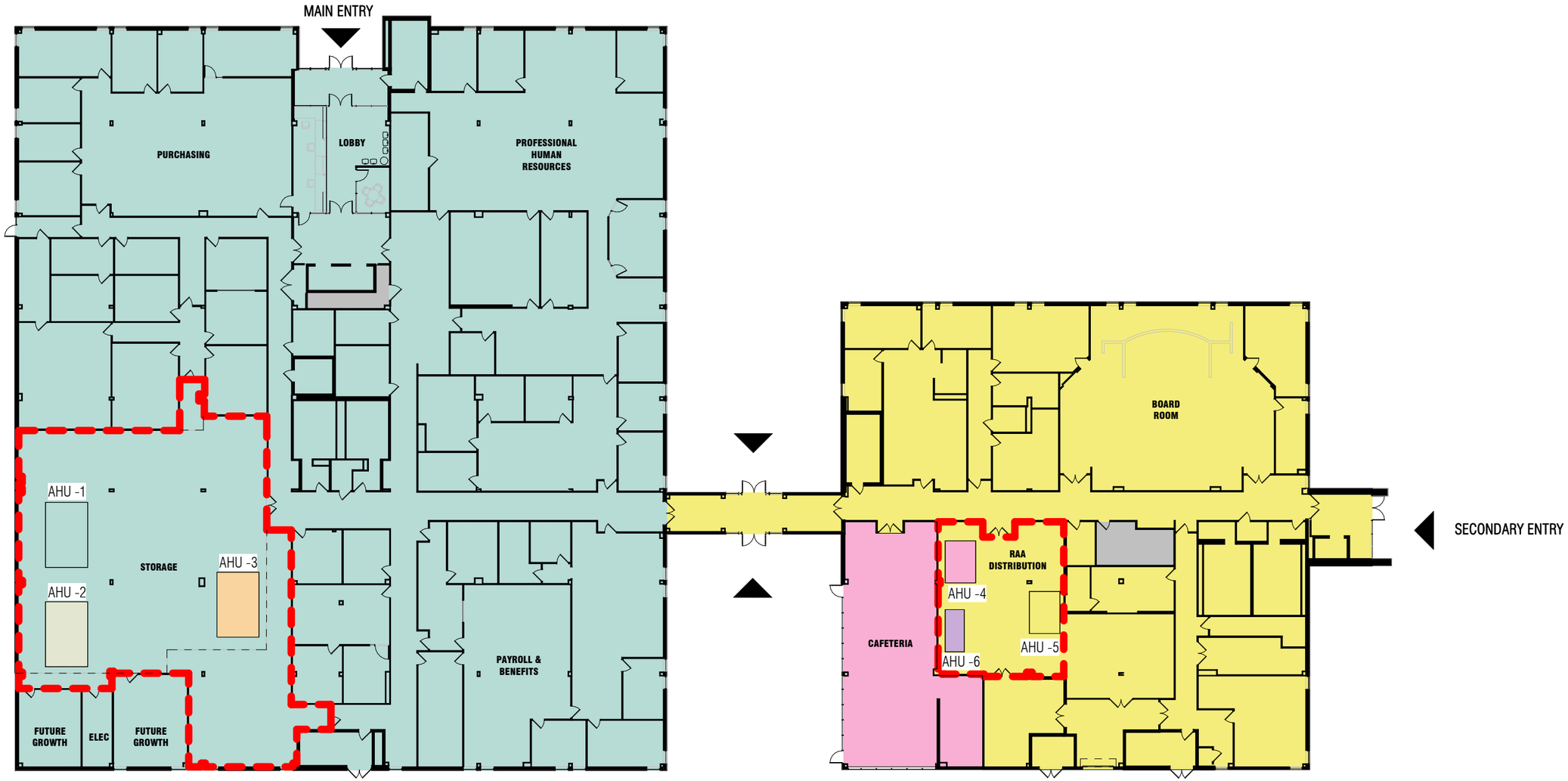


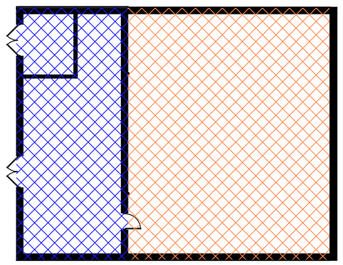


virtual site photometric study

existing building entry

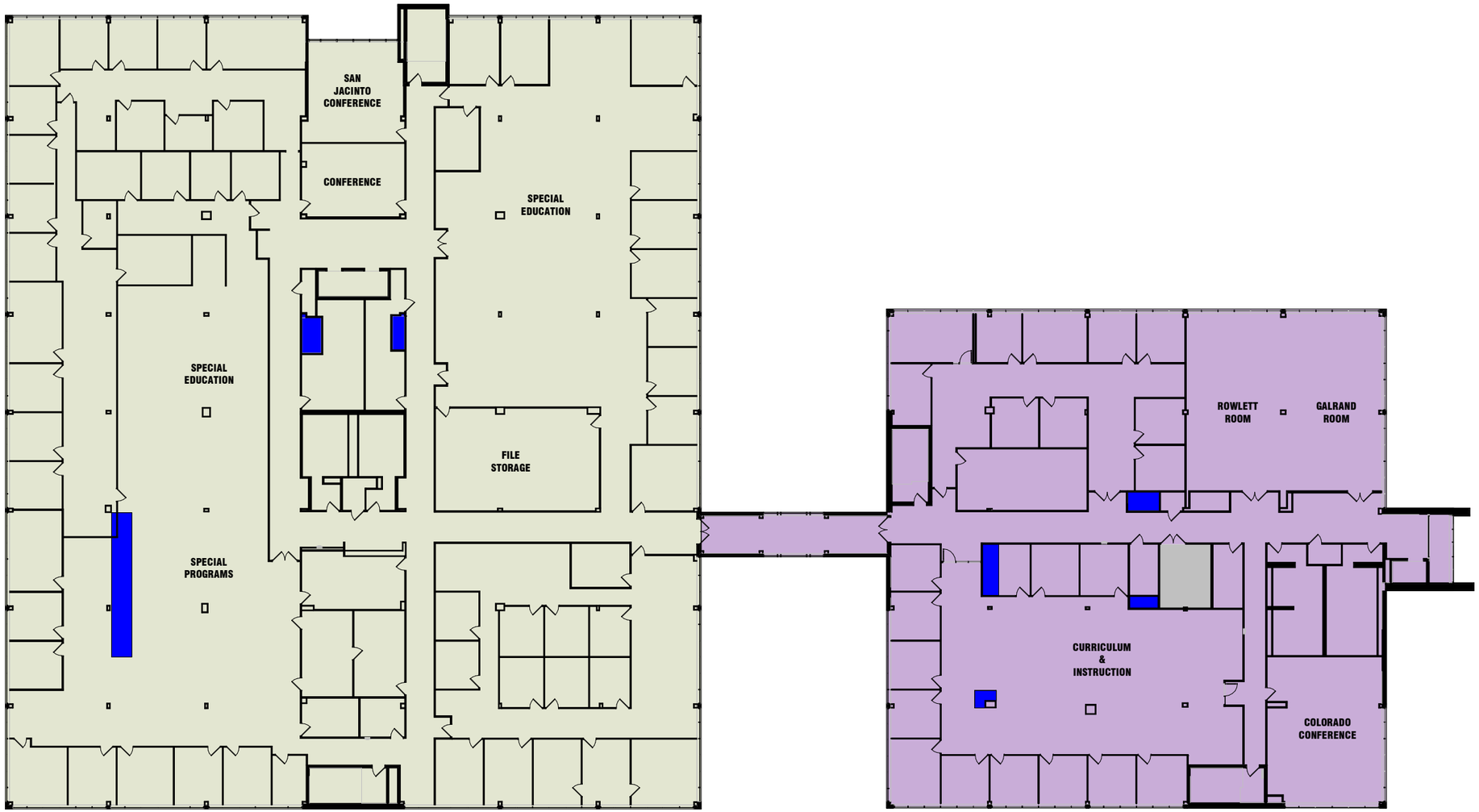
04 floor plan zoning diagrams





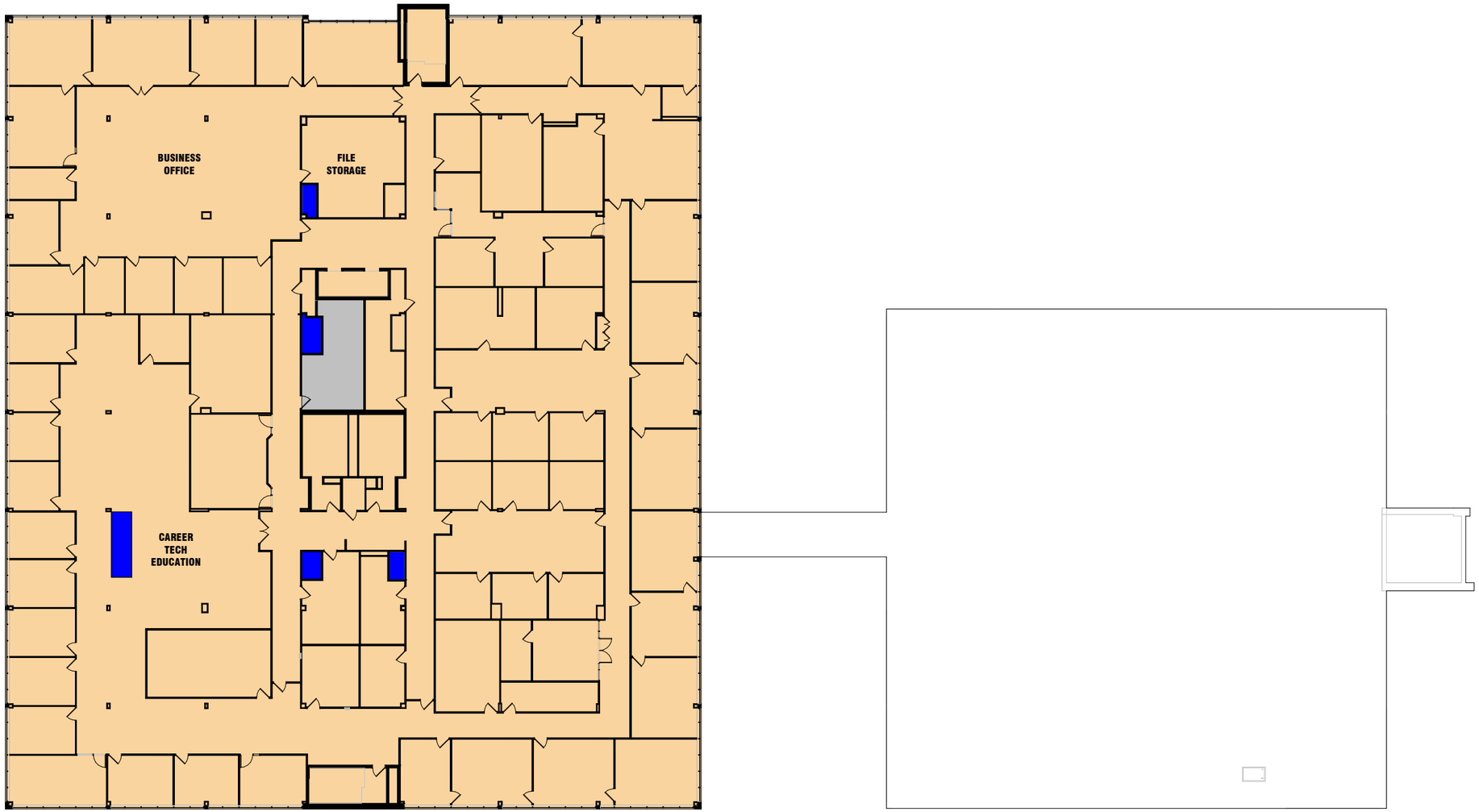
- CENTRAL PLANT
- MECHANICAL YARD
- SPLIT/DX
- AIR HANDLER ROOM
- AHU 1 / ZONE SERVED
- AHU 2 / ZONE SERVED
- AHU 3 / ZONE SERVED
- AHU 4 / ZONE SERVED
- AHU 5 / ZONE SERVED
- AHU 6 / ZONE SERVED
- SHAFT
- RECEPTIONS RENOVATION

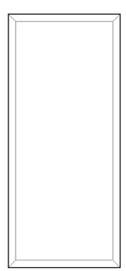
level 01 floor plan



level 02 floor plan

- CENTRAL PLANT
- MECHANICAL YARD
- SPLIT/DX
- AIR HANDLER ROOM
- AHU 1 / ZONE SERVED
- AHU 2 / ZONE SERVED
- AHU 3 / ZONE SERVED
- AHU 4 / ZONE SERVED
- AHU 5 / ZONE SERVED
- AHU 6 / ZONE SERVED
- SHAFT
- RECEPTIONS RENOVATION





- CENTRAL PLANT
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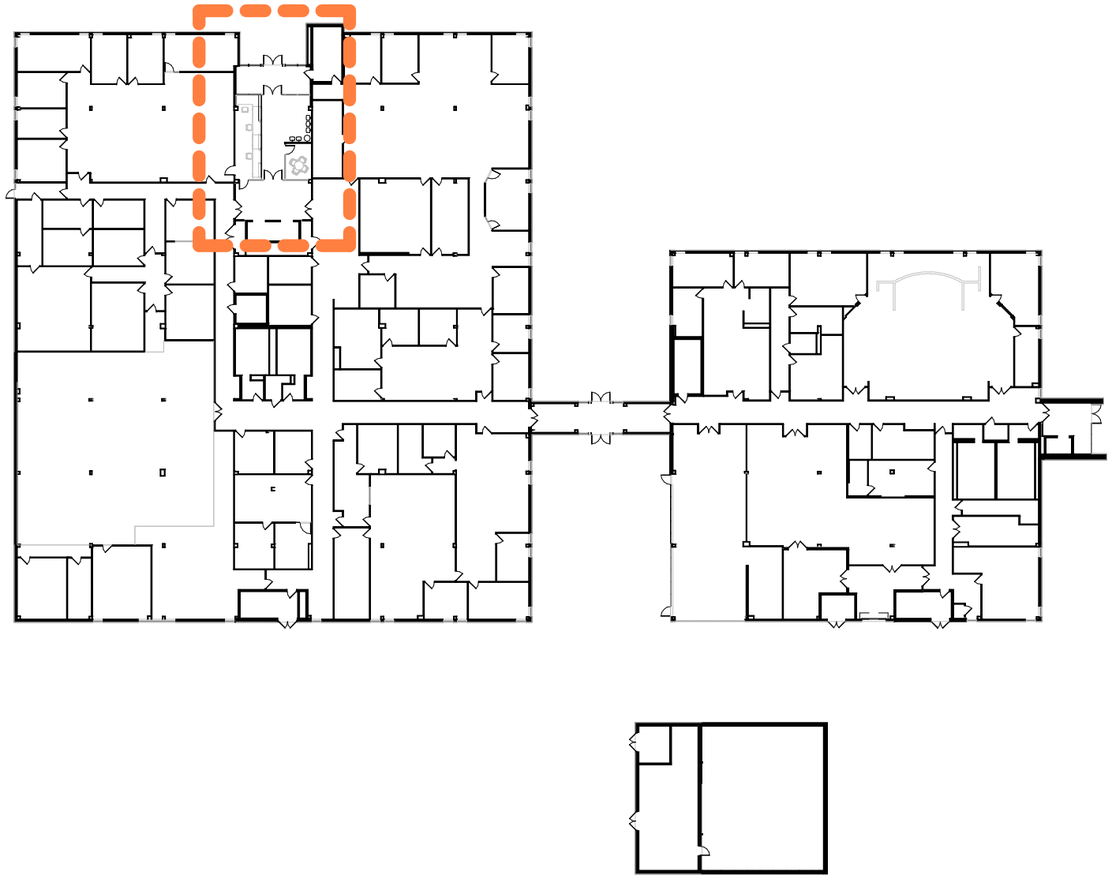
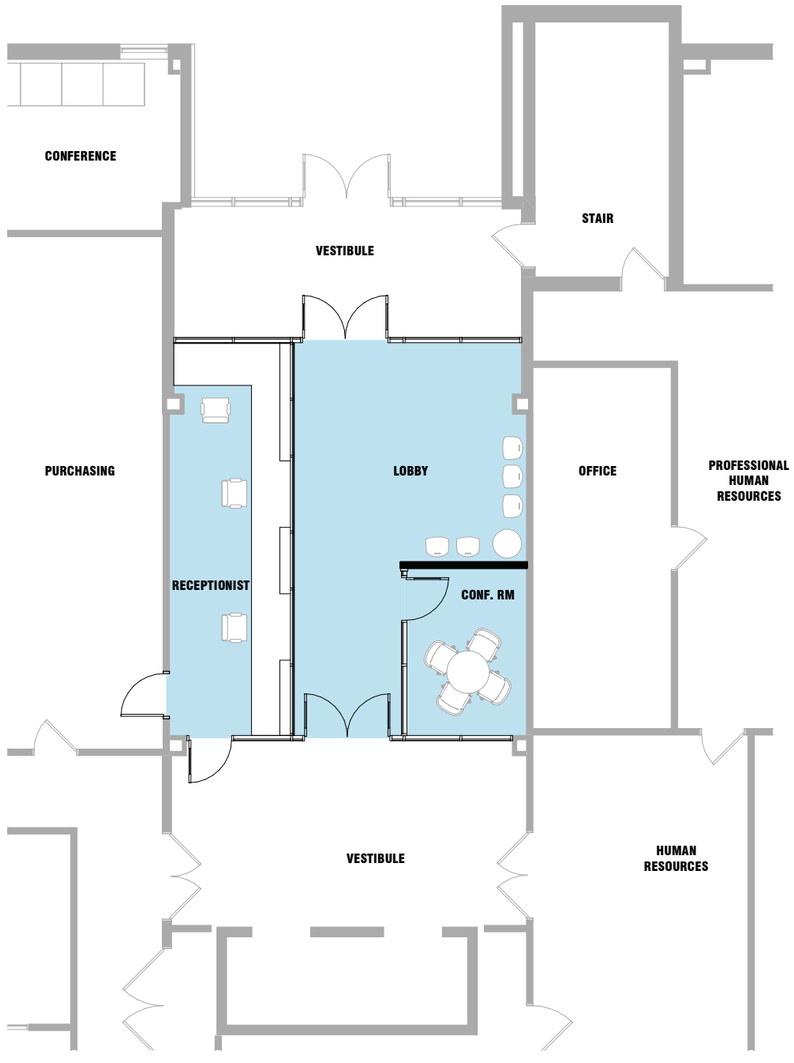
- AHU 1 / ZONE SERVED
- AHU 2 / ZONE SERVED
- AHU 3 / ZONE SERVED
- AHU 4 / ZONE SERVED
- AHU 5 / ZONE SERVED
- AHU 6 / ZONE SERVED
- SHAFT
- RECEPTIONS RENOVATION

level 03 floor plan

05 | receptionist area renovation



overall level 01 floor plan



enlarged level 01 receptionist area renovation

06 equipment comparison

	MANUFACTURER	CARRIER				TRANE			
GENERAL EQUIPMENT INFORMATION	OPTION	1	2	3	4	1	2	3	4
	PACKAGED EQUIPMENT	YES	YES	YES	YES	YES	YES	YES	YES
	COMPRESSOR TYPE	SCROLL	SCREW	SCREW	SCREW	SCROLL	SCREW	SCREW	SCREW
	MANUFACTURER	CARRIER	CARRIER	CARRIER	CARRIER	TRANE	TRANE	TRANE	TRANE
	MODEL	30RB190	30XV180S	30XV180M	30XV180H	ACSA200	RTAF200	ACRB200	ACRB200
	COMMENTS	HIGH EFFICIENCY	STANDARD EFFICIENCY	MEDIUM EFFICIENCY	HIGH EFFICIENCY	STANDARD EFFICIENCY	HIGH EFFICIENCY	PREMIUM EFFICIENCY	HIGH EFFICIENCY & SUPERIOR SOUND (QUIET)
	LENGTH (FT.)	23.5	17.3	21.25	25.2	23.5	26.5	23.5	23.5
	WIDTH (FT.)	7.4	7.3	7.3	7.3	7.3	7.3	7.3	7.3
	NO. COMPRESSORS	9	2	2	2	6	2	2	2
	NO. REFRIGERANT CIRCUITS	2	2	2	2	2	2	2	2
	REFRIGERANT TYPE	R-410A	R-134A	R-134A	R-134A	R-410A	R-134A	HFC-134A	HFC-134A
	MEANS OF CAPACITY CONTROL	—	VFD	VFD	VFD		VFD	VFD	VFD
	NOMINAL TONS	190	180	180	180	200	200	200	200
EQUIPMENT PERFORMANCE	ACTUAL TONS	169	165.3	169.9	171.3	167.2	170	172	167.8
	MIN. UNLOADING	13%	15%	15%	15%	20%	15%	15%	16%
	FULL LOAD EER	10.2	10	11	11.4	9.8	10.68	11	10.56
	FULL LOAD EER BETTER THAN CODE MIN. (9.7)	5.2%	3.1%	13.4%	17.5%	1.0%	10.1%	13.4%	8.9%
	IPLV EER	17.1	19.4	20.2	20.8	16.6	17.84	20.3	20.4
	IPLV EER BETTER THAN CODE MIN. (16.1)	6.2%	20.5%	25.5%	29.2%	3.1%	10.8%	26.1%	26.7%
	OVERALL SOUND POWER AT FULL LOAD (dBa)	103	96.0	95.0	95.0	98.0	103.0	97.0	92.0
	OVERALL SOUND PRESSURE AT FULL LOAD (dBa)	74	67	66.0	65.0	71.0	74.0	70.0	64.0
EQUIPMENT COST	COST OF EQUIPMENT TO MEET 170 TONS COOLING CAPACITY	$99,000	$110,000	$119,000	$128,000	$96,000	$113,000	$142,000	$156,000
	COMMENTS ON COST								
	ADDITIONAL COST FROM OPTION 1 FOR EACH MANUFACTURER	$0	$11,000	$20,000	$29,000	$0	$17,000	$46,000	$60,000
OPERATING COSTS	RATIO OF kW/ton BASED ON IPLV	0.702	0.619	0.594	0.577	0.723	0.673	0.591	0.588
	POWER REQUIRED FOR ACTUAL TONS COOLING (kW)	238	233	221	214	242	224	223	229
	ANNUAL ENERGY USAGE BASED ON 1465 EFLH COOLING (kWh)	348,524	341,785	323,326	313,657	354,970	327,867	327,135	334,753
	ANNUAL OPERATING COSTS BASED ON $0.09/kWh	$31,367	$30,761	$29,099	$28,229	$31,947	$29,508	$29,442	$30,128

decision matrix: efficiency, economy, space savings

07 | questions and answers

Garland Independent School District
Board of Trustee

Date of Meeting: June 22, 2021

Agenda Item: Review Legal Policies from TASB Update 117

Agenda Section: Discussion Item

Administrator Responsible: Lisa Ray
General Counsel

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Superintendent Goal #2 – Fiscal Responsibility
Ratings inputted for the Measured Analysis Goals are only a point of reference for trustee rating as each board member has the autonomy to change the rating. Measured Analysis Ratings will follow the state accountability factors for rounding.

Superintendent Goal #3 – Board Relations
The superintendent maintains a positive and productive working relationship with the board of trustees and the community.

Superintendent Goal #4 – Educational Leadership
The superintendent provides leadership and direction for an educational system that is based on desired student achievement.

Summary/Background Information:

Update 117 includes policy revisions in response to the declared catastrophes and to revise state rules and provisions from the 86th Legislative Session that are effective January 1, 2021. These include changes to board member vacancies and removal, vendor purchases and acquisitionmedical leaves and absences.

AIC(LEGAL)	ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS
BBC (LEGAL)	BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE
BJCE(LEGAL)	SUPERINTENDENT: SUSPENSION/TERMINATION DURING CONTRACT
C (LEGAL)	BUSINESS AND SUPPORT SERVICES
CBB (LEGAL)	STATE AND FEDERAL RESOURCES: FEDERAL
CH (LEGAL)	PURCHASING AND ACQUISITION
CHE (LEGAL)	PURCHASING AND ACQUISITION; VENDOR DISCLOSURES AND CONTRACTS
CL (LEGAL)	BUILDINGS, GROUNDS, AND EQUIPMENT MANAGMENT
CV (LEGAL)	FACILITIES CONSTRUCTION
CVA (LEGAL)	FACILITIES CONSTRUCTION: COMPETITIVE BIDDING
CVB (LEGAL)	FACILITIES CONSTRUCTIONCOMPETITIVE SEALED PROPOSALS
CVC (LEGAL)	FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AGENT
CVD (LEGAL)	FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AT-RISK
CVE (LEGAL)	FACILITIES CONSTRUCTION: DESIGN BUILD
CVF (LEGAL)	FACILITIES CONSTRUCTION: JOB ORDER CONTRACTS
DEC (LEGAL)	COMPESNATION AND BENEFITS: LEAVES AND ABSENCES
EHAA(LEGAL)	BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)
EHBA(LEGAL)	SPECIAL PROGRAMS: SPECIAL EDUCATION
EHBAA (LEGAL)	SPECIAL EDUCATION: EVALUATION AND ELIGIBILITY
EHBAB (LEGAL)	SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM
EHBAC (LEGAL)	SPECIAL EDUCATION: STUDENT IN NONDISTRICT PLACEMENT
EHBAD (LEGAL)	SPECIAL EDUCATION: TRANSITION SERVICES
EHBC (LEGAL)	SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES
EIF (LEGAL)	ACADEMIC ACHIEVEMENT: GRADUATION
EKB (LEGAL)	TESTING PROGRAMS: STATE ASSESMENT
EL (LEGAL)	CAMPUS OR PROGRAM CHARTERS
FFAC (LEGAL)	WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

Administrative Recommendations:

Provided for review and discussion.

Localized Policy Manual Update 117

057909 Garland ISD

Update 117 contains (LOCAL) policies that require board action and adoption notification before we can incorporate the revisions into your district's Policy On Line® manual.

What should I do to prepare for board adoption?

1. In Local Manual Updates[1] *(myTASB login required)*, download and save the numbered update resource material.
2. Present the (LOCAL) policies to your board for adoption.
3. Following board action, notify Policy Service of adoption so we can incorporate the adopted policies into your district's Policy On Line manual.
4. If there are additional changes, submit the annotated changes with your Adoption Notification Form.

How do I notify Policy Service that the board has adopted the update?

1. Go to Local Manual Updates and click the "notify TASB" link.
2. Fill out and submit the electronic Adoption Notification Form for TASB-Initiated Updates.

Questions?

- If you have questions regarding Policy On Line, contact pol-support@tasb.org.
- If you have questions regarding policy text, contact your district's assigned policy consultant.[2]

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[1] Local Manual Updates: https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx
[2] Contact a Policy Service Consultant: https://www.tasb.org/services/policy-service/consultant-contact-information.aspx

Localized Policy Manual Update 117

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You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more under Local Manual Updates[3] 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.[4]

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

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Overview

Update 117 includes policy revisions in response to revised state and federal rules. In addition, the update includes a reorganization of the legally referenced policies in the CH and CV series regarding purchasing and facilities construction. Local policy recommendations address revisions to the leaves and absences policy and an optional delegation to the superintendent for certain emergency contracts. Please carefully review these local policy recommendations to ensure the text aligns with the district's practices and contact your policy consultant if changes are needed.

Your Localized Update 117 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.

Local Policy Overview for Update 117

Beginning with Update 116, the newly redesigned publication *Local Policy Overview* replaced *Vantage Points*.

Like *Vantage Points*, the *Local Policy Overview* provides a general, high-level overview of the changes to the (LOCAL) policies included in TASB updates. Presented in both video and written document formats, the *Local Policy Overview* is available on myTASB in Policy Manual Update Resources.[5] From there, you may forward it electronically or print the written document for distribution to staff and board members.

Legal Services Update Memo

TASB Legal Services' Legal Issues in Update 117 memo[6] (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 117:*
>
> - *(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 117 [with the following changes:]"

How to Notify Policy Service of Board Action

Notify Policy Service of the board's action on Update 117 so our records remain accurate. Go to Local Manual Updates[7] in myTASB and click the "notify TASB" link. Then fill out and submit the electronic Adoption Notification Form for TASB-Initiated Updates.

How to Keep Minutes

The board's action on Localized Update 117 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* [8]
- Tutorial videos[9] 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[10] Update 63, which includes revisions to model regulations and forms corresponding with Update 117, 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 117 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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[3] Local Manual Updates: https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx
[4] Policy Manual Update Resources: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx
[5] Policy Manual Update Resources: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx
[6] Legal Issues memo: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u117_legal_issues.pdf
[7] Local Manual Updates: https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx
[8] Administrator's Guide to Policy Management: https://www.tasb.org/services/policy-service/mytasb/guidance-for-policy-administrators.aspx
[9] Tutorials: https://www.tasb.org/services/policy-service/mytasb/tutorials.aspx
[10] *TASB Regulations Resource Manual*: https://www.tasb.org/services/policy-service/mytasb/regulations-resource-manual.aspx

Instruction Sheet

TASB Localized Policy Manual Update 117

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Code	Type	Action To Be Taken	Note
AIC	(LEGAL)	Replace policy	Revised policy
BBC	(LEGAL)	Replace policy	Revised policy
BBD	(EXHIBIT)	Replace exhibit	Revised exhibit
BJCE	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CH	(LOCAL)	Replace policy	Revised policy
CH	(REGULATION)	Review regulation	Revise as necessary
CHE	(LEGAL)	Replace policy	Revised policy
CL	(LEGAL)	Replace policy	Revised policy
CV	(LEGAL)	Replace policy	Revised policy
CV	(LOCAL)	Replace policy	Revised policy
CVA	(LEGAL)	Replace policy	Revised policy
CVB	(LEGAL)	Replace policy	Revised policy
CVC	(LEGAL)	Replace policy	Revised policy
CVD	(LEGAL)	Replace policy	Revised policy
CVE	(LEGAL)	Replace policy	Revised policy
CVF	(LEGAL)	Replace policy	Revised policy
DEC	(LOCAL)	Replace policy	Revised policy
EHAA	(LEGAL)	Replace policy	Revised policy
EHBA	(LEGAL)	Replace policy	Revised policy
EHBAA	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBAC	(LEGAL)	Replace policy	Revised policy
EHBAD	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EIF	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
EL	(LEGAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy

Explanatory Notes

TASB Localized Policy Manual Update 117

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AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

Administrative Code provisions amended effective January 5, 2021, address program performance regarding certain special student populations. The rules address supervision and monitoring reviews and require the commissioner to assign districts an annual determination level based on performance of the special student populations.

BBC(LEGAL) BOARD MEMBERS: VACANCIES AND REMOVAL FROM OFFICE

We have streamlined the reference to CH(LEGAL) regarding board member removal for purchasing violations.

BBD(EXHIBIT) BOARD MEMBERS: TRAINING AND ORIENTATION

As approved by the State Board of Education in November 2020, the Framework for School Board Development has been extensively revised.

BJCE(LEGAL) SUPERINTENDENT: SUSPENSION/TERMINATION DURING CONTRACT

Changes to this legally referenced policy on suspension of the superintendent without pay and termination during the contract term were prompted by Administrative Code revisions effective January 11, 2021.

C(LEGAL) BUSINESS AND SUPPORT SERVICES

The C Section table of contents has been revised to rename CHE to Vendor Disclosures and Contracts.

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

The federal Department of Education issued correcting amendments to the Uniform Guidance for Grants and Agreements, effective February 22, 2021, resulting in a change to the provisions on cooperative purchasing in this legally referenced policy. Citations have also been updated.

CH(LEGAL) PURCHASING AND ACQUISITION

Update 117 includes a reorganization of the purchasing and facilities construction legally referenced policies in the CH and CV series.

As part of the reorganization, we have:

- Added cross-references to other pertinent policy codes to eliminate duplicated material;
- Added existing provisions on site-based purchasing;
- Reordered and adjusted provisions for clarity and to better match statutory wording;
- Moved to CHE(LEGAL) provisions on required vendor disclosures and contract provisions and lobbying restrictions; and
- Moved detailed provisions on competitive bidding to CVA(LEGAL).

Provisions on purchasing recycled products were added from new Administrative Code rules, effective July 2, 2020.

CH(LOCAL) PURCHASING AND ACQUISITION

The major winter storms earlier this year caused extensive damage to many district facilities. Based on district requests for additional flexibility in such emergency circumstances, we recommend a new provision delegating authority to the superintendent to contract for the replacement, construction, or repair of equipment or facilities in the event of a catastrophe, emergency, or natural disaster affecting the district if

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emergency replacement, construction, or repair is necessary for the health and safety of district students and staff. The superintendent must report to the board any contracts made under the delegated authority at the next regular meeting.

The recommended text also clarifies that the delegation *does not* permit the superintendent to act under Education Code 44.031(h) to make purchases without following normal competitive purchasing requirements; the board must take action to waive any Chapter 44 provisions in accordance with law.

The recommended delegation provision is optional. Please carefully review the new text to ensure it aligns with the district's practices and contact the district's policy consultant if your district does not wish to add this provision or has other revisions.

TASB Legal Services' eSource article *Emergency Management for Texas Public Schools* provides additional information on purchasing in emergency situations.

The *Legal Issues in Update 117* memo describes common legal concerns and best practices specific to this policy topic.

CH(REGULATION) PURCHASING AND ACQUISITION

Our records indicate that you have a regulation at this code that you may need to review and revise in light of the changes in this update. Please advise us:

- If this regulation is obsolete and should be deleted from your localized policy manual; or
- If you have revisions that you wish to submit for editorial and legal review and incorporation into your localized policy manual.

CHE(LEGAL) PURCHASING AND ACQUISITION: VENDOR DISCLOSURES AND CONTRACTS

This legally referenced policy has been reorganized to focus on required vendor disclosures and contract provisions. This material has been moved from CH(LEGAL).

In addition, we have:

- Included references to other pertinent codes and deleted material duplicated at other policy codes; and
- Reordered and adjusted provisions for clarity and to better match statutory wording.

CL(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

New Administrative Code rules, effective July 2, 2020, prompted revisions to provisions on recycling programs.

Provisions on pool sanitation and safety standards have been streamlined to refer to the relevant legal guidance.

CV(LEGAL) FACILITIES CONSTRUCTION

Update 117 includes a reorganization of the purchasing- and construction-related legally referenced policies in the CH and CV series.

As part of the reorganization, we have:

- Added cross-references to other pertinent policy codes to eliminate duplicated material; and
- Reordered and adjusted provisions for flow and to better match statutory wording.

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CV(LOCAL) FACILITIES CONSTRUCTION

For ease of reference and to align with recommended changes at CH(LOCAL) on delegation to the superintendent for emergency contracting, Policy Service recommends adding a Note referring to CH(LOCAL) for those provisions.

The *Legal Issues in Update 117* memo describes common legal concerns and best practices specific to this policy topic.

CVA(LEGAL) FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

Provisions on identical, competitive bids have been moved from CH(LEGAL). In addition, a provision on making bid evaluations public has been moved to this policy from CV(LEGAL). Other revisions are to delete material duplicated at other policy codes and adjust language for clarity and to better match statutory wording.

CVB(LEGAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

A cross-reference has been added to procurement processes included at other policy codes, and duplicated material has been deleted. Other revisions are to adjust language for clarity and to better match statutory wording.

CVC(LEGAL) FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AGENT

Additional detail has been added regarding the construction manager-agent method. A cross-reference has been added to procurement processes included at other policy codes, and duplicated material has been deleted. Other revisions are to adjust language for clarity and to better match statutory wording.

CVD(LEGAL) FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AT-RISK

Additional detail has been added regarding the construction manager-at-risk method. A cross-reference has been added to procurement processes included at other policy codes, and duplicated material has been deleted. Other revisions are to adjust language for clarity and to better match statutory wording.

CVE(LEGAL) FACILITIES CONSTRUCTION: DESIGN-BUILD

A cross-reference has been added to procurement processes included at other policy codes, duplicated material has been deleted, and provisions have been reordered for flow. Other revisions are to adjust language for clarity and to better match statutory wording.

CVF(LEGAL) FACILITIES CONSTRUCTION: JOB ORDER CONTRACTS

A cross-reference has been added to procurement processes included at other policy codes, duplicated material has been deleted, and provisions have been reordered for flow. Other revisions are to adjust language for clarity and to better match statutory wording.

DEC(LOCAL) COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

The events of the past year have highlighted the need for additional flexibility regarding administration of leave. TASB Policy, Legal, and HR Services collaborated on the recommended revisions to this policy, which remove administrative details not required to be in board policy and that may be more appropriately addressed elsewhere, such as in the employee handbook.

To support the removal of these administrative details, a new paragraph directs the superintendent to develop administrative regulations to implement the policy. [Remember that BJA(LOCAL) permits the superintendent to delegate this responsibility as appropriate.] In addition, TASB HR Services has:

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- Created a corresponding Framework for Developing Leaves and Absences Procedures, with prompts and placeholders for administrative decisions; and
- Revised the 2021–22 *Model Employee Handbook* to address administrative provisions removed from the policy.

Other changes include:

- Adding a definition of *school year* that aligns with terminology in the TASB sample contracts and that provides context for references to the term elsewhere in the policy.
- Relocating provisions on concurrent use of leave and compensatory time to the sections addressing temporary disability leave and family and medical leave.
- Streamlining of family and medical leave provisions to eliminate information not necessary in board-adopted policy.
- Adding a clear statement to reflect that the district does not permit paid leave offset in conjunction with workers' compensation benefits.
- Revising terminology from *reimbursement* to *payment* for unused leave to reflect that employees are receiving payment for days of accumulated leave upon retirement.

New recommended provisions on state personal leave clarify that:

- Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.
- In approving or denying requests for the discretionary use of leave, the district will also consider how the duration of the requested absence affects the educational program and district operations.

The *Legal Issues in Update 117* memo describes common legal concerns

Please note: For clarity and consistency with policy style, the district's locally developed text throughout the policy has been lightly edited.

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

New Administrative Code rules address the requirement for districts to provide instruction in positive character traits, which can be met through a stand-alone course or by integrating the TEKS into other courses. The rules address the frequency of instruction by grade bands and are effective for the 2021–22 school year.

EHBA(LEGAL) SPECIAL PROGRAMS: SPECIAL EDUCATION

Revised Administrative Code rules, effective March 14, 2021, address various special education provisions and:

- Provide more detail on instructional arrangements;
- Include a definition of *regular school day* for the purpose of determining the instructional arrangement; and
- Update citations to funding statutes.

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

Provisions on a district's obligation to refer for evaluation and the definition of a *child with a disability* have been updated based on revised Administrative Code rules, effective March 14, 2021. Other changes are to better reflect statute.

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

As a result of revised Administrative Code rules effective March 14, 2021, we have updated text regarding establishment of the admission, review, and dismissal (ARD) committee and added a provision addressing a district's overall responsibility for all of the functions of the IEP team and ARD committee. Citations have also been updated.

EHBAC(LEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

From revised Administrative Code rules effective March 14, 2021, we have added a provision requiring the district to notify TEA within 30 calendar days of an ARD committee's decision to place a student in a residential education program.

EHBAD(LEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

Revised Administrative Code rules, effective March 14, 2021, prompted a revision to the graduation provisions and updates to cites throughout this legally referenced policy.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

Revisions regarding approval of an optional flexible school day program are from revised Administrative Code rules, effective December 6, 2020.

EIF(LEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

Details have been added on the graduation of students receiving special education services who entered grade nine after the 2014–15 school year. The changes come from revised Administrative Code rules effective March 14, 2021.

In addition, we have replaced detailed provisions on graduation of students receiving special education services who entered grade nine before the 2014–15 school year with a reference to the relevant Administrative Code provision. Citations have been updated throughout.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

In accordance with House Bill 3906 (86th Legislative Session) and effective September 1, 2021, the reference to the separate writing assessment in grades 4 and 7 has been removed.

EL(LEGAL) CAMPUS OR PROGRAM CHARTERS

We have added provisions that a district is entitled to additional state aid if the district was under contract during the 2017–18 school year or is under renewal of such a contract to jointly operate a campus or campus program under Education Code 11.157 (Contracts for Educational Services). Details may be found in revised Administrative Code rules, effective March 30, 2021.

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FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

New Administrative Code rules, effective February 18, 2021, address maintenance and administration of unassigned asthma medication for districts that choose to implement such a program. Contact your policy consultant if your district has a program but lacks local policy provisions.

See FFAC in the *TASB Regulations Resource Manual*.

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Interventions and Sanctions for School Districts

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

Grounds for Commissioner Action

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

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:

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:

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)

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

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.

The notice must include the date, time, and place of the meeting. *Education Code 39A.056*

The public must be notified of the meeting 15 days prior to the meeting by way of the district and campus website, local newspapers or other media that reach the general public, and the parent liaison, if present on the campus. *19 TAC 97.1061(d)(3)(A)(ii)*

Public Hearing

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

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

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

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

Education Code 39A.057

Submission to Commissioner

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

Executing Plan

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

1. Assist the campus in implementing research-based practices for curriculum development and classroom instruction, including bilingual education and special education programs, and financial management;

2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and

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

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

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

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

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

Education Code 39A.060

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;

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:

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.

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

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:

(1) That cumulatively serve 10,000 or more students; and

(2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and

c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment and Assignment

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

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

Noncontracted Repurposed Campus

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

Enrollment Provision in Contract

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

Education Code 39A.113

Targeted Technical Assistance

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

Commissioner Authority

A decision by the commissioner under the campus turnaround plan subchapter of the Education Code is final and may not be appealed. *Education Code 39A.116*

Alternative Management

The commissioner shall appoint a monitor, conservator, management team, or board of managers whenever such action is required, as determined by 19 Administrative Code 1073. Action under any other section of 19 Administrative Code Chapter 97, Subchapter EE is not a prerequisite to acting under this section. *19 TAC 97.1073*

Solicitation of Proposals

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

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

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

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

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

Education Code 39A.151

Qualifications of Managing Entity

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

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

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

1. Meets any of the commissioner’s qualifications; and

2. Has documented success in educating students from similar demographic groups and with similar educational needs as the students who attend the campus to be operated by the managing entity.

Education Code 39A.152

Contract with Managing Entity

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

The management contract must include:

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

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

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

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

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

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

Evaluation of Managing Entity

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

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

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

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

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

1. Terminate the contract; and

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

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

Education Code 39A.155

Cancellation of Management Contract

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

Return of Management to District

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

Applicability of Accountability Provisions

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

Funding

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

Open Meetings and Public Information

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

1. A managing entity is considered to be a governmental body for purposes of 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

Composition of Board of Managers	A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*
Training of Board of Managers	The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205* The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(h)*
Compensation	The commissioner may authorize payment of a board of managers from TEA funds. A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner. *Education Code 39A.206*
Replacement of Member of Board of Managers	The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*
Expiration of Appointment	A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires. Not later than the second anniversary of the date the board of managers of a school district was appointed, the commissioner shall notify the board of managers and the board of trustees of the date on which the appointment of the board of managers will expire. Following each of the last three years of the period of the appointment, one-third of the members of the board of managers shall be replaced by the number of members of the board of trustees who were elected at an election that constitutes, as closely as possible, one-third of the membership of the board of trustees. If, before the second anniversary of the date the board of managers of a school district was appointed, the commissioner determines, after receiving local feedback, that insufficient progress has

been made toward improving the academic or financial performance of the district, the commissioner may extend the authority of the board of managers for a period of up to two additional years.

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

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;

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

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation and review of program implementation and effectiveness within certain special populations of students.

Activities may include:

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

2. Intensive or special investigative remote or on-site reviews authorized under Education Code 39.057 (special accreditation investigations).

Activities described in item 1, above, are applicable for compliance with requirements for reading diagnosis in Education Code 28.006 [see EKC] and dyslexia and related disorders in Education Code 38.003 and 19 Administrative Code 74.28 [see EHB].

19 TAC 97.1071(a)–(b)

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)*

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

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

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

Transitional Interventions and Sanctions — 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.

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.

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.

These transition provisions expire September 1, 2020.

Education Code 39A.906

Special Program Performance Determination

The commissioner shall assign districts an annual determination level based on performance levels of certain special populations student groups under 19 Administrative Code 97.1005 (Results Driven Accountability) [see AIB] according to the criteria and requirements in 19 Administrative Code 97.1071.

The commissioner shall notify in writing each district identified for review under this section as a result of assigned determination level or cyclical selection prior to requiring a district to implement or participate in any activities included in 19 Administrative Code 97.1071(f)(1)–(6).

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 74.28 and Education Code sections 28.006 and 38.003 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

19 TAC 97.1071(c), (g), (h)

Intervention Pause

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

1. A partnership as defined by 19 Administrative Code 97.1077(a)(2), (b), or (c) of this title [see ELA]; or

2. Designation as a mathematics innovation zone under Education Code 28.020 and applicable rules.

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

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

19 TAC 97.1062

Failure to Submit Emergency Operations Plan

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

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

Student Board Member

Notwithstanding Education Code 11.051(b) (number of trustees on a school board), the board may adopt a resolution establishing as a nonvoting member a student trustee position. If a board adopts such a resolution, the board shall adopt a policy addressing the topics specified in statute. *Education Code 11.0511*

Note: If the district is subject to a court order or other binding legal determination, the district shall conduct its elections in accordance with that court order or determination, applicable law, and this policy. To the extent of any conflict, the court order or other legal determination shall prevail. [See BBB(LOCAL)]

Resignation

To be effective, a board member's resignation must be in writing and signed by the board member and delivered to the presiding officer of the board. A board may not refuse to accept a resignation. *Election Code 201.001*

Effective Date

If a board member submits a resignation, whether to be effective immediately or at a future date, a vacancy occurs on the date the resignation is accepted by the board or on the eighth day after the date of its receipt by the board, whichever is earlier. *Election Code 201.023*

Holdover Doctrine

All public officers shall continue to perform the duties of their offices until their successors shall be duly qualified (i.e., sworn in). Until the vacancy created by a board member's resignation is filled by a successor, the board member continues to serve and have the duties and powers of office and continues to be subject to the nepotism provisions. A holdover board member may not vote on the appointment of his or her successor. *Tex. Const., Art. XVI, Sec. 17; Atty. Gen. Ops. JM-636 (1987), O-6259 (1945)* [See DBE for more information on nepotism]

Residency

A person elected or appointed to serve as a board member must remain a resident of the district throughout the term of office. A board member who ceases to reside in the district vacates the office. *Tex. Const., Art. XVI, Sec. 14; Prince v. Inman, 280 S.W.2d 779 (Tex. Civ. App.—Beaumont 1955, no writ); Whitmarsh v. Buckley, 324 S.W.2d 298 (Tex. Civ. App.—Houston 1959, no writ)* [See BBA]

Single-Member District

A trustee vacates the office if the trustee ceases to reside in the district the trustee represents. *Education Code 11.052(g)*

Filling a Vacancy

If a vacancy occurs on the board, the remaining board members may fill the vacancy by appointment until the next trustee election, or may order a special election to fill the vacancy. If more than one year remains in the term of the position vacated, the vacancy shall be filled not later than the 180th day after the date the vacancy occurs. *Education Code 11.060*

Appointment

To be eligible to be appointed to a board, a person must have the qualifications set forth at Election Code 141.001(a). *Election Code 141.001(a)* [See BBA]

Special Election

A special election to fill a vacancy shall be conducted in the same manner as the district's general election. *Education Code 11.060(c)*

An election to fill a vacancy shall be to fill the unexpired term only. *Tex. Const. Art. XVI, Sec. 27*

Date of Election

A special election to fill a vacancy shall be held on an authorized uniform election date occurring within the required period after the vacancy occurs. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period. *Election Code 41.001(a), .004(a); Atty. Gen. Op. KP-102 (2016)* [See BBB]

Ordering Election

If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. *Election Code 201.051(a)*

Except as otherwise provided by the Election Code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. *Election Code 201.052(a)*

If the special election is to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th day before election day. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years. *Election Code 41.002, 201.051*

Officer's Statement and Oath

For requirements regarding the officer's statement and oath of office, see BBBB(LEGAL).

Former Board Member Employment

A trustee may not accept employment with the district until the first anniversary of the date the trustee's membership on a board ends. *Education Code 11.063*

Involuntary Removal from Office

Quo Warranto

On his or her own motion or at the request of an individual, the attorney general or the county or district attorney may petition the district court for leave to file an information in the nature of quo warranto. An action in the nature of quo warranto is available if:

1. A person usurps, intrudes into, or unlawfully holds or executes an office; or
2. A public officer does an act or allows an act that by law causes forfeiture of office.

If the person against whom the information is filed is found guilty as charged, the court:

1. Shall enter judgment removing the person from the office and for the costs of prosecution; and

2. May fine the person for usurping, intruding into, or unlawfully holding and executing the office.

Civ. Prac. & Rem. Code 66.001–.003

Removal by Petition and Trial

A proceeding for the removal of a board member is begun by filing a written petition for removal in district court of the county in which the board member resides. A resident of the state who has lived for at least six months in the county in which the petition is to be filed and who is not currently under indictment in the county may file a petition. *Local Gov't Code 87.015*

Reasons for Removal

A board member may be removed from office for:

1. "Incompetency," which means:

   a. Gross ignorance of official duties;

   b. Gross carelessness in the discharge of those duties; or

   c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.

2. "Official misconduct," which means intentional, unlawful behavior relating to official duties by a board member entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a board member to perform a duty imposed on the board member by law.

3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician.

4. Conviction of a board member by a jury for any felony or for misdemeanor official misconduct. The conviction of a public officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

Tex. Const., Art. V, Sec. 24; Local Gov't Code 87.011, .012(14), .013, .031

Removal for Purchasing Violations

See CH for information regarding removal for purchasing violations.

Temporary Replacement of Board Member on Military Active Duty

A board member who enters active duty in the armed forces of the United States as a result of being called to duty, drafted, or activated does not vacate the office held, but the board may appoint a replacement to serve as a temporary board member if the elected or appointed board member will be on active duty for longer than 30 days.

The board member who is temporarily replaced may recommend to the board the name of a person to temporarily fill the office. The board shall appoint the temporary board member to begin service on the date specified in writing by the board member being temporarily replaced as the date the board member will enter active military service.

A temporary board member has all the powers, privileges, and duties of the office as the board member who is temporarily replaced. A temporary board member shall perform the duties of office for the shorter period of:

1. The term of the active military service of the board member who is temporarily replaced; or
2. The term of office of the board member who is temporarily replaced.

“Armed forces of the United States” means the United States Army, the United States Navy, the United States Air Force, the United States Marine Corps, the United States Coast Guard, any reserve or auxiliary component of any of those services, or the National Guard.

Tex. Const., Art. XVI, Sec. 72

Framework for School Board Development

Preamble: The mission of the public education system of this state is to ensure that all Texas children have access to a quality education that enables them to achieve their potential and fully participate now and in the future in the social, economic, and educational opportunities of our state and nation (Education Code 4.001).

The board of trustees is the governing body for Texas public schools. To effectively meet the challenges of public education, school boards and superintendents must function together as a governance leadership team. Each leadership team will annually assess its development needs both as a corporate body and as individuals. As a team, they will focus on the improvement of locally developed student outcomes and provide support for opportunities and experiences through vision and goals, systems and processes, progress and accountability, advocacy and engagement, and synergy and teamwork. Teams ensure that their districts provide equitable and effective educational programs and services for all students. The Framework for School Board Development has been approved by the State Board of Education to provide the critical areas of development for all public school boards.

1. Vision and Goals — The board ensures creation of a shared vision and locally developed, measurable goals that improve student outcomes and provide support for opportunities and experiences. The board:

    - Keeps the district focus on the well-being of all children.
    - Adopts a shared vision that incorporates input from the community to reflect local aspirations as well as present and future needs for all children.
    - Ensures that the vision aligns with the state's mission, objectives, and goals for education established by law and/or rule.
    - Adopts a reasonable number of specific, quantifiable, research-based, and time-bound goals that align with state law, are developed with community input, and support the vision to improve student outcomes.
    - Embraces, supports, and fulfills the vision that all students receive what they need to learn, thrive, and grow, including resources, opportunities, and experiences.
    - Uses the vision and goals to drive all deliberations, decisions, and actions.

2. Systems and Processes — The board ensures systems and processes are in place to accomplish the vision and goals. The board:

    - Regularly develops, reviews, and adopts board policies for effective support of the district's vision and goals.
    - Approves a budget that aligns with and maximizes resources to fulfill the district's vision and goals.
    - Monitors multiple, measurable elements of student progress and achievement throughout the year.

- Incorporates equity when making decisions and evaluating systems and processes.
- Focuses its actions on following board operating procedures while providing oversight of the superintendent, policymaking, planning and goal setting, progress monitoring, and evaluation, while avoiding involvement in daily operations and management.
- Approves goals, policies, and programs that ensure a safe and secure learning environment.
- Ensures the equitable distribution of resources, opportunities, and experiences based on the diverse needs of students and schools.
- Adopts a planning calendar and engages in a decision-making process consistent with state law and rule to help achieve the district's vision.
- Ensures that the district's planning and decision-making process enables all segments of the community, families, and staff to meaningfully contribute to achieving the district's vision.
- Welcomes and values all people and cultures as important stakeholders in the process for student success.
- Ensures the district has a system that monitors for sound business and fiscal practices.
- Adopts policies regarding hiring, assigning, appraising, terminating, and compensating school district personnel in compliance with state laws and rules.
- Ensures the district adopts a protocol regarding the recruitment, determination of professional development needs, building of leadership capacity, and retention rates for the district's teachers.
- Fulfills the statutory duties of the local board of trustees and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.

3. Progress and Accountability — The board sets clear goals, provides resources and support, evaluates goal attainment, and engages in ongoing objective feedback on progress and commitments. The board:

   - Holds itself accountable to its adopted vision, goals, commitments, and operating procedures.
   - Ensures progress toward achievement of district goals through systematic, timely, and comprehensive review of relevant reports and student data that illustrate progress toward locally developed student outcome goals.
   - Ensures equity throughout the system by regularly identifying inequities, updating policies, and appropriately distributing resources.

- Differentiates among resources, intermediate measures, and outcomes, especially when focusing on student outcomes.
- Monitors and evaluates the allocation of resources in support of the district's vision and goals and sustainability.
- Reviews the efficiency and effectiveness of district operations and use of resources in supporting the district's vision and goals.
- Employs and annually evaluates the superintendent on the achievement of district goals, including locally developed academic goals, demonstration of educational leadership, and management of daily operations.

4. Advocacy and Engagement — The board promotes the vision and engages the community in developing and fulfilling the vision. The board advocates on behalf of Texas public schoolchildren. The board:

   - Demonstrates its commitment to, and advocates on behalf of, the shared vision and goals by clearly communicating them to the superintendent, staff, and community.
   - Regularly reports district progress to families and the community, which could include an online dashboard for the community.
   - Ensures multiple forms of two-way communication will be used to engage, empower, and connect students, families, staff, media, and community with the district.
   - Builds collaborative relationships and partnerships with families and community, business, nonprofit, higher-education, education support organizations, and governmental leaders to influence and expand educational opportunities and meet the needs of students.
   - Recognizes the respective roles of and provides input and feedback to the legislature, State Board of Education, and the Texas Education Agency to ensure maximum effectiveness and benefit to Texas schoolchildren.
   - Promotes school board service by educating the community about the role of a school board and encouraging leadership opportunities within the community.

5. Synergy and Teamwork — The board's duties are distinct, and the board works effectively as a collaborative unit and as a team with the superintendent to lead the district in fulfilling the vision and goals. The board:

   - Recognizes its distinct role in establishing the vision and the goals, adopting policies that guide the district, setting priorities, establishing governance protocols to oversee management of the district, adopting and overseeing the annual budget, and hiring and evaluating the superintendent.
   - Recognizes each individual trustee's duty as a trustee and fiduciary for the entire district.

- Remains focused on its goals and priorities, as opposed to individual agendas separate and apart from the shared vision.
- Annually evaluates its performance as a team, with attention given to the district's vision and goals; fulfilling the board's duties, responsibilities, and commitments; and the board's working relationship with the superintendent.
- Makes decisions as a whole only at properly called meetings and recognizes that individual members have no authority to take individual action in policy or district and campus administrative matters.
- Respects the right of individual members to express their viewpoints and vote their convictions and honors the decisions of the majority.
- Develops teamwork, problem-solving, and decision-making skills as a team with its superintendent.
- Understands and adheres to laws and local policies and respects the superintendent's responsibility to manage the school district and to direct employees in district and campus matters.
- Adopts and adheres to established policies and procedures for welcoming and addressing ideas and concerns from students, families, staff, and the community.
- Establishes and follows local policies, procedures, and ethical standards governing the conduct and operations of the board.
- Understands the leadership role of the board president and adheres to local policies and procedures about the duties and responsibilities of the board officers.

Adopted by the State Board of Education, January 1996, as authorized by 19 TAC 61.1(a); revised November 20, 2020.

Suspension Without Pay

For good cause, as determined by the board, the board may suspend a superintendent without pay for a period not to extend beyond the end of the school year pending discharge or in lieu of termination. *Education Code 21.201(1), .211(b)*

Back Pay

A superintendent who is not discharged after being suspended without pay pending discharge is entitled to back pay for the period of suspension. *Education Code 21.211(c)*

Contract Termination

The board may terminate a term contract and discharge the superintendent at any time for good cause as determined by the board. *Education Code 21.211(a), .212(d)*

Due Process

Before dismissal for good cause, a superintendent shall be given notice of the charges against him or her, an explanation of the district's evidence, and an opportunity to respond. *Cleveland Bd. of Educ. v. Loudermill, 470 U.S. 532, 546 (1985)*

Hearing on Proposed Suspension or Termination

Education Code Chapter 21, Subchapter F (Hearings before Hearing Examiners) applies if a superintendent requests a hearing after receiving notice of the proposed decision to terminate the superintendent's term contract before the end of the contract period or suspend the superintendent without pay. *Education Code 21.251(a)(2)–(3)*

The superintendent must file a written request for a hearing under Subchapter F with the commissioner not later than the 15th day after the date the superintendent receives written notice of the proposed action. The superintendent must provide the district with a copy of the request and must provide the commissioner with a copy of the notice. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. *Education Code 21.253* [See DFD]

Severance Payments

Definition

"Severance payment" means any amount paid by a board to or in behalf of a superintendent on early termination of the superintendent's contract that exceeds the amount earned by the superintendent under the contract as of the date of termination, including any amount that exceeds the amount of earned standard salary and benefits that is paid as a condition of early termination of the contract. Payments to a former superintendent who remains employed by a district in another capacity or contracts with a district to provide the district services may be severance payments in whole or in part if the payments are compensation for the early termination of a prior employment agreement. Severance payments include any payment for actual or threatened litigation involving or related to the employment contract. *Education Code 11.201(c); 19 TAC 105.1021(a)(1)*

Duty to Report

The board that makes a severance payment to a superintendent shall report the terms of the severance payment to the commissioner. *Education Code 11.201(c)*

A district that makes a payment of any kind to a departing superintendent must file with the Texas Education Agency (TEA) a Superintendent Payment Disclosure Form. No form is required to be filed for a payment already earned and payable under the terms of a terminated employment contract, such as a payment for accrued vacation.

The form must be filed by the 60th day after the district executes the agreement to make the payment or the 60th day after any payment under such an agreement, whichever is sooner. The interim superintendent, new superintendent, or board president is responsible for timely filing the Superintendent Payment Disclosure Form. Filing of the disclosure form is required regardless of whether a district considers a payment to be a severance payment as that term is defined above.

Compliance with the reporting requirements of these provisions is considered part of the district's compliance with required financial accounting practices under Education Code 39.057(a)(4). Failure to comply may result in sanctions as authorized by Education Code 39.057(d) and (e).

Required Documentation

A district must enclose with the submitted Superintendent Payment Disclosure Form a copy of the superintendent employment contract and a copy of the termination or severance agreement. A district must provide the commissioner with any information or documentation that the commissioner requests to determine whether a payment to a departing superintendent is a severance payment and whether a district is subject to reductions in Foundation School Program (FSP) funding under 19 Administrative Code 105.1021.

19 TAC 105.1021(b), (d)

Reduction of State Funds

The commissioner shall reduce a district's FSP funds by any amount that the severance payment exceeds one year's salary and benefits under the superintendent's terminated contract. The commissioner will reduce the district's FSP funding for the school year following the school year in which the first payment requiring an FSP reduction is made to the former superintendent. The commissioner also will reduce the district's FSP funding in the school year following each school year that any additional payment requiring an FSP reduction is made to the former superintendent. If a district's liability to the state exceeds the total of the district's estimated payments of FSP funding for the remainder of the school

year, the district is subject to reductions in its FSP funding for subsequent school years until the liability has been fully liquidated.

A reduction in FSP funding under these provisions does not affect a district's obligation to comply with all provisions of Education Code Chapter 48, including its obligation under that chapter to provide educational services to special populations.

19 TAC 105.1021(c); Education Code 11.201(c)

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 Disclosures and Contracts
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

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

Retirement and Insurance Contributions

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

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

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

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

Block Grant Funds

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

Education Department General Administrative Regulations (EDGAR)

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

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

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

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

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

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts, as described in 2 C.F.R. 200.101 (Applicability). *2 C.F.R. 200.1 (Definitions), .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 ED'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., ED) 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*

Procurement Standards

District Procedures

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.

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

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]

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

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

Financial Management

The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by 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

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*

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

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

(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;

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)

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 documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements. *2 C.F.R. 200.318(e)*

Minority, Small, and Women's Businesses

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;

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;

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*

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

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).

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-

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 ED. *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 ED. *34 C.F.R. 76.1*

General Education Provision Act

The regulations in 34 C.F.R. Part 81 govern the enforcement of legal requirements under applicable programs administered by the ED and implement Part E of the General Education Provisions Act (GEPA). *34 C.F.R. 81.1*

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

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

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

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

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

For information on procuring school buses, see CNB.

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

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

Board Authority

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

Delegation of Authority

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

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

Disaster Delegation

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

Education Code 44.0312

Purchases Valued at or Above $50,000

Methods

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

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

Education Code 44.031(a)

Exceptions

Emergency Damage or Destruction

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

Sole Source

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

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

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

Education Code 44.031(j)–(k)

Competitive Bidding

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

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

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

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

Education Code 44.0351

Competitive Sealed Proposals

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

Request for Proposals

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

Opening Proposals

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

Selection

The district shall select the offeror that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. The district may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to

negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the selection ranking until a contract is reached or all proposals are rejected.

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

Education Code 44.0352

Interlocal Contracts

"Interlocal contract" means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). A district may contract or agree with another local government or a federally recognized Indian tribe, as listed by the U.S. secretary of the interior under 25 U.S.C. 479a-1, whose reservation is located within the boundaries of this state to perform governmental functions and services in accordance with Government Code Chapter 791. A district may agree with another local government and with the state or a state agency, including the comptroller, to purchase goods and services. *Gov't Code 791.003(2), .011(a), .025(a)*

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract;

2. State the purpose, terms, rights, and duties of the contracting parties; and

3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

An interlocal contractual payment must be in an amount that fairly compensates the performing party for the services or functions performed under the contract. An interlocal contract may be renewed. Notwithstanding item 2 above, an interlocal contract may have a specified term of years.

Gov't Code 791.011(d)–(f), (i)

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

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

Reverse Auction

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

"Reverse auction procedure" means:

1. A real-time bidding process usually lasting less than one hour and taking place at a previously scheduled time and internet location, in which multiple suppliers, anonymous to each other, submit bids to provide the designated goods or services; or

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

Gov't Code 2155.062(d)

Site-Based Purchasing

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

Contract Selection Factors

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

1. The purchase price.

2. The reputation of the vendor and of the vendor's goods or services.

3. The quality of the vendor's goods or services.

4. The extent to which the goods or services meet the district's needs.

5. The vendor's past relationship with the district.

6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.

7. The total long-term cost to the district to acquire the vendor's goods or services.

8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.

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

Education Code 44.031(b)

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

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

Preferences

Agricultural Products

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

"Agricultural products" includes textiles and other similar products.

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

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

Vegetation for Landscaping

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

Education Code 44.042

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

Recycled Products

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

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

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

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

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

Health and Safety Code 361.426(b)–(c)

Bidder's Place of Business

In awarding a contract by competitive sealed bid under Education Code 44.031, a district that has its central administrative office located in a municipality with a population of less than 250,000 may consider a bidder's principal place of business in the manner provided by Local Government Code Section 271.9051. This provision

does not apply to the purchase of telecommunications services or information services, as those terms are defined by 47 U.S.C. 153. *Education Code 44.031(b-1)*

Notice Publication

Notice of the time by when and place where the bids or proposals, or the responses to a request for qualifications, will be received and opened shall be published in the county in which the district's central administrative office is located, once a week for at least two weeks before the deadline for receiving bids, proposals, or responses to a request for qualifications. If there is not a newspaper in that county, the advertising shall be published in a newspaper in the county nearest the county seat of the county in which a district's central administrative office is located. In a two-step procurement process, the time and place where the second-step bids, proposals, or responses will be received are not required to be published separately. *Education Code 44.031(g)*

Electronic Bids or Proposals

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

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

Education Code 44.0313

Right to Work

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

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

Education Code 44.043

Contract with Person Indebted to District

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

award a contract to or enter into a transaction with an apparent low bidder or successful proposer that is indebted to the district.

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

Education Code 44.044

Out-of-State Bidders

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

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

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

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

Gov't Code 2252.001

Professional Services

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

Professional Services Procurement Act

Selection

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

Definition

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing;

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

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

Gov't Code 2254.002

[For specific information on procuring architectural or engineering services, see CV.]

Contingent Fee Contract for Legal Services

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

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

2. Entered into under Tax Code 6.30 (delinquent tax collection) [see CCGA(LEGAL)] or Government Code 1201.027 (issuance of public securities) [see CCA(LEGAL)], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

Gov't Code 2254.102

A district may select an attorney or law firm to award a contingent fee contract only in accordance with Government Code 2254.003(a) (Professional Services Procurement Act) [see Selection, above] and Government Code 2254.1032.

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

1. Select a well-qualified attorney or law firm on the basis of demonstrated competence, qualifications, and experience in the requested services; and
2. Attempt to negotiate a contract with that attorney or law firm for a fair and reasonable price.

Gov't Code 2254.1032

Specific Purchases

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

Automated Information System — A district may purchase an automated information system using the purchasing method described by Government Code 2157.068 for commodity items or a purchasing method designated by the comptroller to obtain the best value for the state, including a request for offers method. A district that purchases an item using a method described above satisfies any state law requiring the district to seek competitive bids for the purchase of the item. *Gov't Code 2157.006; 34 TAC 20.391*

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

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

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

Other Purchasing Methods

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

State Purchasing Program

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

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

Local Gov't Code 271.082

District Participation

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

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

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

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

Local Gov't Code 271.083

Multiple Award Contract Schedule

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

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

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

Gov't Code 2155.504

Cooperative Purchasing Program

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

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

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

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

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

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

Cooperative Purchasing Contract Fees

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

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

Education Code 44.0331

Commitment of Current Revenue

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

Change Orders

For provisions regarding change orders, see CV.

Criminal Offenses

An officer, employee, or agent of a district commits an offense if the person with criminal negligence makes or authorizes separate, sequential, or component purchases to avoid the requirements of Education Code 44.031(a) or (b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude.

"Component purchases" means purchases of the component parts of an item that in normal purchasing practices would be made in one purchase. "Separate purchases" means purchases, made separately, of items that in normal purchasing practices would be made in one purchase. "Sequential purchases" means purchases, made over a period, of items that in normal purchasing practices would be made in one purchase.

Education Code 44.032(a)–(b)

An officer, employee, or agent of a district commits an offense if the person with criminal negligence violates Education Code 44.031(a) or (b) other than by conduct described by Education Code 44.032(b). An offense under this provision is a Class B misdemeanor and is an offense involving moral turpitude. *Education Code 44.032(c)*

An officer or employee of a district commits an offense if the officer or employee knowingly violates Education Code 44.031, other than by conduct described by Education Code 44.032(b) or (c). An offense under this provision is a Class C misdemeanor. *Education Code 44.032(d)*

Removal from Office

The final conviction of a person other than a trustee of a district for an offense under Education Code 44.032(b) or (c) above results in the immediate removal from office or employment of that person. A trustee who is convicted of an offense under Education Code 44.032 is considered to have committed official misconduct for purposes of Local Government Code Chapter 87, and is subject to removal as provided by that chapter and Texas Constitution Article V, Section 24. For four years after the date of the final conviction, the removed person is ineligible to be a candidate for or to be appointed or elected to a public office in Texas, is ineligible to be employed by or act as an agent for the state or a political subdivision of the state, and is ineligible to receive any compensation through a contract with the state or a political subdivision of the state. *Education Code 44.032(e)*

Injunction

A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, district attorney, criminal district attorney, citizen of the county in which the district is located, or any interested party may bring an action for an injunction. A party who prevails in an action brought under this provision is entitled to reasonable attorney's fees as approved by the court. *Education Code 44.032(f)*

Purchasing Authority

The Board delegates to the Superintendent or purchasing director the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs, in the aggregate, $75,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Exceptions

Renewal of contracts shall not require Board approval unless material changes occur after the initial approval. [See CH(REGULATION)]

The Board delegates to the Superintendent or purchasing director authority to accept or reject all bids and proposals for the purchase of food items.

A purchase utilizing an interlocal contract, or a cooperative or state purchasing program approved by the Board, shall be approved by the Superintendent or purchasing director.

Exception for Emergency Contracts

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

Purchasing Procedures

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

Purchasing Method

The Board delegates to the Superintendent or purchasing director the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the Superintendent or purchasing director shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time

for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids in accordance with state or federal law, as applicable.

Competitive Sealed Proposals

If competitive sealed proposals are chosen as the purchasing method, the Superintendent or purchasing director shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

Unsealed Competitive Proposals

A request for proposals may also be used as a procurement option to generate an unsealed competitive proposal. In this instance, the District may open the proposal upon receipt and begin the negotiation process for the goods or services. Results of such negotiations shall be made public after the contract has been awarded.

Electronic Bids or Proposals

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

The Board authorizes the use of Oracle iSourcing to transmit and receive electronic bids and proposals.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments shall be made by the Superintendent or purchasing director in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

Historically Under-Utilized Business Program

The Board supports a historically under-utilized business program that ensures that the District will promote and encourage the participation of minority-owned businesses, women-owned businesses, and small businesses in the purchasing of all goods and services, including all construction services. The Superintendent and/or staff shall implement a business program to ensure that small, women-owned, and minority businesses are informed of current and future purchasing activities and that goals of this program are achieved.

Implementation

Nothing herein shall be construed to authorize or require expenditure of funds for goods and services apart from normal statutory purchasing processes.

Definitions

For the purpose of this action plan:

- "Small business" is defined as a concern that is independently owned and operated and that is not dominant in its field of operation. The business employs fewer than 50 employees and/or has less than $3 million in annual business volume from this local operation.
- "Minority business" is a business concern that is at least 51 percent owned by one or more minority individual(s) or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more of the minority individual(s) and whose management and daily business operations are controlled by one or more of the minority individual(s) who own it. "Minority individuals" means residents of the United States who are members of the following groups: African Americans, Hispanics, American Indians, Asian Americans, Alaska natives, Pacific Islanders, and other individuals found to be economically and socially disadvantaged by the Small Business Administration under section (a) of the Small Business Act.
- "Women business enterprise" means a business concern that follows the same guidelines as a minority business enterprise but that is owned by women.
- "Certification." Any business wishing to be identified by the District as a small, women-owned, or minority business shall be certified. [See CH(REGULATION)]

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

Required Vendor Disclosures

Disclosure of Interested Parties

A district may not enter into a contract described below with a business entity unless the business entity submits a disclosure of interested parties to the district at the time the business entity submits the signed contract to the district.

The requirement above applies only to a contract of a district that:

1. Requires an action or vote by the board before the contract may be signed;
2. Has a value of at least $1 million; or
3. Is for services that would require a person to register as a lobbyist under Government Code Chapter 305.

Gov't Code 2252.908

A contract does not require an action or vote by the board if the board has legal authority to delegate to its staff the authority to execute the contract, the board has delegated this authority, and the board does not participate in the selection of the business entity with which the contract is entered into. *1 TAC 46.1(c)*

Exclusions

The disclosure requirement does not apply to a contract with:

1. A publicly traded business entity, including a wholly owned subsidiary of the entity;
2. An electric utility, as defined by Utilities Code 31.002; or
3. A gas utility, as defined by Utilities Code 121.001.

Gov't Code 2252.908(c)(4)–(6)

Required Form

The disclosure of interested parties must be submitted on a form prescribed by the Texas Ethics Commission (TEC) that includes a list of each interested party for the contract of which the contracting business entity is aware; and a written, unsworn declaration subscribed by the authorized agent of the contracting business entity as true under penalty of perjury that is in substantially the form set out in Government Code 2252.908(e)(2). *Gov't Code 2252.908(e); 1 TAC 46.5(a)*

The certification of filing and the completed disclosure of interested parties form generated by TEC's electronic filing application must be printed, signed by an authorized agent of the contracting business entity, and submitted to the district that is the party to the contract for which the form is being filed. *1 TAC 46.5(b)*

Deadline

A district that receives a completed disclosure of interested parties form and certification of filing shall notify TEC, in an electronic format prescribed by TEC, of the receipt of those documents not later than the 30th day after the date the board receives the disclosure. *1 TAC 46.5(c); Gov't Code 2252.908(f)*

Contract Changes

The disclosure requirements do not apply to a change made to an existing contract, including an amendment, change order, or extension of a contract except as set out below.

The disclosure requirements apply to a change made to an existing contract, including an amendment, change order, or extension of a contract if:

1. A disclosure of interested parties form was not filed for the existing contract; and either the changed contract requires an action or vote by the board or the value of the changed contract is at least $1 million; or

2. The business entity submitted a disclosure of interested parties form to the district that is a party to the existing contract; and either there is a change to the disclosure; or the changed contract requires an action or vote by the board; or the value of the changed contract is at least $1 million greater than the value of the existing contract.

1 TAC 46.4

Definitions

"Contract" means a contract between a board and a business entity at the time it is voted on by the board or at the time it binds the board, whichever is earlier, and includes an amended, extended, or renewed contract. *1 TAC 46.3(a)*

"Business entity" means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. The term includes an entity through which business is conducted with a district, regardless of whether the entity is a for-profit or nonprofit entity, and does not include a governmental entity or state agency. *Gov't Code 2252.908(a)(1); 1 TAC 46.3(b)*

"Interested party" means a person who has a controlling interest in a business entity with whom a district contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity. *Gov't Code 2252.908(a)(3); 1 TAC 46.3(d), (e)*

"Controlling interest" means:

1. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds ten percent;

2. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than ten members; or

3. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. This provision does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

1 TAC 46.3(c)

"Signed" includes any symbol executed or adopted by a person with present intention to authenticate a writing, including an electronic signature. *1 TAC 46.3(f)*

"Value" of a contract is based on the amount of consideration received or to be received by the business entity from the district under the contract. *1 TAC 46.3(g)*

Conflict of Interest Questionnaire

Note: See BBFA for additional information applicable to disclosures under Local Government Code Chapter 176, including:

- Definitions;
- Conflicts disclosure statements required to be filed by certain local government officers, including vendors who are also local government officers; and
- Internet posting requirements for conflicts disclosure statements and questionnaires.

A vendor shall file a completed conflict of interest questionnaire if the vendor has a business relationship with the district and:

1. Has an employment or other business relationship with a local government officer of the district, or a family member of the officer, described by Local Government Code 176.003(a)(2)(A);

2. Has given a local government officer of the district, or a family member of the officer, one or more gifts with the aggregate value specified by Local Government Code 176.003(a)(2)(B), excluding any gift described by Local Government Code 176.003(a-1); or

3. Has a family relationship with a local government officer of the district.

Local Gov't Code 176.006(a)

The completed conflict of interest questionnaire must be filed with the appropriate records administrator not later than the seventh business day after the later of:

1. The date that the vendor:
    a. Begins discussions or negotiations to enter into a contract with a district;
    b. Submits to the district an application, response to a request for proposals or bids, correspondence, or another writing related to a potential contract with the district; or
2. The date the vendor becomes aware:
    a. Of an employment or other business relationship with a local government officer, or a family member of the officer described by Local Government Code 176.006(a);
    b. That the person has given one or more gifts described by Local Government Code 176.006(a); or
    c. Of a family relationship with a local government officer.

Local Gov't Code 176.006(a-1)

Updating Incomplete or Inaccurate Questionnaires

A vendor shall file an updated completed questionnaire with the appropriate records administrator not later than the seventh business day after the date on which the vendor becomes aware of an event that would make a statement in the questionnaire incomplete or inaccurate. *Local Gov't Code 176.006(d)*

Validity of Contract

The validity of a contract between a vendor and the district is not affected solely because the vendor fails to comply with these requirements. *Local Gov't Code 176.006(i)*

Required Contract Provisions

No Israel Boycott

A district may not enter into a contract with a company for goods and services unless the contract contains a written verification from the company that it does not boycott Israel and will not during the term of the contract.

The requirement above applies only to a contract that:

1. Is between a district and a company with ten or more full-time employees; and

2. Has a value of $100,000 or more that is to be paid wholly or partly from public funds of the district.

Gov't Code 2271.002

"Company" has the meaning assigned by Government Code 808.001, except that the term does not include a sole proprietorship. *Gov't Code 2271.001(2)*

Retention of Contracting Information

These provisions apply to a contract that:

1. Has a stated expenditure of at least $1 million in public funds for the purchase of goods or services by the district; or

2. Results in the expenditure of at least $1 million in public funds for the purchase of goods or services by the district in a fiscal year of the district.

Application

A board may not accept a bid for a contract described above or award the contract to an entity that the board has determined has knowingly or intentionally failed to comply with Government Code Chapter 552, Subchapter J (Additional Provisions Relating to Contracting Information) in a previous bid or contract described above unless the board determines and documents that the entity has taken adequate steps to ensure future compliance with the requirements of that subchapter. [For additional information and requirements, see GBA and GBAA.]

Requirements

A contract described above must require a contracting entity to:

1. Preserve all contracting information related to the contract as provided by the records retention requirements applicable to the district for the duration of the contract;

2. Promptly provide to the district any contracting information related to the contract that is in the custody or possession of the entity on request of the district; and

3. On completion of the contract, either:

    a. Provide at no cost to the district all contracting information related to the contract that is in the custody or possession of the entity; or

    b. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the district.

Bid and Contract Language

Except as described at Exception, below, a bid for a contract described above and the contract must include the following statement: "The requirements of Subchapter J, Chapter 552, Government Code, may apply to this (include "bid" or "contract" as

applicable) and the contractor or vendor agrees that the contract can be terminated if the contractor or vendor knowingly or intentionally fails to comply with a requirement of that subchapter."

Notice of Noncompliance

A board that is the party to a contract described above shall provide notice to the entity that is a party to the contract if the entity fails to comply with a requirement of Government Code Chapter 552, Subchapter J applicable to the entity. The notice must:

1. Be in writing;
2. State the requirement that the entity has violated; and
3. Unless the exception described below applies, advise the entity that the board may terminate the contract without further obligation to the entity if the entity does not cure the violation on or before the tenth business day after the date the board provides the notice.

Contract Termination

Except as provided below, a governmental body may terminate a contract described above if:

1. The board provides the required notice to the entity that is party to the contract;
2. The contracting entity does not cure the violation in the prescribed period;
3. The board determines that the contracting entity has intentionally or knowingly failed to comply with a requirement of Government Code Chapter 552, Subchapter J; and
4. The board determines that the entity has not taken adequate steps to ensure future compliance with the requirements of that subchapter.

An entity has taken adequate steps to ensure future compliance with Government Code Chapter 552, Subchapter J if:

1. The entity produces contracting information requested by the board that is in the custody or possession of the entity not later than the tenth business day after the date the board makes the request; and
2. The entity establishes a records management program to enable the entity to comply with Government Code Chapter 552, Subchapter J.

Exception

A board may not terminate a contract under these provisions if the contract is related to the purchase or underwriting of a public security, the contract is or may be used as collateral on a loan, or the

contract's proceeds are used to pay debt service of a public security or loan.

Gov't Code 552.371(a), .372–.374 [See GBA]

Prohibitions

Entertainment Event Contracts

A person, including a board, may not include a provision in a contract related to a parade, concert, or other entertainment event paid for in whole or in part with public funds that prohibits or would otherwise prevent the disclosure of information relating to the receipt or expenditure of public or other funds by a board for the event. A contract provision that violates Government Code 552.104(c) is void. *Gov't Code 552.104(c)* [See GBA for information related to competition or bidding.]

Taxpayer Resource Transactions

A district may not enter into a taxpayer resource transaction with an abortion provider or an affiliate of an abortion provider. *Gov't Code 2272.003(a)*

"Taxpayer resource transaction" means a sale, purchase, lease, donation of money, goods, services, or real property, or any other transaction between a governmental entity and a private entity that provides to the private entity something of value derived from state or local tax revenue, regardless of whether the governmental entity receives something of value in return.

"Affiliate" means a person or entity who enters into with another person or entity a legal relationship created or governed by at least one written instrument, including a certificate of formation, a franchise agreement, standards of affiliation, bylaws, or a license, that demonstrates:

1. Common ownership, management, or control between the parties to the relationship;
2. A franchise granted by the person or entity to the affiliate; or
3. The granting or extension of a license or other agreement authorizing the affiliate to use the other person's or entity's brand name, trademark, service mark, or other registered identification mark.

Gov't Code 2272.001(3), (5)

Lobbying Restriction—Tobacco Education Grant Funds

A district receiving funds or grants from the Permanent Fund for Health and Tobacco Education and Enforcement may not use the funds to pay:

1. Lobbying expenses incurred by the district;

2. A person or entity that is required to register with the Texas Ethics Commission under Government Code Chapter 305 (Registration of Lobbyists);

3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by item 2; or

4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067(a)

Prohibited Contracts

A district may not enter into a governmental contract with a company identified on a list prepared and maintained under Government Code 806.051 (now Government Code 2270.0201) (companies with business operations in Sudan), 807.051 (now Government Code 2270.0102) (companies with business operations in Iran), and 2252.153 (companies known to have contracts with or provide supplies or services to foreign terrorist organization). *Gov't Code 2252.152*

"Governmental contract" means a contract awarded by a governmental entity for general construction, an improvement, a service, or a public works project or for a purchase of supplies, materials, or equipment. The term includes a contract to obtain professional services subject to Government Code 2254. *Gov't Code 2252.151(3)*

Reduction of Energy Consumption

The board shall establish a long-range energy plan to reduce the district's annual electric consumption by five percent beginning with the 2008 state fiscal year and consume electricity in subsequent fiscal years in accordance with the district's energy plan. The plan must include:

1. Strategies for achieving energy efficiency that:
    a. Result in net savings for the district; or
    b. Can be achieved without financial cost to the district; and
2. For each strategy identified above, the initial, short-term capital costs and lifetime costs and savings that may result from implementation of the strategy.

A strategy for achieving energy efficiency includes facility design and construction.

In determining whether a strategy may result in financial cost to the district, the board shall consider the total net costs and savings that may occur over the seven-year period following implementation of the strategy.

The board may submit the plan to the State Energy Conservation Office for the purposes of determining whether funds available through loan programs administered by the office or tax incentives administered by the state or federal government are available to the district. The board may not disallow any proper allocation of incentives.

Education Code 44.902

Energy Savings Performance Contracts

"Energy savings performance contract" has the meaning assigned by Local Government Code 302.001.

Each energy or water conservation measure must comply with current local, state, and federal construction, plumbing, and environmental codes and regulations. An energy savings performance contract may not include improvements or equipment that allow or cause water from any condensing, cooling, or industrial process or any system of nonpotable usage over which the public water supply system officials do not have sanitary control, to be returned to the potable water supply.

The board may enter into energy savings performance contracts only with persons who are experienced in the design, implementation, and installation of the energy or water conservation measures addressed by the contract.

Government Code Chapter 2269 (Contracting and Delivery Procedures for Construction Projects) does not apply to energy savings performance contracts.

Performance Bond

Before entering an energy savings performance contract, the board shall require the provider of the energy or water conservation measures to file with the board a payment and performance bond relating to the installation of the measures in accordance with Government Code Chapter 2253 (Public Work Performance and Payment Bonds). The board may also require a separate bond to cover the value of the guaranteed savings on the contract.

Financing

An energy savings performance contract may be financed:

1. Under a lease/purchase contract that has a term not to exceed 20 years from the final date of installation and that meets federal tax requirements for tax-free municipal leasing or long-term financing.
2. With the proceeds of bonds.
3. Under a contract with the provider of the energy or water conservation measures that has a term not to exceed the lesser of 20 years from the final date of installation or the average useful life of the energy or water conservation or usage measures.

Notwithstanding other law, the board may use any available money to pay the provider of the energy or water conservation measures under these provisions, and the board is not required to pay for such costs solely out of the savings realized by the district under an energy savings performance contract. The board may contract with the provider to perform work that is related to, connected with, or otherwise ancillary to the measures identified in the scope of an energy savings performance contract.

An energy savings performance contract shall contain provisions requiring the provider of the energy or water conservation measures to guarantee the amount of the savings to be realized by the district under the contract. If the term of an energy savings performance contract exceeds one year, the district's contractual obligations in any one year during the term of the contract beginning after the final date of installation may not exceed the total energy, water, wastewater, and operating cost savings, including electrical, gas, water, wastewater, or other utility cost savings and operating cost savings resulting from the measures as determined by the district, divided by the number of years in the contract term.

Contract Procurement

An energy savings performance contract shall be let according to the procedures established for professional services by Government Code 2254.004 (the Professional Services Procurement Act). [See CH] Notice of the request for qualifications shall be published in the manner provided for competitive bidding.

Cost Savings Review

Before entering into an energy savings performance contract, the board must require that the cost savings projected by an offeror be reviewed by a licensed professional engineer who has a minimum of three years of experience in energy calculation and review, is not an officer or employee of an offeror for the contract under review, and is not otherwise associated with the contract. In conducting the review, the engineer shall focus primarily on the proposed improvements from an engineering perspective, the methodology and calculations related to cost savings, increases in revenue, and, if applicable, efficiency or accuracy of metering equipment. An engineer who reviews a contract shall maintain the confidentiality of any proprietary information the engineer acquires while reviewing the contract. Occupations Code 1001.053 and 1001.407 (Texas Engineering Practice Act) apply to work performed under the contract.

Education Code 44.901

Recycling Program

A district shall:

1. Establish a program for the separation and collection of all recyclable materials generated by the district's operations.
2. Provide procedures for collecting and storing recyclable materials, containers for recyclable materials, and procedures for making contractual or other arrangements with buyers of recyclable materials.
3. Evaluate the amount of recyclable material recycled and modify the recycling program as necessary to ensure that all recyclable materials are effectively and practicably recycled.
4. Establish educational and incentive programs to encourage maximum employee participation.

Health and Safety Code 361.425; 30 TAC 328.202

Exemptions

These provisions do not apply to a school district with a student enrollment of less than 10,000 students.

A district may exclude one or more recyclable materials from their program if the Texas Commission on Environmental Quality (TCEQ) finds that:

1. A recycling program for a recyclable material is not available through their solid waste provider; or
2. The inclusion of a recyclable material would create a hardship.

A district may request additional consideration from TCEQ if compliance with these provisions would create a hardship.

30 TAC 328.204

Definitions

“Hardship” means a circumstance that causes unreasonable burden on the governmental entity.

“Recyclable material” means a material generated by the entity's operations, including aluminum, steel containers, aseptic packaging and polycoated paperboard cartons, high-grade office paper, and corrugated cardboard.

30 TAC 328.201(2), (3)

Pools

Generally

For required public pool sanitation and safety standards, see Health and Safety Code 341.064 and .0645 and 25 Administrative Code 265.181–.211.

Drains

Each public pool and spa shall comply with the drain cover standards found at 15 U.S.C. Section 8003. “Public pool and spa’’ means a swimming pool or spa that is open to the public generally, whether for a fee or free of charge. *15 U.S.C. 8003*

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Note: For information on the new instructional facilities allotment, see CBA.

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

For information on procuring goods and services under Education Code Chapter 44, see CH.

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

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

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

Definition

"Public work contract" means a contract for constructing, altering, or repairing a public building or carrying out or completing any public work. *Gov't Code 2253.001(4)*

Board Authority

A district may adopt rules as necessary to implement Government Code Chapter 2269. *Gov't Code 2269.051*

Delegation of Authority

The board may delegate its authority under Government Code Chapter 2269 regarding an action authorized or required by Chapter 2269 to a designated representative, committee, or other person.

The district shall provide notice of the delegation, the limits of the delegation, and the name or title of each designated person by rule or in the request for bids, proposals, or qualifications or in an addendum to the request.

Gov't Code 2269.053

[For information regarding delegation in the event of a catastrophe, emergency, or natural disaster, see CH.]

Contracts Valued at or Above $50,000

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

1. An interlocal contract. *Education Code 44.031(a)(4)* [See CH]
2. A method provided by Government Code Chapter 2269 for construction services. *Education Code 44.031(a)(5)*

a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]

b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]

c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]

d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]

e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]

f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]

3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

Education Code 44.031(a); Gov't Code Ch. 2269

Exceptions

Emergency Damage or Destruction

For information on procurement options when school equipment, a facility, or personal property is destroyed or severely damaged as a result of an unforeseen catastrophe or emergency, under Education Code 44.031, see CH.

Contracts Requiring a Bond

A reverse auction procedure may not be used to obtain services related to a public work contract for which a bond is required under Government Code 2253.021 [see Payment and Performance Bonds, below]. "Reverse auction procedure" has the meaning assigned by Government Code 2155.062 or a procedure similar to that described by Section 2155.062. *Gov't Code 2253.021(h)*

Notice Publication

A board shall advertise or publish notice of requests for bids, proposals, or qualifications in a manner prescribed by law.

For a contract entered into by a board under a method provided by Government Code 2269, the board shall publish notice of the time and place the bid or proposal or request for qualifications will be received and opened in a manner prescribed by law.

Gov't Code 2269.052(a)–(b)

[See CH for additional notice publication requirements.]

Contract Selection Criteria

In determining the award of a contract under Government Code Chapter 2269, the district shall consider and apply:

1. Any existing laws, including any criteria, related to historically underutilized businesses; and

2. Any existing laws, rules, or applicable municipal charters, including laws applicable to local governments, related to the use of women, minority, small, or disadvantaged businesses.

In determining the award of a contract, the district may consider:

1. The price.
2. The offeror's experience and reputation.
3. The quality of the offeror's goods or services.
4. The impact on the ability of the district to comply with rules relating to historically underutilized businesses.
5. The offeror's safety record.
6. The offeror's proposed personnel.
7. Whether the offeror's financial capability is appropriate to the size and scope of the project.
8. Any other relevant factor specifically listed in the request for bids, proposals, or qualifications.

Gov't Code 2269.055

Using Method Other Than Competitive Bidding

The board that considers a construction contract using a method authorized by Government Code Chapter 2269 other than competitive bidding must, before advertising, determine which method provides the best value for the district.

Determine Best Value

Publish Criteria

The district shall base its selection among offerors on applicable criteria listed for the particular method used. The district shall publish in the request for proposals or qualifications the criteria that will be used to evaluate the offerors and the applicable weighted value for each criterion.

Make Evaluations Public

The district shall document the basis of its selection and shall make the evaluations public not later than the seventh day after the date the contract is awarded.

Gov't Code 2269.056

Submission

A person who submits a bid, proposal, or qualification to a governmental entity shall seal it before delivery. *Gov't Code 2269.059*

Right to Work

While engaged in procuring goods or services, awarding a contract, or overseeing procurement or construction for a public work or public improvement under Government Code Chapter 2269, a district:

1. May not consider whether a person is a member of or has another relationship with any organization; and

2. Shall ensure that its bid specifications and any subsequent contract or other agreement do not deny or diminish the right of a person to work because of the person's membership or other relationship status with respect to an organization.

Gov't Code 2269.054

Collective Bargaining

A district awarding a public work contract funded with state money, including the issuance of debt guaranteed by the state, may not:

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or

2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

Gov't Code 2269.0541(a)

Out-of-State Bidders

For legal requirements regarding out-of-state bidders, see CH.

Change Orders

If a change in plans or specifications is necessary after the performance of a contract is begun or if it is necessary to decrease or increase the quantity of work to be performed or of materials, equipment, or supplies to be furnished, the district may approve change orders making the changes. The district may grant general authority to an administrative official to approve the change orders.

The total contract price may not be increased because of the changes unless additional money for increased costs is approved for that purpose from available money or is provided for by the authorization of the issuance of time warrants.

A contract with an original contract price of $1 million or more may not be increased by more than 25 percent. If a change order for a contract with an original contract price of less than $1 million increases the contract amount to $1 million or more, the total of the subsequent change orders may not increase the revised contract amount by more than 25 percent of the original contract price.

Education Code 44.0411

Inspection, Verification, and Testing

Independently of the contractor, construction manager-at-risk, or design-build firm, a district shall provide or contract for the construction materials engineering, testing, and inspection services

and the verification testing services necessary for acceptance of the facility by the district. The district shall select the services for which it contracts in accordance with Government Code 2254.004. *Gov't Code 2269.058*

Impact Fees

A district is not required to pay impact fees imposed under Local Government Code Chapter 395 unless the board consents to the payment of the fees by entering a contract with the political subdivision that imposes the fees. The contract may contain terms the board considers advisable to provide for the payment of the fees. *Local Gov't Code 395.022*

Professional Services

Architects and Engineers

An architect or engineer required to be selected or designated under Government Code Chapter 2269 has full responsibility for complying with Occupations Code Chapter 1051 or 1001, as applicable.

If the selected or designated architect or engineer is not a full-time employee of the district, the district shall select the architect or engineer on the basis of demonstrated competence and qualifications as provided by Government Code 2254.004 [see Procuring Professional Services, below].

Gov't Code 2269.057

Registered Architect

An architectural plan or specification for any of the following may be prepared only by an architect:

1. A new building having construction costs exceeding $100,000 that is to be:
    a. Constructed and owned by a district; and
    b. Used for education, assembly, or office occupancy; or
2. An alteration or addition having construction costs exceeding $50,000 that:
    a. Is to be made to an existing building that:
        (1) Is owned by a district; and
        (2) Is or will be used for education, assembly, or office occupancy; and
    b. Requires the removal, relocation, or addition of a wall or partition or the alteration or addition of an exit.

This provision does not prohibit an owner of a building from contracting with an architect or engineer as the prime design professional for a building construction, alteration, or addition project. Designation as the prime design professional does not expand the

scope of practice of an architect or engineer beyond the scope of practice that the architect or engineer is authorized to practice under Occupations Code Chapter 1001 or 1051.

Occupations Code 1051.703; 22 TAC 1.212

Registered Engineer

A district may not construct a public work involving engineering in which the public health, welfare, or safety is involved, unless:

1. The engineering plans, specifications, and estimates have been prepared by an engineer; and
2. The engineering construction is to be performed under the direct supervision of an engineer.

Occupations Code 1001.407

The following work is exempt from Occupations Code Chapter 1001 (Texas Engineering Practice Act):

1. A public work that involves electrical or mechanical engineering, if the contemplated expense for the completed project is $8,000 or less; or
2. A public work that does not involve electrical or mechanical engineering, if the contemplated expense for the completed project is $20,000 or less.

Occupations Code 1001.053

Certification for Purchases Through Purchasing Cooperatives

A district may not enter into a contract to purchase construction-related goods or services through a purchasing cooperative under Government Code Chapter 791 in an amount greater than $50,000 unless a person designated by the district certifies in writing that:

1. The project for which the construction-related goods or services are being procured does not require the preparation of plans and specifications under Occupation Code Chapter 1001 or 1051; or
2. The plans and specifications required under Occupation Code Chapters 1001 and 1051 have been prepared.

“Purchasing cooperative” means a group purchasing organization that governmental entities join as members and the managing entity of which receives fees from members or vendors.

Gov’t Code 791.011(j) [See CH for more information on interlocal contracts and purchasing cooperatives.]

Procuring Architectural or Engineering Services

Education Code 44.031 does not apply to a contract for professional services rendered, including the services of an architect. *Education Code 44.031(f)* [See CH for information on the Professional Services Procurement Act generally.]

In procuring architectural, engineering, or land-surveying services, a district shall:

1. First select the most highly qualified provider on the basis of demonstrated competence and qualifications; and
2. Then attempt to negotiate with that provider a contract at a fair and reasonable price.

If a satisfactory contract cannot be negotiated with the most highly qualified provider of architectural, engineering, or land-surveying services, a district shall formally end negotiations with that provider, select the next most highly qualified provider, and attempt to negotiate a contract with that provider at a fair and reasonable price. The district shall continue this process to select and negotiate with providers until a contract is entered into.

Gov't Code 2254.004

An interlocal contract between a district and a purchasing cooperative may not be used to purchase engineering or architectural services. *Gov't Code 791.011(h)*

Contracts for Engineering or Architectural Services

Indemnification

A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify or hold harmless the district against liability for damage, other than liability for damage to the extent that the damage is caused by or results from an act of negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor or supplier committed by the indemnitor or the indemnitor's agent, consultant under contract, or another entity over which the indemnitor exercises control.

Duty to Defend

Except as provided below, a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a district is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must defend a party, including a third party, against a claim based wholly or partly on the negligence of, fault of, or breach of contract by the district, the district's agent, the district's employee, or other entity, excluding the engineer or architect or that person's agent,

employee, or subconsultant, over which the district exercises control. A covenant or promise may provide for the reimbursement of a district's reasonable attorney's fees in proportion to the engineer's or architect's liability.

District as Additional Insured

A district may require in a contract for engineering or architectural services to which the district is a party that the engineer or architect name the district as an additional insured under the engineer's or architect's general liability insurance policy and provide any defense provided by the policy.

Standard of Care

A contract for engineering or architectural services to which a district is a party must require a licensed engineer or registered architect to perform services:

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and

2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

In a contract for engineering or architectural services to which a district is a party, a provision establishing a different standard of care than a standard described above is void and unenforceable. If a contract contains a void and unenforceable provision, the standard of care described above applies.

Nothing in these provisions prohibits a district in a contract for engineering or architectural services to which the district is a party from including and enforcing conditions that relate to the scope, fees, and schedule of a project in the contract.

Local Gov't Code 271.904

Payment and Performance Bonds

A district that makes a public work contract with a prime contractor shall require the contractor, before beginning the work, to execute to the district:

1. A performance bond if the contract is in excess of $100,000; and

2. A payment bond if the contract is in excess of $25,000.

A bond required by this provision must be executed by a corporate surety in accordance with Insurance Code Article 7.19-1 (now Insurance Code 3503.001–.005). A bond for a public work contract with a district must be payable to and its form must be approved by the awarding board.

Gov't Code 2253.021(a), (d)–(e)

The performance bond is solely for the protection of the district awarding the public work contract, in the amount of the contract, and conditioned on the faithful performance of the work in accordance with the plans, specifications, and contract documents. *Gov't Code 2253.021(b)*

The payment bond is solely for the protection and use of payment bond beneficiaries who have a direct contractual relationship with the prime contractor or a subcontractor to supply public work labor or material, and in the amount of the contract. *Gov't Code 2253.021(c)*

Failure to Obtain Payment Bond

If a district fails to obtain from a prime contractor a payment bond as required above:

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and

2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

Gov't Code 2253.027(a)

Bond for Insured Loss

A district shall ensure that an insurance company that is fulfilling its obligation under a contract of insurance by arranging for the replacement of a loss, rather than by making a cash payment directly to the district, furnishes or has furnished by a contractor:

1. A performance bond as described above for the benefit of a district; and

2. A payment bond, as described above for the benefit of the beneficiaries described above.

If the payment bond is not furnished, the district is subject to the same liability that a surety would have if the surety had issued the payment bond and the district had required the bond to be provided.

The bonds required to be furnished by the provisions above shall be furnished before the contractor begins work. It is an implied obligation under a contract of insurance for the insurance company to furnish these bonds.

Exception to Bond Requirement

These provisions do not apply to a district when a surety company is complying with an obligation under a bond that had been issued for the benefit of the district.

Gov't Code 2253.022

Prevailing Wage on Public Works

"Worker" includes a laborer or mechanic. *Gov't Code 2258.001(3)*

A worker employed on a public work by or on behalf of a district shall be paid:

1. Not less than the general prevailing rate of per diem wages for work of a similar character in the locality in which the work is performed; and

2. Not less than the general prevailing rate of per diem wages for legal holiday and overtime work.

The requirements above do not apply to maintenance work. A worker is employed on a public work for purposes of this provision if the worker is employed by a contractor or subcontractor in the execution of a contract for public work with a district.

Gov't Code 2258.021

For a contract for a public work awarded by a district, the board shall determine the general prevailing rate of per diem wages in the district for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work by:

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or

2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

The board shall determine the general prevailing rate of per diem wages as a sum certain, expressed in dollars and cents. A board shall specify in the call for bids for the contract and in the contract itself the wage rates determined under these provisions. The board's determination of the general prevailing rates of per diem wages is final.

Gov't Code 2258.022(a), (c)–(e)

Government Code 2258.022(b) applies to a public work located in a county bordering the United Mexican States or in a county adjacent to a county bordering the United Mexican States. *Gov't Code 2258.022(b)*

Enforcement

A board awarding a contract, and an agent or officer of the board, shall:

1. Take cognizance of complaints of all violations of Government Code Chapter 2258 committed in the execution of the contract; and
2. Withhold money forfeited or required to be withheld under Government Code Chapter 2258 from the payments to the contractor under the contract, except that the board may not withhold money from other than the final payment without a determination by the board that there is good cause to believe that the contractor has violated Government Code Chapter 2258.

On receipt of information, including a complaint by a worker, concerning an alleged violation of Government Code 2258.023 [see Penalty for Noncompliance, below] by a contractor or subcontractor, a board shall make an initial determination as to whether good cause exists to believe that the violation occurred. A board must make its determination before the 31st day after the date the board receives the information. A board shall notify in writing the contractor or subcontractor and any affected worker of its initial determination.

Gov't Code 2258.051–.052(a)–(c)

Retainage and Reimbursement

A board shall retain any amount due under the contract pending a final determination of the violation. *Gov't Code 2258.052(d)*

Note: Arbitration of unresolved issues is governed by Government Code 2258.053–.055.

A board shall use any amounts retained under Government Code Chapter 2258 to pay the worker the difference between the amount the worker received in wages for labor on the public work at the rate paid by the contractor or subcontractor and the amount the worker would have received at the general prevailing rate as provided in the arbitrator's award. The board may adopt rules, orders, or ordinances relating to the manner in which the reimbursement is made. *Gov't Code 2258.056(a)–(b)*

Penalty for Noncompliance

The contractor who is awarded a contract by a district or a subcontractor of the contractor shall pay not less than the rates determined under these provisions to a worker employed by it in the execution of the contract. A contractor or subcontractor who violates this provision shall pay to the district on whose behalf the contract is made, $60 for each worker employed for each calendar day or part of the day that the worker is paid less than the wage rates stipulated in the contract. A board awarding a contract shall specify this penalty in the contract. A contractor or subcontractor does not violate this section if a board awarding a contract does not determine the prevailing wage rates and specify the rates in the contract as required by these provisions. The board shall use any money collected under this provision to offset the costs incurred in the administration of Government Code Chapter 2258. *Gov't Code 2258.023*

Criminal Offense

An officer, agent, or representative of a district commits an offense if the person willfully violates or does not comply with a provision of Government Code 2258. *Gov't Code 2258.058(a)*

Required Workers' Compensation Coverage

A district that enters into a building or construction contract shall require the contractor to certify in writing that the contractor provides workers' compensation insurance coverage for each employee of the contractor employed on the public project. Each subcontractor shall provide such a certificate relating to coverage of the subcontractor's employees to the general contractor, who shall provide the subcontractor's certificate to the district. *Labor Code 406.096(a)–(b)*

A district that enters into a building or construction contract on a project shall:

1. Include in the bid specifications all the duties and responsibilities of contractors pertaining to required workers' compensation coverage, using the language required by 28 Administrative Code 110.110(c)(7).
2. As part of the contract, using the language required by 28 Administrative Code 110.110(c)(7), require the contractor to perform the duties and responsibilities pertaining to required workers' compensation coverage as set out in 28 Administrative Code 110.110(d).
3. Obtain from the contractor a certificate of coverage for each person providing services on the project, prior to that person beginning work on the project.
4. Obtain from the contractor a new certificate of coverage showing extension of coverage:

a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and

b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.

5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.

6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.

7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation.

28 TAC 110.110(c)

Exception — This coverage requirement does not apply to sole proprietors, partners, and corporate officers who meet the requirements of Labor Code 406.097(c), and who are explicitly excluded from coverage in accordance with Labor Code 406.097(a). *28 TAC 110.110(i)*

Definitions — "Persons providing services on the project" includes all persons or entities performing all or part of the services the contractor has undertaken to perform on the project, regardless of whether that person contracted directly with the contractor and regardless of whether that person has employees. This includes but is not limited to independent contractors, subcontractors, leasing companies, motor carriers, owner-operators, employees of any such entity, or employees of any entity furnishing persons to perform services on the project. "Services" includes but is not limited to providing, hauling, or delivering equipment or materials, or providing labor, transportation, or other service related to a project. "Services" does not include activities unrelated to the project, such as food/beverage vendors, office supply deliveries, and delivery of portable toilets. *28 TAC 110.110(a)(7)*

"Project" includes the provision of all services related to a building or construction contract for a district. *28 TAC 110.110(a)(8)*

Criminal Offenses — For information on criminal offenses for violations of Education Code 44.031, see CH.

Enforcement Actions

Government Code Chapter 2269 may be enforced through an action for declaratory or injunctive relief filed not later than the tenth day after the date on which the contract is awarded. *Gov't Code 2269.452*

Defects in Facilities

A district that brings an action for recovery of damages for the defective design, construction, renovation, or improvement of a district facility financed by bonds shall provide the commissioner with written notice of the action by registered or certified mail, return receipt requested, not later than the 30th day after the date the action is filed. If the district fails to comply with this provision, the court or an arbitrator or other adjudicating authority shall dismiss the action without prejudice. The dismissal of an action under this provision extends the statute of limitations on the action for a period of 90 days.

The notice must include a copy of the petition and an itemized list of the defects in the design, construction, renovation, or improvement for which the district is seeking damages under the action.

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state's share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;
2. The replacement of the facility on which the action is brought;
3. The reimbursement of the district for a repair or replacement; or
4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation,

or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

Definitions

“Net proceeds” means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

“State’s share” means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 44.151

Attorney General Enforcement

If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state’s share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed $20,000 for each violation;
2. The attorney general's reasonable costs for investigating and prosecuting the violation; or
3. If applicable, the amount of the state's share.

Education Code 44.152(a)–(b)

Attorney Fees

A governmental contract may not provide for the award of attorney’s fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney’s fees to each other party to the contract if that party prevails in the dispute.

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

Gov’t Code 2252.904

Construction Liability Claims	To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272. *Gov't Code 2272.002(a)*

Compliance with Law

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Construction Contracts

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above $50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above $75,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

A change order may involve an extra amount of funds due to the contractor, a credit due to the District, or a change requiring no additional funds in the contractual agreement. Funding for change orders shall be provided from a general contingency fund that is approved for each project.

Construction Contingency Funds

Construction contingency funds shall be provided for the correction of design errors or omissions, the implementation of minor functional changes, the initiation of changes that create a betterment of the design, the rectification of concealed conditions, and the adjustment of construction due to delays caused by changes in the availability of materials due to strikes, natural disasters, and the like. Contingency funds are obligated through the issuance of contract change orders.

A contingency fund shall be established for all capital projects. The contingency fund for projects that include only new construction shall be two percent of the final estimated project cost. On projects that include substantial renovation of an existing building, the amount of the contingency fund shall be based on the complexity

and extent of the renovation. When circumstances dictate that a higher percentage of contingency will be necessary for a project, the administration shall submit a recommendation to the Board at the time the project is submitted for final approval. Any increase of contingency funds following the award of a construction project shall be approved by the Board.

Change Order Procedures

The following guidelines have been established by the Board for the District to implement change orders:

1. In accordance with Board policy and approval of the contingency fund for the project, the administration shall be authorized to approve change orders and payments.
2. Change orders to initiate work covered by a specific purpose allowance may be authorized by the administration.
3. Change orders of an emergency nature, where there is a construction budget for such funds, shall be authorized by the administration up to an amount required to eliminate the emergency condition. The change orders of an emergency nature shall be submitted to the Board for ratification.

Project Administration

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and shall also provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board or the Board's designee has accepted the work.

Construction Allowances

Specific purpose allowances are funds designated in contract specifications for special equipment, repairs, furnishings, and the like that may not be finally determined at the time of the contract signing. The estimated allowances shall become a part of the bid by the contractor and shall be approved by the Board when a contract is awarded. Any unused funds shall revert to the District by an approved change order.

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

For legal requirements generally applicable to the procurement process, see CH and CV.

"Competitive bidding" is a procurement method by which a district contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.

Except as otherwise provided by Government Code Chapter 2269 or other law, a district may contract for the construction, alteration, rehabilitation, or repair of a facility only after the district advertises for bids for the contract in a manner prescribed by law, receives competitive bids, and awards the contract to the lowest responsible bidder.

Gov't Code 2269.101

Preparation of Request

The district shall prepare a request for competitive bids that includes construction documents, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to submit a bid. *Gov't Code 2269.103*

Architect/Engineer

The district shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents required for a project to be awarded by competitive bidding. *Gov't Code 2269.102* [See CV]

Opening Bids

The district shall receive, publicly open, and read aloud the names of the offerors and their bids. *Gov't Code 2269.104*

Bids may be opened only by the board at a public meeting or by an officer or employee of the district at or in an office of the district. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. Local Government Code Chapter 271, Subchapter B does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid. *Local Gov't Code 271.026*

The board is entitled to reject any and all bids. *Local Gov't Code 271.027(a)*

Safety Record

In determining who is a responsible bidder, the district may take into account the safety record of the bidder; of the firm, corporation, partnership, or institution represented by the bidder; or of anyone acting for such firm, corporation, partnership, or institution if:

1. The board has adopted a written definition and criteria for accurately determining the safety record of a bidder.
2. The board has given notice to prospective bidders in the bid specifications that the safety record of a bidder may be considered in determining the responsibility of the bidder.
3. The determinations are not arbitrary and capricious.

Local Gov't Code 271.0275

Identical Bids

If a district is required to accept bids on a contract and receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, the board shall enter into a contract with only one of those bidders and must reject all other bids.

If only one of the bidders submitting identical bids is a resident of the district, the district must select that bidder. If two or more of the bidders submitting identical bids are residents of the district, the district must select one of those bidders by the casting of lots. In all other cases, the district must select from the identical bids by the casting of lots.

The casting of lots must be in a manner prescribed by the board and must be conducted in the presence of the board. All qualified bidders or their legal representatives may be present at the casting of lots.

These provisions do not prohibit a district from rejecting all bids. These provisions apply to all districts required by general or special law to accept bids and award contracts on the basis of the lowest and best bid, but do not apply to bidding for contracts to act as a depository for school funds under Education Code Chapter 45, Subchapter G [see BDAE].

Local Gov't Code 271.901

Make Evaluations Public

Not later than the seventh day after the date the contract is awarded, the district shall document the basis of its selection and shall make the evaluations public. *Gov't Code 2269.105*

Applicability of Other Competitive Bidding Laws

Except as otherwise specifically provided in this policy, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts), does not apply to the competitive bidding process conducted under this policy. *Gov't Code 2269.106*

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

For legal requirements generally applicable to the procurement process, see CH and CV.

"Competitive sealed proposals" is a procurement method by which a district requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alteration, or repair of a facility. In selecting a contractor through competitive sealed proposals, a district shall follow the procedures provided by Government Code 2269, Subchapter D. *Gov't Code 2269.151*

Request for Proposals

The district shall prepare a request for competitive sealed proposals that includes construction documents, selection criteria and the weighted value for each criterion, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to respond to the request. *Gov't Code 2269.153*

Architect/Engineer

The district shall select or designate an architect or engineer to prepare construction documents for the project. *Gov't Code 2269.152* [See CV]

Opening Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and any monetary proposals made by the offerors. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria. *Gov't Code 2269.154*

Selection

The district shall select the offeror that submits the proposal that offers the best value for the district based on:

1. The selection criteria in the request for proposal and the weighted value for those criteria in the request for proposal; and
2. Its ranking evaluation.

The district shall first attempt to negotiate a contract with the selected offeror. The district and its architect or engineer may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the

selection ranking until a contract is reached or all proposals are rejected.

Gov't Code 2269.155

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

For legal requirements generally applicable to the procurement process, see CH and CV.

The "construction manager-agent method" is a delivery method by which a district contracts with a construction manager-agent to provide consultation or administrative services during the design and construction phase and to manage multiple contracts with various construction prime contractors.

A construction manager-agent is a sole proprietorship, partnership, corporation, or other legal entity that serves as the agent for the district by providing construction administration and management services described above for the construction, rehabilitation, alteration, or repair of a facility. A district may retain a construction manager-agent only as provided by Government Code Chapter 2269, Subchapter E.

Gov't Code 2269.201

The contract between the district and the construction manager-agent may require the construction manager-agent to provide administrative personnel, equipment necessary to perform duties under this policy, on-site management, and other services specified in the contract. *Gov't Code 2269.201–.202*

A construction manager-agent may not:

1. Self-perform any aspect of the construction, rehabilitation, alteration, or repair of the facility.
2. Be a party to a construction subcontract for the construction, rehabilitation, alteration, or repair of the facility.
3. Provide or be required to provide performance and payment bonds for the construction, rehabilitation, alteration, or repair of the facility.

Gov't Code 2269.203

A construction manager-agent represents the district in a fiduciary capacity. *Gov't Code 2269.204*

Architect/Engineer

On or before the selection of a construction manager-agent, the district shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents for the project. [See CV]

The district's architect or engineer may not serve, alone or in combination with another person, as the construction manager-agent unless the architect or engineer is hired to serve as the construction manager-agent under a separate or concurrent selection process conducted in accordance with this policy. This provision does not prohibit the district's architect or engineer from providing customary construction-phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

To the extent that the construction manager-agent's services are defined as part of the practice of architecture or engineering under Occupations Code Chapter 1051 or 1001 those services must be conducted by a person licensed under the applicable chapter.

Gov't Code 2269.205

Selection of Construction Manager-Agent

A district shall select a construction manager-agent on the basis of demonstrated competence and qualifications in the same manner that an architect or engineer is selected under Government Code 2254.004. *Gov't Code 2269.207* [See CV]

Insurance

A construction manager-agent selected under this policy shall maintain professional liability or errors and omissions insurance in the amount of at least $1 million for each occurrence. *Gov't Code 2269.208*

Selection of Contractors

A district using the construction manager-agent method shall procure, in accordance with applicable law and in any manner authorized by Government Code Chapter 2269, a general contractor or trade contractors who will serve as the prime contractor for their specific portion of the work and provide performance and payment bonds to the district in accordance with applicable laws. *Gov't Code 2269.206*

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

For legal requirements generally applicable to the procurement process, see CH and CV.

The "construction manager-at-risk method" is a delivery method by which a district contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility.

A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price as a general contractor and provides consultation to the district regarding construction during and after the design of the facility. The contracted price may be a guaranteed maximum price. A district may use the construction manager-at-risk method in selecting a general contractor for the construction, rehabilitation, alteration, or repair of a facility only as provided by Government Code Chapter 2269, Subchapter F.

Gov't Code 2269.251

Architect/Engineer

On or before the selection of a construction manager-at-risk, the district shall select or designate an architect or engineer or architect to prepare the construction documents for the project. [See CV]

The district's architect or engineer for a project, or an entity related to the district's architect or engineer, may not serve, alone or in combination with another, as the construction manager-at-risk. This provision does not prohibit the district's engineer or architect from providing customary construction phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

An entity is related to the district's architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the district's architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk's payments from the district.

Gov't Code 2269.252

Selection Process

The district shall select the construction manager-at-risk in a one-step or two-step process. A district shall prepare a single request for proposals, in the case of a one-step process, and an initial request for qualifications, in the case of a two-step process, that includes:

1. A statement as to whether the selection process is a one-step or two-step process;
2. General information on the project site, project scope, schedule, selection criteria and the weighted value for each criterion, and estimated budget and the time and place for receipt of the proposals or qualifications; and
3. Other information that may assist a district in its selection of a construction manager-at-risk.

The district shall state the selection criteria in the request for proposals or qualifications.

If a one-step process is used, the district may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions. If a two-step process is used, the district may not request fees or prices in step one. In step two, the district may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and prices for fulfilling the general conditions.

Gov't Code 2269.253(a)–(e)

Opening and Evaluating Proposals

At each step, the district shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the district shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Not later than the 45th day after the date on which the final proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals. *Gov't Code 2269.253(f)–(g)*

Selection

The district shall select the offeror that submits the proposal that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end. *Gov't Code 2269.254(a)–(c)*

Make Rankings Public

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. *Gov't Code 2269.254(d)*

Trade Contractors/ Subcontractors

A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if:

1. The construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and
2. The district determines that the construction manager-at-risk's bid or proposal provides the best value for the district.

Gov't Code 2269.255

Bids or Proposals

The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or district. All bids or proposals shall be made available to the district on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals. *Gov't Code 2269.256(a)*

If the construction manager-at-risk reviews, evaluates, and recommends to the district a bid or proposal from a trade contractor or subcontractor but the district requires another bid or proposal to be accepted, the district shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk incurs because of the district's requirement that another bid or proposal be accepted. *Gov't Code 2269.256(b)*

Default

If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this policy, the construction manager-at-risk may itself fulfill, without advertising, the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements. *Gov't Code 2269.257*

Payment and Performance Bond

If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the construction budget,

as specified in the request for proposals or qualifications. The construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the construction manager-at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to the district to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established. *Gov't Code 2269.258* [See CV for more information on payment and performance bonds.]

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

For legal requirements generally applicable to the procurement process, see CH and CV.

"Design-build" is a project delivery method by which a district contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility. *Gov't Code 2269.301*

This policy applies only to a facility that is a building or an associated structure, including an electric utility structure. This policy does not apply to:

1. A highway, road, street, bridge, underground utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

Gov't Code 2269.302

A district may use the design-build method for the construction, rehabilitation, alteration, or repair of a building or associated structure only as provided by Government Code Chapter 2269, Subchapter G. In using that method, the district shall enter into a single contract with a design-build firm for the design and construction of the building or associated structure. *Gov't Code 2269.303*

Design-Build Firm

A design-build firm under this policy must be a sole proprietorship, partnership, corporation, or other legal entity or team that includes an architect or engineer and a construction contractor. *Gov't Code 2269.304*

Architect/Engineer

The district shall select or designate an architect or engineer independent of the design-build firm to act as the district's representative for the duration of the project. *Gov't Code 2269.305* [See CV]

Request for Qualifications

The district shall prepare a request for qualifications that includes general information on the project site, project scope, budget, special systems, selection criteria and the weighted value for each criterion, and other information that may assist potential design-build firms in submitting proposals for the project. *Gov't Code 2269.306(a)*

The district may not require offerors to submit architectural or engineering designs as part of a proposal or a response to a request for qualifications. *Gov't Code 2269.306(d)*

Design Criteria Package

The district shall also prepare the design criteria package that includes more detailed information on the project. If the preparation of the design criteria package requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, those services shall be provided in accordance with the applicable law. *Gov't Code 2269.306(b)*

The design criteria package must include a set of documents that provides sufficient information, including criteria for selection, to permit a design-build firm to prepare a response to the district's request for qualifications and to provide any additional information requested. The design criteria package must specify criteria the district considers necessary to describe the project and may include, as appropriate, the legal description of the site, survey information concerning the site, interior space requirements, special material requirements, material quality standards, conceptual criteria for the project, special equipment requirements, cost or budget estimates, time schedules, quality assurance and quality control requirements, site development requirements, applicable codes and ordinances, provisions for utilities, parking requirements, and any other requirement. *Gov't Code 2269.306(c)*

Evaluation

Qualification

For each design-build firm that responded to the request for qualifications, the district shall evaluate the firm's experience, technical competence, and capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted. Each firm must certify to the district that each architect or engineer that is a member of the firm was selected based on demonstrated competence and qualifications, in the manner provided by Government Code 2254.004. A district shall qualify a maximum of five responders to submit proposals that contain additional information and, if the district chooses, to interview for final selection. *Gov't Code 2269.307(a)–(c)*

Proposals

The district shall evaluate the additional information submitted by the offerors on the basis of the selection criteria stated in the request for qualifications and the results of any interview. The district may request additional information regarding demonstrated competence and qualifications, considerations of the safety and long-

term durability of the project, the feasibility of implementing the project as proposed, the ability of the offeror to meet schedules, or costing methodology.

"Costing methodology" means an offeror's policies on subcontractor markup, definition of general conditions, range of cost for general conditions, policies on retainage, policies on contingencies, discount for prompt payment, and expected staffing for administrative duties. The term does not include a guaranteed maximum price or bid for overall design or construction.

Gov't Code 2269.307(d)–(e)

The district shall rank each proposal submitted on the basis of the criteria set forth in the request for qualifications. *Gov't Code 2269.307(f)*

Selection

The district shall select the design-build firm that submits the proposal offering the best value for the district on the basis of the published selection criteria and on its ranking evaluations.

The district shall first attempt to negotiate a contract with the selected firm. If the district is unable to negotiate a satisfactory contract with the selected firm, the district shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.

Gov't Code 2269.308(a)–(c)

Make Rankings Public

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. *Gov't Code 2269.308(d)*

Design

After selection of the design-build firm, that firm's architects or engineers shall submit all design elements for review and determination of scope compliance to the district or the district's architect or engineer before or concurrently with construction. *Gov't Code 2269.309*

Final Construction Documents

The design-build firm shall supply a set of construction documents for the completed project to the district at the conclusion of construction. The documents must note any changes made during construction. *Gov't Code 2269.310*

Payment or Performance Bond

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm under this policy.

Amount

If a fixed contract amount or guaranteed maximum price has not been determined at the time the design-build contract is awarded,

the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the construction budget, as specified in the design criteria package. The design-build firm shall deliver the bonds not later than the tenth day after the date the design-build firm executes the contract, unless the design-build firm furnishes a bid bond or other financial security acceptable to the district to ensure that the design-build firm will furnish the required performance and payment bonds before construction begins.

Gov't Code 2269.311 [See CV for more information on payment and performance bonds]

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

For legal requirements generally applicable to the procurement process, see CH and CV.

"Job order contracting" is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite. *Gov't Code 2269.401*

This policy applies only to a facility that is a building, the design and construction of which is governed by accepted building codes, or a structure or land, whether improved or unimproved, that is associated with a building. This policy does not apply to:

1. A highway, road, street, bridge, utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

Gov't Code 2269.402

A district may award job order contracts for the maintenance, repair, alteration, renovation, remediation, or minor construction of a facility if the work is of a recurring nature but the delivery times are indefinite, and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks. The district shall establish the maximum aggregate contract price when it advertises the proposal. The board shall approve each job, task, or purchase order that exceeds $500,000. *Gov't Code 2269.403*

Establishing Unit Prices

The district may establish contractual unit prices for a job order contract by:

1. Specifying one or more published construction unit price books and the applicable divisions or line items; or
2. Providing a list of work items and requiring the offerors to propose one or more coefficients or multipliers to be applied to the price book or prepriced work items as the price proposal.

Gov't Code 2269.404

Competitive Sealed Proposal Method

A district may use the competitive sealed proposal method under Government Code Chapter 2269, Subchapter D for job order contracts. [See CVB] The district shall advertise for, receive, and publicly open sealed proposals for job order contracts. The district may require offerors to submit information in addition to rates, including experience, past performance, and proposed personnel and methodology. *Gov't Code 2269.405*

Architect or Engineer

If a job order contract or an order issued under the contract requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, a district shall select or designate an architect or engineer to prepare the construction documents for the project. [See CV]

This provision does not apply to a job order contract or an order issued under the contract for industrialized housing, industrialized buildings, or relocatable educational facilities subject to and approved under Occupations Code Chapter 1202 if the contractor employs the services of an architect or engineer who approves the documents for the project.

Gov't Code 2269.408

Awarding Contracts

The district may award job order contracts to one or more job order contractors in connection with each solicitation of proposals. *Gov't Code 2269.406*

Contract Term

The base term for a job order contract may not exceed two years. The district may renew the contract annually for not more than three additional years. *Gov't Code 2269.409*

Use of Contract

A job order contract may be used to accomplish work only for the district that awards the contract unless:

1. The solicitation for the job order contract and the contract specifically provide for use by other persons; or
2. The district enters into an interlocal agreement that provides otherwise.

Gov't Code 2269.407

Job Orders

An order for a job or project under a job order contract must be signed by the district's representative and the contractor. The order may be:

1. A fixed-price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities; or

2. A unit price order based on the quantities and line items delivered.

Gov't Code 2269.410

Bonds

The contractor shall provide payment and performance bonds, if required by law, based on the amount or estimated amount of any order. *Gov't Code 2269.411* [See CV for more information on payment and performance bonds.]

Leave Administration

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave for the current year available for use at the beginning of the school year. When an employee is present for his or her first duty day of the school year, local leave shall be made available for use at the beginning of the school year. If an employee is not present on his or her first duty day of the school year, local leave shall be made available for use

at the beginning of the school year, but the employee shall be subject to earning any local leave taken when the employee returns to work.

State Leave Proration

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or more than three consecutive workdays for illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

Nondiscretionary Use

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

Request for Leave

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave.

The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

Restrictions

No employee shall be granted discretionary use of state personal leave on days scheduled for state-mandated assessments. Individual supervisors may also restrict the use of state personal leave for discretionary purposes on other days. These restrictions shall be communicated by individual supervisors to their employees.

Local Leave

Each employee shall earn two paid local leave days per school year in accordance with administrative regulations. If an employee is not present on his or her first duty day of the school year, the employee must earn the two paid local leave days in accordance with administrative regulations.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave, above]

Extended Sick Leave

After all available paid leave days and any applicable compensatory time have been exhausted, an employee shall be granted for the duration of his or her employment with the District a maximum of 30 leave days of extended leave to be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year [see DEC(LEGAL)] or for absences related to the birth or placement of a child when leave is taken within the first year after the child's birth, adoption, or foster placement.

A written request for extended leave must be made to the employee's supervisor and, if leave will be taken for illness or injury of the employee or of an employee's immediate family, the request must be accompanied by medical certification of the illness or injury.

The District shall deduct the average daily rate of pay of a substitute for the employee's position for each day of extended leave taken, whether or not a substitute is employed, or one-half of the employee's daily rate shall be deducted for each day of extended leave taken, whichever results in the greater payment to the employee.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA.

Twelve-Month Period	For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.
Combined Leave for Spouses	When both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks.
Intermittent or Reduced Schedule Leave	The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.
Certification of Leave	When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.
Fitness-for-Duty Certification	In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.
Leave at the End of Semester	When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.

Temporary Disability Leave

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

Workers' Compensation

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

No Paid Leave Offset

The District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Payment for Accumulated Leave Upon Retirement

The following leave provisions shall apply to state and local leave accumulated beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for payment for accumulated state and local leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides documentation of retirement through the Texas Teacher Retirement System (TRS).
3. The employee has at least ten years of service with the District.

The employee shall receive payment for each day of accumulated state and local leave, to a maximum of 20 days, at the employee's daily rate of pay immediately preceding retirement. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

Purpose

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. A district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

Required Curriculum

Foundation Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
    a. Physical health, including the importance of proper nutrition and exercise;

b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and

c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;

3. Physical education;

4. Fine Arts;

5. Career and technical education;

6. Technology applications;

7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and

8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character Traits

Beginning with the 2021–22 school year, districts are required to provide instruction in the essential knowledge and skills for positive character traits outlined in 19 Administrative Code Chapter 120, Subchapter A at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.1

Local Credit	A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. *Education Code 28.002(f); 19 TAC 74.1(b)*
Local Instructional Plan	A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule.
Major Curriculum Initiatives	Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that: 1. Includes teacher input; 2. Provides district employees with the opportunity to express opinions regarding the initiative; and 3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative. *Education Code 28.002(g)*
Common Core State Standards	A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. *Education Code 28.002(b-1), (b-3), (b-4)*
Scope and Sequence	In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. *Education Code 28.0027(a)*
Coordinated Health Programs	TEA shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to: 1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and

Type 2 diabetes and programs designed to promote the role of proper nutrition;

2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;

3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;

4. Physical education and physical activity; and

5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;

2. Offer students both cooperative and competitive games; and

3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted—not limited in activities.
2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:
    a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
    b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

School Health Advisory Council

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:

    a. Health education in kindergarten through grade 8; and

    b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.

2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:

    a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;

    b. Physical education and physical activity;

    c. Nutrition services;

    d. Parental involvement;

    e. Instruction on substance abuse prevention;

    f. School health services, including mental health services;

    g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];

    h. A safe and healthy school environment; and

    i. School employee wellness;

3. Appropriate grade levels and methods of instruction for human sexuality instruction;

4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:

    a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;

    b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];

    c. A safe and healthy school environment; and

d. School employee wellness;

5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;

6. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and

7. Strategies to increase parental awareness regarding:

   a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and

   b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

Education Code 28.004(c), (n)

Policy Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students. *Education Code 28.004(l)*

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services. *Education Code 28.004(o)*

Content of Human Sexuality Instruction

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;

2. Devote more attention to abstinence than to any other behavior;

3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;

4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and

5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX]

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;

2. A statement of the parent's right to:

   a. Review curriculum materials as provided by Education Code 28.004(j); and

   b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

3. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

Education Code 28.004(i)–(i-1)

Availability of Materials

A district shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFA regarding selection of curriculum materials for human sexuality instruction]

Character Education

A district must adopt a character education program that includes the following positive character education traits:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

Nondiscrimination

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

Free Appropriate Public Education (FAPE)

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*

"Free appropriate public education" (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by the Texas Education Agency (TEA);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student's individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

Least Restrictive Environment

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

Discipline

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter 37, and 19 Administrative Code 89.1053. *19 TAC 89.1050(k)* [See FOF]

Instructional Arrangements and Settings

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following:

Mainstream

The mainstream instructional arrangement/setting is for providing special education and related services to a student in the regular classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student and/or the student's regular classroom teacher(s) necessary to enrich the regular classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, educational aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her regular classroom teacher(s) regarding the student's progress in regular education classes, staff development, and reduction of ratio of students to instructional staff.

Homebound

The homebound instructional arrangement/setting is for providing special education and related services to students who are served at home or hospital bedside.

Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may, as provided by local district policy [see EEH(LOCAL)], also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in 19 Administrative Code 1005(b).

Home instruction may also be used for services to infants and toddlers (birth through age 2) and young children (ages 3–5) when determined appropriate by the child's individualized family services plan (IFSP) committee or ARD committee.

Hospital Class	The hospital class instructional arrangement/setting is for providing special education instruction in a classroom, a hospital facility, or a residential care and treatment facility not operated by the district. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class.
Speech Therapy	The speech therapy instructional arrangement/setting is for providing speech therapy services whether in a regular education classroom or in a setting other than a regular education classroom. When the only special education or related service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement.
Resource Room/Services	The resource room/services instructional arrangement/setting is for providing special education and related services to a student in a setting other than regular education for less than 50 percent of the regular school day.
Self-Contained (Mild, Moderate, or Severe) Regular Campus	The self-contained (mild, moderate, or severe) regular campus instructional arrangement/setting is for providing special education and related services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus.
Off-Home Campus	The off-home campus instructional arrangement/setting is for providing special education and related services to the following, including, but not limited to, students at South Texas Independent School District and Windham School District: 1. A student who is one of a group of students from more than one district served in a single location when a free appropriate public education is not available in the respective sending district; 2. A student in a community setting or environment (not operated by a school district) that prepares the student for post-secondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives, including a student with regularly scheduled instruction or direct involvement provided by district personnel or a student in a facility not operated by a school district (other than a nonpublic day school) with instruction provided by district personnel; or 3. A student in a self-contained program at a separate campus operated by the district that provides only special education and related services.

Nonpublic Day School	The nonpublic day school instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education.
Vocational Adjustment Class/Program	The vocational adjustment class/program instructional arrangement/setting is for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's individual transition goals and only after the district's career and technical education classes have been considered and determined inappropriate for the student.
Residential Care and Treatment Facility (Not District Resident)	The residential care and treatment facility (not district resident) instructional arrangement/setting is for providing special education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district providing educational services to the students. In order to be considered in this arrangement, the services must be provided on a district campus. If the instruction is provided at the facility, rather than on a district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education.
State-Supported Living Center	The state-supported living center instructional arrangement/setting is for providing special education and related services to a student who resides at a state-supported living center when the services are provided at the state-supported living center location. If services are provided on a local district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting.
	19 TAC 89.63(c), .1005(b)
Other Program Options	Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA.
	19 TAC 89.63(f), .1005(f)
Regular School Day	Subject to 19 Administrative Code 89.1075(e) (General Program Requirements and Local District Procedures) [see EHBAB], for the purpose of determining the student's instructional arrangement/set-

ting, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal (ARD) committee. *19 TAC 89.1005(b)*

Nonpublic Day School Placements

For nonpublic day school placements [see Nonpublic Day School, above], the district or shared service arrangement shall submit information to TEA indicating the students' identification numbers, initial dates of placement, and the names of the facilities with which the district or shared service arrangement is contracting. The district or shared service arrangement shall not count contract students' average daily attendance as eligible. TEA shall determine the number of contract students reported in full-time equivalents and pay state funds to the district according to the formula prescribed in law. *19 TAC 89.1005(e)*

Related Services

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 C.F.R. 300.34

Extended School Year Services

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories

of disability or unilaterally limit the type, amount, or duration of ESY services.

34 C.F.R. 300.106; 19 TAC 89.1065

Off-Campus Program An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

Program Provider An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157(a), for the provision of special education services in a facility other than a district campus operated by a district.

19 TAC 89.1094(a)(2)–(3)

Program Placement A district may contract with an off-campus program provider to provide some or all of the special education and related services to a student in accordance with the requirements in 19 Administrative Code 89.1094.

Before the district places a student with a disability in, or refers a student to, an off-campus program, the district shall initiate and conduct:

1. An onsite review to ensure that the off-campus program is appropriate for meeting the student's educational needs; and
2. A meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 C.F.R. 300.320–.325, state statutes, and commissioner of education rules in 19 Administrative Code Chapter 89 (Commissioner's Rules Concerning Special Education Services).

The appropriateness of the off-campus program for each student placed shall be documented in the IEP annually. The student's ARD committee may only recommend an off-campus program placement for a student if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in the

district. The district must follow the requirements of 19 Administrative Code 89.1094(b)(3)(A)–(C), regarding the review of the placement of the off-campus program for each student.

The placement of more than one student in the same off-campus program facility may be considered in the same on-site visit to a facility. However, the IEP of each student must be individually reviewed, and a determination of appropriateness of placement and services must be made for each student.

19 TAC 89.1094(b)

Notification and Review

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in an off-campus program, a district must electronically submit to TEA notice of, and information regarding, the placement in accordance with submission procedures specified by TEA.

If the off-campus program is on the commissioner's list of approved off-campus programs, TEA will review the student's IEP and placement as required by 34 C.F.R. 300.120, and, in the case of a placement in or referral to a private school or facility, 34 C.F.R. 300.146. After review, TEA will notify the district whether federal or state funds for the off-campus program placement are approved. If TEA does not approve the use of funds, it will notify the district of the basis for the non-approval.

If the off-campus program is not on the commissioner's list of approved off-campus programs, TEA will begin the approval procedures described below. Districts must ensure there is no delay in implementing a child's IEP in accordance with 34 C.F.R. 300.103(c).

If an off-campus program placement is ordered by a special education hearing officer or court of competent jurisdiction, the district must notify TEA of the order within 30 calendar days. The off-campus program serving the student is not required to go through the approval procedures described in 19 Administrative Code 89.1094 for the ordered placement. If, however, the district or other districts intend to place other students in the off-campus program, the off-campus program will be required to go through the approval procedures to be included on the commissioner's list of approved off-campus programs.

19 TAC 89.1094(c)

Approval

Off-campus programs must have their educational programs approved for contracting purposes by the commissioner in accordance with 19 Administrative Code 89.1094(d).

Funding Procedures	The cost of off-campus program placements will be funded according to Education Code 48.102 and 19 Administrative Code 89.1005(e).
Contracts	Contracts between districts and approved off-campus programs must not exceed a district's fiscal year and shall not begin prior to July 1 of the contracted fiscal year. Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change in placement or services within the school district's fiscal year. *19 TAC 89.1094(e)(1)–(2)*
Change of Residence	If a student who is placed in an off-campus program by a district changes his or her residence to another Texas district during the school year, the district must notify TEA within ten calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. *19 TAC 89.1094(e)(3)*

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

Private School Students

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)–(iv) [See EHBAC regarding students in nondistrict placement.]

Preschool Students

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

Requests and Referrals for Evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, TEA, another state agency, or the district may initiate a request for an initial evaluation.

District Obligation to Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. *19 TAC 89.1011(a)*

Parental Request

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or

2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

19 TAC 89.1011(b); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation Required

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

Consent for Initial Evaluation

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

Time Frame for Completion of Written Report

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later

than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

“School day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

2. The parent and the new school district agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011

Psychological Examinations

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

Eligibility and Reevaluations

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

Visual and Auditory Impairments

A student with a visual or auditory impairment shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th

day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

19 TAC 89.1011(d), (e)

Consent for Services

Initial Provision of Services

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;

2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and

3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

Revoking Consent

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;

2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;

3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and

4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and

2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C).*19 TAC 89.1070(g)*

Independent Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

At Public Expense

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

At Private Expense

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

Prescription Medication

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

Admission, Review, and Dismissal Committee

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

Committee Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
    a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
    b. Is knowledgeable about the general education curriculum; and
    c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;

9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;

10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and

12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)

Regular Education Teacher

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

Parent Involvement

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and

that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and

2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

Alternative Means of Meeting Participation

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

Meeting at Parent's Request

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with

written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Transfer Students

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1050(j)

Transfer of Records

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of

special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)

Students Who Are Homeless or in Substitute Care

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term “individualized education program” means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student’s present levels of academic achievement and functional performance;

2. A statement of measurable annual goals, including academic and functional goals;

3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;

4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;

5. A statement of the program modifications or supports for school personnel that will be provided for the student;

6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;

7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;

8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;

9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;

11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];

12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;

14. The date of the meeting;

15. The name, position, and signature of each member participating in the meeting; and

16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

Translation of IEP into Native Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from

providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1050(i)

Autism/Pervasive Developmental Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;

8. Communication interventions, including language forms and functions that enhance effective communication across settings;

9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;

10. Professional educator/staff support; and

11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

Visual Impairment

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

Collaborative Process

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;

2. The student has committed an expellable offense; or

3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

Education Code 29.005(c); 19 TAC 89.1050(g)

Modification of Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)–(F); 34 C.F.R. 300.324(a)(4)–(6)

Teacher Access to IEP

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

Teacher Request to Review IEP

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(d)

Private School—District Placed

Student Receives IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

Private School—Parent Placed

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE Rejected

Student Receives ISP

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but Not Provided

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at 34 C.F.R. 300.148(d). *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

Home School Students

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

Individualized Services Plan (ISP)

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

34 C.F.R. 300.137, .138

Dual Enrollment

Parents shall have the right to "dual enroll" an eligible student age three or four in both the public school and a private school beginning on the student's third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district's kindergarten program, whichever comes first, subject to the following:

1. The student's ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

19 TAC 89.1096(c)

Responsible District

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

19 TAC 89.1096(c), (d)

Transportation

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

District Charter Schools

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

Residential Facilities

Identification of Students

If a residential facility that is licensed by appropriate state agencies is located within the district's boundaries, the district must provide special education and related services to eligible students residing in the facility.

If, after contacting the facility to offer services to eligible students with disabilities, a district determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the district is not required to provide services. However, a district shall annually contact the facility to offer services to eligible students with disabilities.

19 TAC 89.1001(c)

District Placements

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. *Education Code 29.008(a); 19 TAC 89.61(a), .1092*

If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. *34 C.F.R. 300.104*

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

Further, a district shall have the responsibilities set forth at 19 Administrative Code 89.61 and 89.1092(a)(4) regarding students in residential placements. A district must contract with residential placements in accordance with 19 Administrative Code 89.1092.

Notification	Within 30 calendar days from an ARD committee's decision to place a student in a residential education program, a district must electronically submit to TEA notice of and information regarding the placement in accordance with submission procedures specified by TEA. *19 TAC 89.1092(b)*
Out-of-State Placements	If a district contracts for an out-of-state residential placement, it shall do so in accordance with the rules for in-state residential placement, except that the facility shall be approved by the appropriate agency in the state in which the facility is located rather than by the Texas commissioner of education. *19 TAC 89.61(c)(3)*
School for the Blind and Visually Impaired and School for the Deaf	A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf. Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired: 1. The availability of programs offered. 2. The eligibility and admissions requirements. 3. The student's rights to admission and to appeal admission decisions. *Education Code 30.003(a), .004(a); 19 TAC 89.62* A district may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 Administrative Code 89.1085. *19 TAC 89.1085*
Adult Prisons	If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement, notwithstanding the LRE requirements, if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated. The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons: 1. Federal requirements pertaining to participation of students with disabilities in general assessments;

2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

20 U.S.C. 1414(d)(7)

Transition Services Defined

"Transition services" means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. 1401(34); 34 C.F.R. 300.43

Individual Transition Planning

Not later than when a student reaches 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the individualized education program (IEP):

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate involvement in the student's transition by the student's parents and other persons invited to participate by the student's parents or the school district in which the student is enrolled;
3. If the student is at least 18 years of age, involvement in the student's transition and future by the student's parents and other persons, if the parent or other person is invited to participate by the student or the school district in which the student is enrolled or has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code, Chapter 1357;
4. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
5. An appropriate functional vocational evaluation;
6. Appropriate employment goals and objectives;

7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;

8. Appropriate independent living goals and objectives;

9. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. Section 1396n(c)]; and

10. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Estates Code Chapter 1357.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and

2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under item 1.

A student's ARD committee shall annually review the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings]

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011, .0111; 19 TAC 89.1055(h)–(j)

Transition and Employment Guide

TEA is required to develop a transition and employment guide for students enrolled in special education programs and their parents

to provide information on statewide services and programs that assist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;

2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:

    a. The first meeting of the student's ARD committee at which transition is discussed; and

    b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and

3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(3)(D), (f)(1), (f)(2), (f)(3) or (f)(4)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C), the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. *19 TAC 89.1070(a), (j)* [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2)

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:

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;

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

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 in compliance with 19 Administrative Code 129.1027(h)(2) 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;

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]

Students Receiving Special Education Services

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:

1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

Graduation Requirements

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.

No Cause of Action

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.

Education Code 28.0213

College Preparatory Courses

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 12th grade level whose performance on:
    a. An end-of-course 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 [Texas Success Initiative (TSI) assessment] 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 an institution of higher education with which the district partners.

Faculty

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.

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. *Education Code 28.014*
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. *Education Code 39.025(a-1)*

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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)*

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);

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

District Determination — 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. *19 TAC 74.1027(b)*

Alternative Requirements — The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c).

Local Alternative Requirements — 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. *19 TAC 74.1027(d)*

Appeals — A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. *19 TAC 74.1027(e); Education Code 28.02541*

Documentation — The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. *19 TAC 74.1027(f)*

Special Education — A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. *19 TAC 101.3023(a)* [See Graduation of Students Receiving Special Education Services, below, and EKB]

Posthumous Diploma — Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may

not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under 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 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.

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;

c. On a College Board advanced placement test or international baccalaureate examination;

d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or

e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or

2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who Entered Grade 9 Before the 2014–15 School Year

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

Minimum High School Program

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;

2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or

3. Has failed to be promoted to the 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)

Requirements	A student must earn at least 22 credits to complete the Minimum High School Program. A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72. A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F. *Education Code 28.025; 19 TAC 74.62, .72*
Recommended High School Program	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73. *Education Code 28.025; 19 TAC 74.63, .73*
Advanced / Distinguished Achievement High School Program	A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74. *Education Code 28.025; 19 TAC 74.64, .74*
Substitutions	No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. *19 TAC 74.63(d), .64(e), .73(d), .74(e)*
AP or IB Courses	College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. *19 TAC 74.61(k), .71(i)*
Reading	A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district: 1. Adopts policies to identify students in need of additional reading instruction; 2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student's progress; and 3. Monitors instructional activities to ensure that student needs are addressed. Reading credits may be selected from Reading I, II, or III. *19 TAC 74.61(h), .71(f)*

College Courses

A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. *19 TAC 74.61(l), .71(j)*

Physical Education Substitutions

Other Physical Activity

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
    a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
    b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with Disability or Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee.

Student with Physical Limitations

If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)

Transfers from Out-of-State or Nonpublic Schools

Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enroll-

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. *19 TAC 74.11(f)* [See EHDB, EHDC, EHDE, and EI]

Graduation of Students Receiving Special Education Services

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–117, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Modified Curriculum and Content

Employability and Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(i)*

Summary of Academic Achievement and Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(g)–(h)*

Students Entering Grade 9 in or After the 2014–15 School Year

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily

completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:

    a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.

    b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.

    c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.

    d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

Endorsements

A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:

1. Successfully completing, with or without modification of the curriculum:
    a. The curriculum requirements identified by the SBOE for the foundation high school program; and
    b. The additional endorsement curriculum requirements prescribed by the SBOE; and
2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:
    a. Without modification of the curriculum; or
    b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)–(c-8), 19 TAC 89.1070(c)

Students Entering Grade 9 Before the 2014–15 School Year

A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

Graduation of Military Dependents

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.

Course Waiver

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. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. 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 retake 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	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] *19 TAC 101.3014* 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. *Education Code 39.0233(b)*
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. *20 U.S.C. 6312(e)(1)(B)(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. *Education Code 26.005, .006(a)(2)*
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.

Faculty — 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.

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 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.

Education Code 28.014

Security and Confidentiality

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.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

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

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)–(d)

Disciplinary Action and Penalties

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.

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.

19 TAC 249.15(a)–(b), (g)

Minimize Disruptions

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. *Education Code 39.0301(a-1)*

Confidentiality of Results

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Definition

For the purpose of this policy, “parent” is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. *Education Code 12.051(1), .052(b), .053(b)*

Policy

A district shall adopt a campus charter and program charter policy, which shall specify the:

1. Process for approval of a campus charter or program charter;
2. Statutory requirements with which a campus charter or program charter must comply; and
3. Items that must be included in a charter application.

Education Code 12.058

Campus or Program Charter

A board may grant a charter to parents and teachers for a campus or a program on a campus.

A board shall grant or deny the charter, through a public vote, if the board is presented with a petition signed by:

1. The parents of a majority of the students at that campus; and
2. A majority of the classroom teachers at that campus.

A board may not arbitrarily deny a charter.

Education Code 12.052

New Campus or Contract Charter

A board may grant a charter for:

1. A new district campus; or
2. A program that is operated:
    a. By an entity that has entered into a contract with the district under Education Code 11.157 [see EEL] to provide educational services to the district through the campus or program; and
    b. At a facility located in the boundaries of the district.

Voluntary Enrollment

A student’s parent or guardian may choose to enroll the student at a campus or in a program charter. A district may not assign a student to the campus or program unless the student’s parent or guardian has voluntarily enrolled the student.

Parental Removal

A student’s parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.

Teacher Assignment	A district may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment. *Education Code 12.0521*
Contract Charter Funding	A district under contract with an open-enrollment charter school to jointly operate a campus or campus program during the 2017–18 school year and under any renewal of that contract is eligible to receive funding under Education Code 42.2511 for each student or the portion of each student's school day under the direction of the open-enrollment charter school. *Education Code 11.157(b); 19 TAC 61.1010*
District Charter	A board may grant a district charter to a campus.
Enrollment Limit	A district charter may be granted only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year.
Exception	The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school. A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39, Education Code.
Open-Enrollment Charter School	Subchapter D, Chapter 39, Education Code (open-enrollment charter schools) applies to a campus granted a district charter as though the campus were granted a charter under that subchapter, and the campus is considered an open-enrollment charter school. A district charter is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Education Code 12.101. *Education Code 12.0522*
Cooperative Campus Charter	A board may grant a charter to parents and teachers at two or more campuses in the district for a cooperative charter program if the board is presented with a petition signed by: 1. The parents of a majority of the students at each school; and 2. A majority of the classroom teachers at each school. *Education Code 12.053*
Performance Contract	A board that grants a charter shall enter into a performance contract with the principal or equivalent chief operating officer of the

campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students.

Duration of Charter

A charter granted by the board expires ten years from the date the charter is granted unless the specified goals are substantially met, as determined by the board.

Education Code 12.0531

Neighborhood School

A board may determine that a campus granted a charter will be a neighborhood school.

The principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under the Education Code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the superintendent or other district governance.

The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.

Education Code 12.0532

Student Eligibility

Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student’s age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

Education Code 12.065

Exemption

A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the board from

which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

Charter Contract

A charter shall be in the form and substance of a written contract signed by a board president and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs; and
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification a board requires.

Education Code 12.061

Content of Charter

Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;
2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments, satisfactory financial performance under state financial accountability provisions, and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to a basis specified in Education Code Chapter 12, Subchapter C, on which the charter may be revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;
6. Specify any procedure or requirement, in addition to those under Education Code Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be

conducted, including the manner in which the campus or program will provide information necessary for the district in which it is located to participate in PEIMS.

Education Code 12.059

Revision

A charter created by petition or a cooperative charter program may be revised with board approval and on a petition signed by a majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the board of trustees that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

Education Code 12.062

Failure to Discharge or Refuse to Hire

A charter campus or program commits a material violation of its charter if the campus or program fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under Education Codes 12.1059, 22.085, or 22.092. *Education Code 12.0631*

Applicability of Laws

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code or rule specifically provides. *Education Code 12.055(a)*

Education Code

A charter campus or program has the powers granted to schools under the Education Code.

A charter campus or program is subject to:

1. Provisions of the Education Code establishing criminal offenses;
2. Prohibitions, restrictions, or requirements of the Education Code, or a rule adopted under the Education Code, relating to:
    a. PEIMS, to the extent necessary to monitor compliance, as determined by the commissioner;
    b. Criminal history records under Subchapter C, Chapter 22;
    c. High school graduation under Section 28.025;
    d. Special education programs under Subchapter A, Chapter 29;

e. Bilingual education under Subchapter B, Chapter 29;

f. Prekindergarten programs under Subchapter E, Chapter 29;

g. Extracurricular activities under Section 33.081 (i.e., “no pass-no play”);

h. Health and safety under Chapter 38 (including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use, steroid use, access to medical records, and referrals to outside counselors);

i. Public school accountability under Subchapter B, C, D, F, and J, Chapter 39, and Chapter 39A; and

j. The duty to discharge or refuse to hire certain employees or applicants for employment under Education Code 12.1059.

Education Code 12.056

Open Meetings and Public Information Acts

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act). *Education Code 12.057(a)*

Teacher Retirement System

A district may contract with another district or an open-enrollment charter holder for services at a campus charter. An employee of the district or open-enrollment charter holder providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas (TRS) if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school operated by the charter holder. *Education Code 12.055(b)*

An employee of an independent school district who is employed on a charter campus or program who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of the independent school district who is employed on a regularly operating campus or in a regularly operating program.

An employee of a charter holder who is employed on a campus or in a program granted a charter and who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent

school district who is employed on a regularly operating campus or in a regularly operating program.

Education Code 12.057(b), (b-1)

Liability

A charter campus or program, and its employees and volunteers, are immune from liability to the same extent as a district, its employees, and volunteers, respectively. *Education Code 12.057(c)*

Placement on Probation or Revocation

A board may place on probation or revoke a charter it grants if the board determines that the campus or program:

1. Committed a material violation of the charter, including by failure to comply with the duty to discharge or refuse to hire certain employees or applicants for employment, as provided by Education Code 12.0631;
2. Failed to satisfy generally accepted accounting standards of fiscal management; or
3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action a board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

Education Code 12.063

Procedure

Each board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

Education Code 12.064

Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;

3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and

4. A parent of the student provides to the school:

   a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and

   b. A written statement, signed by the student's physician or other licensed health-care provider, that states:

      (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;

      (2) The name and purpose of the medicine;

      (3) The prescribed dosage for the medicine;

      (4) The times at which or circumstances under which the medicine may be administered; and

      (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its

employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Opioid Antagonist Medication

A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. *Health and Safety Code 483.104*

A prescriber may, directly or by standing order, prescribe an opioid antagonist to a person in a position to assist a person experiencing an opioid-related drug overdose. *Health and Safety Code 483.102; 22 TAC 170.6*

Immunity

A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related

drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist. *Health and Safety Code 483.106*

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Note: The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy or an unassigned asthma medication policy.

Maintenance and Administration of Epinephrine Auto-Injectors

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

Definitions

All Hours the Campus Is Open

"All hours the campus is open" is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A "campus" is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Auto-Injector

An "unassigned epinephrine auto-injector" is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 37.603

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 37.605(e)–(f)

Records

School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request. *25 TAC 37.605(f)*

Reports

Not later than the tenth business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;

2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;

3. The physical location where the epinephrine auto-injector was administered;

4. The number of doses of epinephrine auto-injector administered;

5. The title of the person who administered the epinephrine auto-injector; and

6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 37.608*

Personnel or Volunteers

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 37.606(a)–(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 37.606(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the recognizing of anaphylaxis signs and symptoms and administration of an unassigned epinephrine auto-injector.

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training. Training shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs[1] published by the federal Centers for Disease Control and Prevention.

25 TAC 37.607

Training may be provided in a formal training session or through an online education course. Training must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration. *25 TAC 37.607(1)–(2)*

Training must include information on implementing emergency procedures, if necessary, after administering an epinephrine auto-injector, and properly disposing of used or expired epinephrine auto-injectors. A district shall maintain records on the required training. *Education Code 38.210*

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills. The training must also include information about promptly notifying local emergency medical services.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 37.607(3)–(6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 37.605(a)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of

	school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school personnel shall coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *19 TAC 37.605(b)*
Notice to Parents	If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice must be provided before the policy is implemented by the district or school and before the start of each school year. *Education Code 38.212* A district shall provide electronic or written notice to the parent or guardian of each student. If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days. *25 TAC 37.609*
Storage	Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 37.605(h)*
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 37.605(i)*
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy. *25 TAC 37.605(j)–(k)* [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

Maintenance and Administration of Asthma Medicine

A district may voluntarily adopt and implement a written policy regarding the maintenance, administration, and disposal of asthma medication at each campus. If a written policy is adopted, the unassigned asthma medication policy must comply with Education Code 38.208. *25 TAC 40.44(a)*

The policy must provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student stating that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. A school nurse may administer the prescription asthma medicine only at a school campus. *Education Code 38.208(b-1)*

Definitions

Authorized Health-care Provider

"Authorized health-care provider" means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

Campus

"Campus" means a geographic unit of a school district that:

1. Has an assigned administrator;
2. Has enrolled students who are counted for average daily attendance;
3. Has assigned instructional staff;
4. Provides instructional services to students;
5. Has one or more grades in the range from early childhood education through grade 12 or is ungraded; and
6. Is subject to Texas laws.

School Nurse

"School nurse" means a registered nurse, as defined in 19 Administrative Code 153.1022, authorized to administer asthma medication, or licensed vocational nurse working under supervision as described in Occupations Code 301.353. [See DP]

Unassigned Asthma Medication

"Unassigned asthma medication" means a fast acting bronchodilator delivered by metered dose inhaler with single use spacer or by nebulizer as a rescue medication, prescribed by an authorized health-care provider in the name of the district with a non-patient-specific standing delegation order for the administration of an asthma medication, and issued by an authorized health-care provider.

25 TAC 40.42

Minimum Dosage Requirement

Subject to the availability of funding, a district that adopts such a policy must secure or obtain the suggested minimum dosage of unassigned asthma medication. *25 TAC 40.44 (a)(2)*

Once a district voluntarily adopts an unassigned asthma medication policy, a campus that implements an unassigned asthma medication policy must stock unassigned asthma medication, subject to available funding, as defined by 25 Administrative Code 40.44. *25 TAC 40.45(a)*

Optional Review

In development of an unassigned asthma medication policy, a district may consider performing a review to include consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being; campus geography; and student population size.

Policy Requirements

If a district voluntarily adopts an unassigned asthma medication policy, the policy must include:

1. A process to obtain written authorization from a parent or guardian of the student that the student has been diagnosed as having asthma and stating that the school nurse may administer unassigned asthma medication to the student;
2. A designated campus administrator to coordinate and manage policy implementation that includes:
    a. Whether to conduct a review at the campus to determine the need for additional doses;
    b. Training of school nurses;
    c. Acquiring or purchasing, maintaining, storing, and using unassigned asthma medication, subject to available campus funding; and
    d. Disposing of expired unassigned asthma medication;
3. A list of school nurses who will be assigned to administer unassigned asthma medication;
4. Locations of unassigned asthma medication;
5. Procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned asthma medication is administered; and
6. A plan to replace, as soon as reasonably possible, any unassigned asthma medication that is used or close to expiration.

An adopted unassigned asthma medication policy must be publicly available.

25 TAC 40.44(b)–(d)

No Negative Fiscal Impact

The policy may not require a district to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Asthma Medicine Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157, may prescribe asthma medicine in the name of a school district. *Education Code 38.211(a)*

An authorized health-care provider who prescribes unassigned asthma medication under 25 Administrative Code 40.45(b), below, must provide the campus with a standing order for the administration of unassigned asthma medication to a person who:

1. Is reasonably believed to be experiencing a symptom of asthma; and
2. Has provided written notification and permission as required by the unassigned asthma medication policy.

25 TAC 40.45(c)

Prescription of Unassigned Asthma Medicine

A campus must obtain a prescription from an authorized health-care provider each year to stock, possess, and maintain at least two doses of unassigned asthma medication on each campus as described in Education Code 38.208 and any equipment necessary to administer the medication.

The campus must renew this prescription or obtain a new prescription annually.

The number of additional doses may be determined by an individual campus review led by an authorized health-care provider.

25 TAC 40.45(b)

School Nurse Training

A district that chooses to adopt a written unassigned asthma medication policy is responsible for training school nurses about:

1. The adopted unassigned asthma medication policy;
2. The authorized health-care provider's standing order;
3. Follow-up with the prescribing authorized health-care provider and the student's primary health-care provider; and

4. The report required after administering an unassigned asthma medication under 25 Administrative Code 40.47 (see Reports and Records, below).

Each campus must maintain training records and must make available upon request a list of school nurses trained and authorized to administer the unassigned asthma medication on the campus.

25 TAC 40.46

Notice to Parents

If a district implements an unassigned asthma medication policy, the campus shall provide written or electronic notice to a parent or guardian of each student in accordance with Education Code 38.212.

If a district changes or discontinues the unassigned asthma medication policy, written or electronic notice detailing the change or discontinuation must be provided to a parent or guardian of each student within 15 calendar days after the change or discontinuation.

25 TAC 40.48

The district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under Education Code 38.212 must be provided before a policy is implemented by the district and before the start of each school year. *Education Code 38.212*

Records and Reporting

Records relating to implementing and administering the school district unassigned asthma medication policy must be retained per the campus record retention schedule.

The campus must submit a report no later than the tenth business day after the date a school nurse administers asthma medication in accordance with the unassigned asthma medication policy. The report must be included in the student's permanent record and submitted to the school administrator, prescribing authorized health-care provider, the student's primary health-care provider, and to the Department of State Health Services (DSHS) commissioner.

Notifications to the DSHS commissioner must be submitted on the designated electronic form[2] available on DSHS's School Health Program website found at dshs.texas.gov.

25 TAC 40.47

Asthma Medicine Storage and Disposal

The supply of asthma medicine at each campus must be stored in a secure location and be easily accessible to the school nurse. *Education Code 38.208(e)*

The unassigned asthma medication must be stored in accordance with the manufacturer's guidelines and local policy of the school district.

Expired unassigned asthma medication and other used or expired supplies must be disposed of in accordance with the manufacturer's guidelines and local policy of the district.

25 TAC 40.45(d)–(e)

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and asthma medicine, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. Issuing an order for epinephrine auto-injectors or asthma medicine;
2. Supervising or delegating the administration of an epinephrine auto-injector or asthma medicine;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector or asthma medicine;
4. Prescribing an epinephrine auto-injector or asthma medicine;
5. Dispensing an epinephrine auto-injector or asthma medicine, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Asthma Medicine, above];
6. Administering, or assisting in administering, an epinephrine auto-injector, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Epinephrine Auto-Injectors, above];
7. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
8. Undertaking any other act permitted or required under Education Code Chapter 38, Subchapter E.

A district and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under Education Code Chapter 38, Subchapter E, including an act or failure to act under related policies and procedures.

An act or failure to act by school personnel or a school volunteer, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the

school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district.

Education Code 38.215; 25 TAC 40.49

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[1] CDC Voluntary Guidelines for Managing Food Allergies: https://www.cdc.gov/healthyschools/foodallergies/index.htm
[2] Required Reporting of Administered Unassigned Asthma Medication to DSHS: https://www.dshs.texas.gov/schoolhealth/forms/ReportingForm-Asthma.aspx

Garland Independent School District
Board of Trustee

Date of Meeting: June 22, 2021

Agenda Item: Review Local Policies from Update 117-First Read

Agenda Section: Discussion Item

Administrator Responsible: Lisa Ray
General Counsel

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Superintendent Goal #2 – Fiscal Responsibility
Ratings inputted for the Measured Analysis Goals are only a point of reference for trustee rating as each board member has the autonomy to change the rating. Measured Analysis Ratings will follow the state accountability factors for rounding.

Superintendent Goal #3 – Board Relations
The superintendent maintains a positive and productive working relationship with the board of trustees and the community.

Superintendent Goal #4 – Educational Leadership
The superintendent provides leadership and direction for an educational system that is based on desired student achievement.

Summary/Background Information:

Update 117 includes policy revisions in response to the declared catastrophes and to revise state rules and provisions from the 86th Legislative Session that are effective January 1, 2021.

- Delegation of Authority to the Superintendent to approve contracts for replacement, construction, or repair of equipment or facilities in event of a catastrophe, emergency or natural disaster;
- Leaves and Absences

CH (LOCAL)	PURCHASING AND ACQUISITION
CV (LOCAL)	FACILITIES CONSTRUCTION
DEC (LOCAL)	COMPENSATION AND BENEFITS LEAVES AND ABSENCES

Administrative Recommendations:

Provided for your review and discussion.

Purchasing Authority

The Board delegates to the Superintendent or purchasing director the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs, in the aggregate, $75,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Exceptions

Renewal of contracts shall not require Board approval unless material changes occur after the initial approval. [See CH(REGULATION)]

The Board delegates to the Superintendent or purchasing director authority to accept or reject all bids and proposals for the purchase of food items.

A purchase utilizing an interlocal contract, or a cooperative or state purchasing program approved by the Board, shall be approved by the Superintendent or purchasing director.

Exception for Emergency Contracts

In the event of a catastrophe, emergency, or natural disaster affecting the District, the Board delegates to the Superintendent the authority to contract for the replacement, construction, or repair of school equipment or facilities in accordance with law, if emergency replacement, construction, or repair is necessary for the health and safety of District students and staff. The Superintendent shall report to the Board at the next regular meeting any contract made under this authority. [See Disaster Exception, CH(LEGAL)]

The delegation regarding emergency contracts does not waive competitive purchasing requirements under Education Code Chapter 44. Only the Board is authorized to waive competitive purchasing requirements under limited circumstances in accordance with Education Code 44.031(h). [See Emergency Damage or Destruction, CH(LEGAL)]

Purchasing Procedures

The Superintendent shall develop purchasing procedures to implement the requirements of state and federal law. [See also CB, CBB, CH(LEGAL), and COA]

Purchasing Method

The Board delegates to the Superintendent or purchasing director the authority to determine the method of purchasing in accordance with CH(LEGAL) or CBB(LEGAL), as appropriate.

Competitive Bidding

If competitive bidding is chosen as the purchasing method, the Superintendent or purchasing director shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time

for opening. Bids received after the specified time shall not be considered.

The District may reject any and all bids in accordance with state or federal law, as applicable.

Competitive Sealed Proposals

If competitive sealed proposals are chosen as the purchasing method, the Superintendent or purchasing director shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

The District may reject any and all proposals in accordance with state or federal law, as applicable.

Unsealed Competitive Proposals

A request for proposals may also be used as a procurement option to generate an unsealed competitive proposal. In this instance, the District may open the proposal upon receipt and begin the negotiation process for the goods or services. Results of such negotiations shall be made public after the contract has been awarded.

Electronic Bids or Proposals

Bids or proposals that the District has chosen to accept through electronic transmission shall be administered in accordance with Board-adopted rules. Such rules shall safeguard the integrity of the competitive procurement process; ensure the identification, security, and confidentiality of electronic bids or proposals; and ensure that the electronic bids or proposals remain effectively unopened until the proper time.

The Board authorizes the use of Oracle iSourcing to transmit and receive electronic bids and proposals.

Responsibility for Debts

The Board shall assume responsibility for debts incurred in the name of the District so long as those debts are for purchases made in accordance with the adopted budget, state law, Board policy, and the District's purchasing procedures. [See CE] The Board shall not be responsible for debts incurred by persons or organizations not directly under Board control. Persons making unauthorized purchases shall assume full responsibility for all such debts.

Purchase Commitments

All purchase commitments shall be made by the Superintendent or purchasing director in accordance with administrative procedures, including the District's purchasing procedures.

Personal Purchases

District employees shall not be permitted to make purchases for personal use through the District's business office.

Historically Under-Utilized Business Program

The Board supports a historically under-utilized business program that ensures that the District will promote and encourage the participation of minority-owned businesses, women-owned businesses, and small businesses in the purchasing of all goods and services, including all construction services. The Superintendent and/or staff shall implement a business program to ensure that small, women-owned, and minority businesses are informed of current and future purchasing activities and that goals of this program are achieved.

Implementation

Nothing herein shall be construed to authorize or require expenditure of funds for goods and services apart from normal statutory purchasing processes.

Definitions

For the purpose of this action plan:

- "Small business" is defined as a concern that is independently owned and operated and that is not dominant in its field of operation. The business employs fewer than 50 employees and/or has less than $3 million in annual business volume from this local operation.
- "Minority business" is a business concern that is at least 51 percent owned by one or more minority individual(s) or, in the case of any publicly owned business, at least 51 percent of the stock is owned by one or more of the minority individual(s) and whose management and daily business operations are controlled by one or more of the minority individual(s) who own it. "Minority individuals" means residents of the United States who are members of the following groups: African Americans, Hispanics, American Indians, Asian Americans, Alaska natives, Pacific Islanders, and other individuals found to be economically and socially disadvantaged by the Small Business Administration under section (a) of the Small Business Act.
- "Women business enterprise" means a business concern that follows the same guidelines as a minority business enterprise but that is owned by women.
- "Certification." Any business wishing to be identified by the District as a small, women-owned, or minority business shall be certified. [See CH(REGULATION)]

Compliance with Law

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Construction Contracts

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above $50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above $75,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

A change order may involve an extra amount of funds due to the contractor, a credit due to the District, or a change requiring no additional funds in the contractual agreement. Funding for change orders shall be provided from a general contingency fund that is approved for each project.

Construction Contingency Funds

Construction contingency funds shall be provided for the correction of design errors or omissions, the implementation of minor functional changes, the initiation of changes that create a betterment of the design, the rectification of concealed conditions, and the adjustment of construction due to delays caused by changes in the availability of materials due to strikes, natural disasters, and the like. Contingency funds are obligated through the issuance of contract change orders.

A contingency fund shall be established for all capital projects. The contingency fund for projects that include only new construction shall be two percent of the final estimated project cost. On projects that include substantial renovation of an existing building, the amount of the contingency fund shall be based on the complexity

and extent of the renovation. When circumstances dictate that a higher percentage of contingency will be necessary for a project, the administration shall submit a recommendation to the Board at the time the project is submitted for final approval. Any increase of contingency funds following the award of a construction project shall be approved by the Board.

Change Order Procedures

The following guidelines have been established by the Board for the District to implement change orders:

1. In accordance with Board policy and approval of the contingency fund for the project, the administration shall be authorized to approve change orders and payments.
2. Change orders to initiate work covered by a specific purpose allowance may be authorized by the administration.
3. Change orders of an emergency nature, where there is a construction budget for such funds, shall be authorized by the administration up to an amount required to eliminate the emergency condition. The change orders of an emergency nature shall be submitted to the Board for ratification.

Project Administration

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and shall also provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board or the Board's designee has accepted the work.

Construction Allowances

Specific purpose allowances are funds designated in contract specifications for special equipment, repairs, furnishings, and the like that may not be finally determined at the time of the contract signing. The estimated allowances shall become a part of the bid by the contractor and shall be approved by the Board when a contract is awarded. Any unused funds shall revert to the District by an approved change order.

Leave Administration

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, using~~use~~, or recording ~~of~~ leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave for the current year available for use at the beginning of the school year. When an employee is present for his or her first duty day of the school year, local leave shall be made available for use at the beginning of the school year. If an employee is not present on his or her first duty day of the school year, local leave shall be made available for use at the beginning of the school year, but the employee shall be sub-

ject to earning any local leave taken when the employee returns to work.

State~~Earning Local~~ Leave

~~When an employee is not present on his or her first duty day of the school year, the employee shall not earn any local leave when he or she is in unpaid status. An employee using full or proportionate paid leave shall be considered to be in paid status.~~

~~Deductions~~

~~Leave Without Pay~~

~~The District shall not approve paid leave for more leave days than have been accumulated in prior years plus leave currently available. Any unapproved absences or absences beyond accumulated and available paid leave shall result in deductions from the employee's pay.~~

~~Leave~~ Proration

~~Employed for Less Than Full Year~~

If an employee separates from employment with the District before his or her last duty day of the school year~~,~~ or begins employment after the first duty day of the school year, ~~,~~state personal ~~leave and local~~ leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.~~:~~

~~1. State personal leave the employee used beyond his or her pro rata entitlement for the school year;~~

~~2. Local leave, if the employee was present on his or her first duty day of the school year, that the employee used beyond his or her pro rata entitlement for the school year; and~~

~~3. Local leave, if the employee was not present on his or her first duty day of the school year, that the employee used but had not earned as of the date of separation.~~

~~Employed for Full Year~~

~~If an employee who was not present on his or her first duty day of the school year uses more local leave than he or she earned and remains employed with the District through his or her last duty day, the District shall deduct the cost of the excess leave days from the employee's pay in accordance with administrative regulations.~~

~~Recording~~

~~Leave shall be recorded as follows:~~

~~1. For positions for which a substitute is normally required, leave shall be recorded in half-day increments, even if a substitute is not employed.~~

~~2. For positions for which a substitute is not normally required, leave shall be recorded on an hourly basis.~~

~~3. If the employee is taking intermittent FMLA leave, leave shall be recorded in one-hour increments.~~

~~**Order of Use**~~

~~Earned compensatory time shall be used before any available paid state and local leave. [See DEA]~~

~~Available leave shall be used in the order determined by each employee.~~

~~**Concurrent Use of Leave**~~

~~When an absent employee is eligible for FMLA leave, the District shall designate the absence as FMLA leave.~~

~~The District shall require the employee to use temporary disability leave and paid leave, including compensatory time, concurrently with FMLA leave.~~

~~An employee receiving workers' compensation income benefits may be eligible for paid or unpaid leave. An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.~~

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than five consecutive workdays because of personal illness or more than three consecutive workdays for illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. ~~The~~ The employee requests FMLA leave for the employee's serious health condition; a serious health condition ~~or that~~ of the employee's ~~a~~ spouse, parent, or child; or
4. ~~The employee requests FMLA leave~~ for military caregiver leave ~~purposes~~.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

~~***Note:*** For District contribution to employee insurance during leave, see CRD(LOCAL).~~

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used. ~~:~~

Nondiscretionary ~~No n-Discretionary~~ Use

1. Nondiscretionary ~~Non-discretionary~~ use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

~~2.~~5. Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

~~*Limitations*~~

Request for Leave

In deciding whether to approve or deny a~~The employee shall submit a written~~ request for discretionary use of state personal leave~~, to~~ the ~~immediate~~ supervisor ~~or designee in advance in accordance with administrative regulations. In deciding whether to approve or deny state personal leave, the supervisor or designee~~ shall not seek or consider the reasons for which an employee requests to use leave. The supervisor ~~or designee~~ shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and~~or~~ District operations, as well as the availability of substitutes.

Restrictions

No employee shall be granted discretionary use of state personal leave on days scheduled for state-mandated assessments. Individual supervisors may also restrict the use of state personal leave for discretionary purposes on other days. These restrictions shall be communicated by individual supervisors to their employees.

Local Leave

Each employee~~All employees~~ shall earn~~receive~~ two paid local leave days per school year in accordance with administrative regulations. If an employee is not present on his or her first duty day of the school year, the employee must earn the two paid local leave days in accordance with administrative regulations.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state personal leave. [See State Personal Leave~~STATE PERSONAL LEAVE~~, above]

Extended Sick Leave

After all available paid~~state and local~~ leave days and any applicable compensatory time have been exhausted, an employee shall be granted~~,~~ for the duration of his or her employment with the District~~,~~ a maximum of 30 leave days of extended leave to be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year [see DEC(LEGAL)] or for absences related to the birth or placement of a child when leave is taken within the first year after the child's birth, adoption, or foster placement.

A written request for extended leave must be made to the employee's supervisor and, if leave will be taken for illness or injury of the

employee or of an employee's immediate family, the request must be accompanied by medical certification of the illness or injury.

The District shall deduct the~~The~~ average daily rate of pay of a substitute for the employee's position ~~shall be deducted~~ for each day of extended leave taken, whether or not a substitute is employed, or one-half of the employee's daily rate shall be deducted for each day of extended leave taken, whichever results in the greater payment to the employee.

Family and Medical Leave

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA.

Twelve-Month Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be July 1 through June 30.

Combined Leave for Spouses

When~~If~~ both spouses are employed by the District, the District shall limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks. The District shall limit military caregiver leave to a combined total of 26 weeks. ~~[See DECA(LEGAL)]~~

Intermittent or Reduced Schedule Leave

The District shall permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee. ~~[See DECA(LEGAL) for use of intermittent or reduced schedule leave due to a medical necessity.]~~

Certification of Leave

When~~If~~ an employee requests leave, the employee shall provide certification, in accordance with~~as required by~~ FMLA regulations, of the need for leave. ~~[See DECA(LEGAL)]~~

Fitness-for-Duty Certification

In accordance with administrative regulations, when~~If~~ an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification. ~~If the District will require certification of the employee's ability to perform essential job functions, the District shall provide a list of essential job functions to the employee with the FMLA designation notice.~~

Leave at the End of Semester ~~Leave~~

When~~If~~ a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester. ~~[See DECA(LEGAL), LEAVE AT THE END OF A SEMESTER]~~

~~Failure to Return~~

~~If, at the expiration of FMLA leave, the employee is able to return to work but chooses not to do so, the District may require reimbursement of premiums paid by the District during the leave. [See DECA(LEGAL), RECOVERY OF BENEFIT COST]~~

Temporary Disability Leave

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent ~~or designee~~ as a request for temporary disability leave.

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

Workers' Compensation

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance. ~~[See CRD(LOCAL) regarding payment of insurance contribution during employee absences.]~~

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

No Paid Leave Offset

The District shall not permit the option~~An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.~~

~~An employee eligible~~ for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]~~, and not on assault leave, may elect in writing to use paid leave.~~

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Payment~~Reimbursement~~ for Accumulated Leave Upon Retirement

The following leave provisions shall apply to state and local leave accumulated~~earned~~ beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for payment~~reimbursement~~ for accumulated state and local leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides documentation of retirement through the Texas Teacher Retirement System (TRS).
3. The employee has at least ten years of service with the District.

The employee shall receive payment~~be reimbursed~~ for each day of accumulated~~unused~~ state and local leave, to a maximum of 20 days, at the employee's daily rate of pay immediately preceding retirement. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Trustees' Report

Agenda Section: Discussion Item

Administrator Responsible: Dr. Ricardo López
Superintendent

Board Goal Objective:

OBJECTIVE A: EARLY LITERACY (Reading)
Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)
Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION
Percent of ELL students demonstrating English language acquisition, as measured by yearly progress indicator on the Texas English Language Proficiency Assessment System (TELPAS.

OBJECTIVE D: SCIENTIFIC UNDERSTANDING
Percent of students in grade 8 demonstrating scientific understanding as measured by Meets Grade Level performance on STAAR Science.

OBJECTIVE E: MATHEMATICAL PROFICIENCY
Percent of students demonstrating mathematical proficiency as measured by Meets Grade Level performance by the end of grade 9 on STAAR Algebra I EOC**.**

OBJECTIVE F: POSTSECONDARY READINESS (SAT Exams)
Percent of students demonstrating postsecondary readiness exam success, as measured by meeting college ready benchmarks through 11TH grade SAT School Day.

OBJECTIVE G: POSTSECONDARY READINESS (AP Exams)
Percent of students demonstrating postsecondary readiness exam success, as measured by AP exams with qualifying criterion scores.

OBJECTIVE H: STUDENT MANAGEMENT
Percent of discretionary exclusionary consequences as measured by ISS, OSS, and DAEP.

OBJECTIVE I: GRADUATION OUTCOMES
Percent of students successfully completing graduation and College, Career, Military Ready (CCM-R) requirements.

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Superintendent Goal #2 – Fiscal Responsibility
Ratings inputted for the Measured Analysis Goals are only a point of reference for trustee rating as each board member has the autonomy to change the rating. Measured Analysis Ratings will follow the state accountability factors for rounding.

Superintendent Goal #3 – Board Relations
The superintendent maintains a positive and productive working relationship with the board of trustees and the community.

Superintendent Goal #4 – Educational Leadership
The superintendent provides leadership and direction for an educational system that is based on desired student achievement.

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Superintendent Goal #6 – Community Relations & Relationship Building
The superintendent maintains a positive and productive working relationship with District employees and the community.

Summary/Background Information:

Trustees report to other trustees, the administrative staff and the public of activities that impact the Board's governance of the District. Trustees may report on the following subjects:

1. Trustee attendance at recent district and community events.
2. Announcement of upcoming district and community events.
3. Recognition of outstanding performance by district staff and students.
4. Recognition of new programs and special activities.
5. Message from Board President.

Administrative Recommendations:

For discussion.

June 21, 2021 - June 27, 2021

June 2021

Su	Mo	Tu	We	Th	Fr	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			

July 2021

Su	Mo	Tu	We	Th	Fr	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

Monday, June 21

- **3:00pm - 7:00pm Special Meeting** (Board Room) - Mechelle Hogan

Tuesday, June 22

- **3:00pm - 4:50pm Working Meeting-Equity Assessment Update** (Boardroom)
- **5:00pm - 7:00pm Board Meeting** (Board Room) - Mechelle Hogan

Wednesday, June 23

- **12:00am TASB Summer Leadership Institute-Fort Worth** (Omni Fort Worth)

Thursday, June 24

- **TASB Summer Leadership Institute-Fort Worth** (Omni Fort Worth)
- **6:15pm - 8:45pm Perdue Brandon Fielder Collins & Mott LLP Dinner** (Reata Restaurant 310 Houston Street, Sundance Square Fort Worth, Texas 76102)

Friday, June 25

- **TASB Summer Leadership Institute-Fort Worth** (Omni Fort Worth)
- **Summer Work Hours M-TH**
- **9:00am - 11:00am Dallas College Graduation** (Curtis Culwell Center)

Saturday, June 26

- **12:00am TASB Summer Leadership Institute-Fort Worth** (Omni Fort Worth)

Sunday, June 27

June 28, 2021 - July 4, 2021

June 2021

Su	Mo	Tu	We	Th	Fr	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			

July 2021

Su	Mo	Tu	We	Th	Fr	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

Monday, June 28

10:30am - 12:00pm Garland Chamber SPARK Luncheon (Hybrid (Zoom & Dallas College Garland Center, 675 W. Walnut St. Garland, TX 75040))

Tuesday, June 29

Wednesday, June 30

Thursday, July 1

Friday, July 2

Summer Work Hours M-TH

Saturday, July 3

Sunday, July 4

Independence Day (United States)

July 5, 2021 - July 11, 2021

July 2021

Su	Mo	Tu	We	Th	Fr	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 2021

Su	Mo	Tu	We	Th	Fr	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				

Monday, July 5

- **12:00am Summer Shut Down**
- **Independence Day (Observed)** (United States)

Tuesday, July 6

- **Summer Shut Down**

Wednesday, July 7

- **Summer Shut Down**

Thursday, July 8

- **Summer Shut Down**

Friday, July 9

- **12:00am Summer Shut Down**

Saturday, July 10

Sunday, July 11

July 12, 2021 - July 18, 2021

July 2021

Su	Mo	Tu	We	Th	Fr	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 2021

Su	Mo	Tu	We	Th	Fr	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				

Monday, July 12

Tuesday, July 13

Wednesday, July 14

Thursday, July 15

Friday, July 16

Saturday, July 17

Sunday, July 18

July 19, 2021 - July 25, 2021

July 2021

Su	Mo	Tu	We	Th	Fr	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 2021

Su	Mo	Tu	We	Th	Fr	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				

Monday, July 19

Tuesday, July 20

- **8:00am - 12:30pm New Employee Orientation** (Rowlett High School)
- **3:00pm - 3:50pm Facilities Committee Meeting** (Board Room) - Mechelle Hogan
- **4:00pm - 5:50pm Finance and Audit Committee Meeting** (Board Room) - Mechelle Hogan
- **6:00pm - 7:50pm District Affairs Committee Meeting** (Board Room)

Wednesday, July 21

Thursday, July 22

Friday, July 23

Saturday, July 24

Sunday, July 25

July 26, 2021 - August 1, 2021

July 2021

Su	Mo	Tu	We	Th	Fr	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 2021

Su	Mo	Tu	We	Th	Fr	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				

Monday, July 26

Tuesday, July 27

5:00pm - 7:00pm Board Meeting (Board Room) - Mechelle Hogan

Wednesday, July 28

Thursday, July 29

11:30am - 1:00pm SRO Luncheon (Atrium at Granville Arts Center)

Friday, July 30

Saturday, July 31

Sunday, August 1

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Superintendent's Report

Agenda Section: Discussion Item

Administrator Responsible: Dr. Ricardo López
Superintendent

Board Goal Objective:

OBJECTIVE A: EARLY LITERACY (Reading)
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Summary/Background Information:

Dr. López will provide an update on District and community events.

Administrative Recommendations:

Provided for your information and discussion.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Future Agenda Items

Agenda Section: Discussion Item

Administrator Responsible: Dr. Ricardo López
Superintendent

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Superintendent Goal #6 – Community Relations & Relationship Building
The superintendent maintains a positive and productive working relationship with District employees and the community.

Summary/Background Information:

Trustees may submit items to be placed on future Board Meeting agendas.

Administrative Recommendations:

For discussion.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Human Resources Report

Agenda Section: Consent Agenda

Administrator Responsible: Dr. Gradyne Brown
Assistant Superintendent Human Resources

Board Goal Objective:

OBJECTIVE I: GRADUATION OUTCOMES

Percent of students successfully completing graduation and College, Career, Military Ready (CCM-R) requirements.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Please see attached recommendations for the new personnel, terminations, leaves of absence, and resignations for the 2020-21 school year.

Administrative Recommendations:

Administration recommends approval.

PERSONNEL ADMINISTRATION
RECOMMENDED PROFESSIONAL PERSONNEL

New Hires						
Name	**Exp**	**College**	**Degree**	**Job Title**	**School/Dept.**	**Effective Date**
Abdul-Jabbar, Rashad	1	Lamar Univ.	BS	Teacher - Business Ed. PE	Webb M.S.	7/26/2021
Ali, Rameen	0	UT - Dallas	BS	Teacher - 2nd Grade	Beaver MST	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Amaro, Amy	9	DBU	MEd	Teacher - Dyslexia	Special Ed.	7/26/2021
		TWU	BS			
Andrews, Jennifer	23	A&M - Commerce	BS	Teacher - 2nd Grade	Luna Elem.	7/26/2021
Andrews, Wendyle	3	Oklahoma State Univ.	BM	Teacher - Asst. Choir Dir.	Sachse H.S.	7/19/2021
Badillo, Barbara	7	A&M - San Antonio	BS	Teacher - Special Ed.	Sewell Elem.	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Booker, Michael	3	Univ. of Nebraska	BA	Teacher - Social Studies	Lakeview Cent. H.S.	7/19/2021
Brewer, Ann	2	LA State Univ.	BA	Teacher - English	Garland H.S.	7/26/2021
Claiborne Allen, Tamyra	7	UNT	BS	Teacher - Special Ed.	Webb M.S.	7/26/2021
Cole, Analisa	7	Capella Univ. (MN)	BA	Teacher - Dyslexia	Special Ed.	7/26/2021
		A&M - Corpus Christi	MS			
Dimas, Lauren	0	UNT	MS	Teacher - 5th Grade	Armstrong Elem.	7/26/2021
		UNT	BS			
Edwards, Jahmikal	7	Langston Univ. (OK)	BS	Teacher - Health	Lakeview Cent. H.S.	7/19/2021

PERSONNEL ADMINISTRATION
RECOMMENDED PROFESSIONAL PERSONNEL

Ensley, Crystal	1	SFA	BS	Teacher - 3rd Grade	Kimberlin Academy	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Esquivel, Annabel	1	UNT	BS	Teacher - 2nd Grade Bil.	Daugherty Elem.	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Gipson, Thomas	20	UNT	BS	Teacher PE	South Garland H.S.	7/26/2021
Favors, Walter	26	Tarleton State Univ.	MEd	Teacher - PE	Rowlett H.S.	7/19/2021
		Tarleton State Univ.	BS			
Fontenberry, Brittany	4	Western Governors Univ. (UT)	BS	Teacher - Math	Jackson MST	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Gray, Caitlin	3	TX A&M - Texarkana	BA	Teacher - Art	Cooper Elem.	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Green, Carl	1	A&M - College Station	MS	Teacher - Science	North Garland H.S.	7/26/2021
		Univ. of OK	BS			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Gonzalez, Joseph	24	Univ. of Houston	MEd	Teacher - Marketing	South Garland H.S.	7/19/2021
		UT - Austin	BS			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Hami, Mitra	0	UT - Dallas	MS	Teacher - Kind.	Stephens Elem.	7/26/2021
		UT - Dallas	BS			
Haynes, Chad		UT - Arlington	BA	Teacher - Social Studies	Garland H.S.	7/26/2021
Horn, Alex	9	Prairie View A&M	BS	Teacher - Physical Ed.	Lakeview Cent. H.S.	7/19/2021
Huggins, Matthew	5	A&M - College Station	BS	Teacher - Social Studies	Rowlett H.S.	7/19/2021

PERSONNEL ADMINISTRATION
RECOMMENDED PROFESSIONAL PERSONNEL

Hurst, Zachary	15	Austin College	BA	Teacher - Social Studies	Rowlett H.S.	7/19/2021
King, Mitcheeko	1	A&M - Commerce	MS	Teacher - Science	Jackson MST	7/26/2021
		A&M - Commerce	BS			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Kralick, Bradley	4	TX Tech Univ.	MEd	Teacher - 2nd Grade	Hickman Elem.	7/26/2021
		UNT	BA			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Langston, Barbara	9	Lamar Univ.	MEd	Teacher - Dyslexia	Special Ed.	7/26/2021
		Northwood Univ. (MI)	BBA			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
McLean, Cole	10	UNT	BS	Teacher - Science	South Garland H.S.	7/19/2021
Montoya, Clarissa	4	East TX Baptist Univ.	BA	Teacher - Mont. Lower El.	Luna Elem.	7/26/2021
Moore, Abrahia	2	A&M - Commerce	BS	Teacher - Hlth. SCI Car. Prep.	South Garland H.S.	7/19/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Morris, Ally	1	Grand Canyon Univ.	BA	Teacher - KN	Pearson Elem.	7/26/2021
Neahr, Haley	0	UT - Medical Branch - Galveston	MS	Teacher - Medical Asst. EKG	Gilbreath Reed C.T.C.	7/26/2021
		A&M - College Station	BS			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Olguin, Vanessa	5	Dallas Theological Seminary	MA	Teacher - Science	Lakeview Cent. H.S.	06/04/2021
		TWU	BS			
Opland, Alexander	1	Centenary College of LA	BS	Teacher - Art	Shugart Elem.	07/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						

PERSONNEL ADMINISTRATION
RECOMMENDED PROFESSIONAL PERSONNEL

Rivas, Yvonne	1	UT - Dallas	BA	Teacher - 4th Grade Bilingual	Walnut Glen Academy	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Riveros, Mary	6	West TX A&M Univ.	BS	Teacher - Dyslexia	Special Ed.	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Rodriguez, Shelley	8	UT - Permian Basin	MA	Teacher - KN	Lister Elem.	7/26/2021
		Univ. of Oregon	MFA			
		UNT	BFA			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Schoenekase, Debra	9	Univ. of Kansas (KS)	BS	Teacher - ELAR	AEC	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Seekins, Ryan	0	A&M - Commerce	BS	Teacher - Assistant Choir	CC @ Brandenburg M.S.	7/19/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Shafer, Maegan	1	UNT	BS	Teacher - ESL	Garland H.S.	7/26/2021
Shaffer, Alexander	1	TX State Univ.	BS	Teacher - Math	Lakeview Cent. H.S.	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Shaikh, Marcella	0	Univ. of Central Arkansas	BS	Teacher - Special Education	Liberty Grove Elem.	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Sharp, Darrin	25	Oklahoma Panhandle State Unv.	BA	Teacher - Health	Sachse H.S.	7/19/2021
Sheppard, Valerie	23	UT - Arlington	MEd	Teacher - Dyslexia	Special Ed.	7/26/2021
		A&M - Commerce	BS			
(Finish Year Only during 2020-2021, returning for 2021-2022)						
Spadley, Ryan	1	UNT	BM	Teacher - English	Lakeview Cent. H.S.	7/26/2021
(Finish Year Only during 2020-2021, returning for 2021-2022)						

PERSONNEL ADMINISTRATION
RECOMMENDED PROFESSIONAL PERSONNEL

Stuckey, Ryan	3	UTD	BA	Teacher - 4th Grade	Ethridge Elem.	7/26/2021
Taylor, Lori	20	Oklahoma St. Univ.	BS	Teacher - 2nd Grade	Sewell Elem.	7/26/2021
Wilson, Jereme	13	DBU	BS	Teacher - Social Studies	Rowlett H.S.	7/19/2021
Administrative New Hires						
Name	**Exp**	**College**	**Degree**	**Job Title**	**School/Dept.**	**Effective Date**
Administrative Appointments/Transfers						
Name		**Current Position**		**Recommended Position**		**Effective Date**

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Name	Job Title	School/Dept.	Experience	Reasons	Effective Date
Abbett, Natalie G.	Teach/Future Teachers	Sachse H.S.	10 years with GISD	Resignation/	6/15/2021
				Career Change	
Abdulrahman, Nora A.	Teach/2nd Grade	Carver Elem.	1 year with GISD	Resignation/	6/9/2021
				Personal	
Anderson, Robert D.	Teach/Math	Naaman Forest H.S.	14 years/11 with GISD	Resignation/	6/9/2021
				Other TX School	
Arroyo Boulter, Siduk	Counselor	Bullock Elem.	10 years/8 with GISD	Resignation/	6/11/2021
				Career Change	
Atemkeng, Kaliah O.	Teach/4th Grade	Steadham Elem.	7 years with GISD	Resignation/	6/9/2021
				Personal	
Bailey, Devon A.	Teach/Dyslexia	Naaman Forest H.S.	14 years/8 with GISD	Resignation/	6/9/2021
				Personal	
Banks, Erica E.	Teach/Science	Lakeview Cent. H.S.	1 year with GISD	Resignation/	6/9/2021
				End of Assignment	
Baratta, Elizabeth	Teach/ESL ELAR Newcomer	Memorial Pathway	10 years/6 with GISD	Resignation/	6/9/2021
				Health Reasons	
Barnett, Meghan A.	Teach/5th Grade Dual Lang.	Weaver Elem.	6 years with GISD	Resignation/	6/9/2021
				Other TX School	
Barrera, Laura	Teach/Journalism	South Garland H.S.	9 years/4 with GISD	Resignation/	6/9/2021
				Moving Out of State	
Beal, Jr., James C.	Teach/English/Coach	Sachse H.S.	13 years/3 with GISD	Resignation/	6/11/2021
				Other TX School	
Benda, Kristina M.	Teach/Math	Bussey M.S.	8 years/1 with GISD	Resignation/	6/9/2021
				Other TX School	
Blasingame, Wendy D.	Teach/Special Ed. KN ABC	Pearson Elem.	14 years/11 with GISD	Resignation/	6/9/2021
				Private School	
Booker, NaPricia S.	Teach/Business Ed.	South Garland H.S.	4 years with GISD	Resignation/	6/9/2021
				Other TX School	
Boyd, Laurie P.	Teach/Special Ed CM	Hudson M.S.	5 years/1 with GISD	Resignation/	6/9/2021
				Finish Year Only	
Brignac, Shannon K.	Teach/5th Grade	Ethridge Elem.	14 years with GISD	Resignation/	6/9/2021
				Other TX School	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Buchanan, Crystal G.	Teach/KN	Sewell Elem.	5 years with GISD	Resignation/	6/9/2021
				Other TX School	
Buck, Jr., Jack W.	Teach/HCS	North Garland H.S.	15 years/14 with GISD	Resignation/	6/15/2021
				Other TX School	
Bustillos, Miguel A.	Teach/Math	Lyles M.S.	9 year/7 with GISD	Resignation/	6/9/2021
				Relocation	
Cannon, Chris A.	Teach/English	Jackson T.C.	11 years/7 with GISD	Resignation/	6/9/2021
				Other TX School	
Carboni, Christopher W.	Teach/Math/Coach	South Garland H.S.	7 years with GISD	Resignation/	6/11/2021
				Other TX School	
Carroll, Maria D.	Counselor	Hudson M.S.	15 years/3 with GISD	Resignation/	6/11/2021
				Other TX School	
Chapman, Keith A.	Coordinator	Security	25 years with GISD	Resignation/	6/30/2021
				Other TX School	
Claeson, Tammy L.	Teach/ELA EOC	Garland H.S.	24 years/9 with GISD	Resignation/	6/12/2021
				Relocation	
Clary, Heather L.	Teach/Science	CC @ Brandenburg	18 years/15 with GISD	Resignation/	6/9/2021
				Health Reasons	
Clark, Tiffany P.	Teach/4th Grade	Beaver T.C.	14 years/9 with GISD	Resignation/	6/9/2021
				Other TX School	
Clements, Lacy D.	Teach/Social Studies	Bussey M.S.	8 years/6 with GISD	Resignation/	6/9/2021
				Relocation	
Collins, Susannah K.	Librarian	Centerville Elem.	8 years/1 with GISD	Resignation/	6/9/2021
				Other TX School	
Cooper, Shelly M.	Teach/Dyslexia	Special Education	13 years with GISD	Resignation/	6/9/2021
				Other TX School	
Cortez, Frank T.	Teach/Math	Lyles M.S.	4 years/2 with GISD	Resignation/	6/9/2021
				Relocation	
Counter, La Tanya K.	Teach/English	Lyles M.S.	6 years/4 with GISD	Resignation/	6/10/2021
				Other TX School	
Crone, Amy E.	Teach/Music	Freeman Elem.	3 years with GISD	Resignation/	6/9/2021
				Other TX School	
Davidson, Clare J.	Teach/ESL Soc. Stu. Newcomer	Memorial Pathway	7 years with GISD	Resignation/	6/9/2021
				Relocation	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Davis-White, Amber M.	Teach/English	O'Banion M.S.	1 year with GISD	Resignation/	6/9/2021
				Finish Year Only	
Davis, Michael D.	Teach/PE/Coach	Hudson M.S.	14 years with GISD	Resignation/	6/10/2021
				Other TX School	
Deason, Seth B.	Teach/Science	Lyles M.S.	13 years/11 with GISD	Resignation/	6/9/2021
				Other TX School	
Dietz, Tyler A.	Teach/Reading	O'Banion M.S.	7 years/6 with GISD	Resignation/	6/9/2021
				Other TX School	
Dooley, Hollie N.	Teach/English	Sachse H.S.	16 years with GISD	Resignation/	6/9/2021
				Career Change	
Duguid, Jillian B.	Teach/1st Grade	Pearson Elem.	13 years with GISD	Resignation/	6/9/2021
				Personal	
Duke, Katy C.	Librarian	Carver Elem.	15 years with GISD	Resignation/	6/9/2021
				Other TX School	
Egdorf, Denise R.	Teach/5th Grade	Pearson Elem.	10 years/1 with GISD	Resignation/	6/9/2021
				Other TX School	
Elliott, Ashley M.	Teach/Special Ed. ALE	Armstrong Elem.	9 years/4 with GISD	Resignation/	6/9/2021
				Other TX School	
Finch, Korey E.	Teach/Reading	Bussey M.S.	2 years/1 with GISD	Resignation/	6/9/2021
				Private School	
Fischer, Richard A.	Teach/Math	Sellers M.S.	6 years with GISD	Resignation/	6/9/2021
				Other TX School	
Flores, Esther L.	Teach/5th Grade	Hickman Elem.	9 years/7 with GISD	Resignation/	6/9/2021
				Other TX School	
Flynn, Laurie D.	Teach/Social Studies	Naaman Forest H.S.	17 years/4 with GISD	Resignation/	6/9/2021
				Other TX School	
Formaggini, Livia G.	Teach/4th Grade Bilingual	Rowlett Elem.	1 year with GISD	Resignation/	6/9/2021
				Other	
Forrest, June L.	Teach/ESL	Jackson T.C.	18 years/1 with GISD	Resignation/	6/9/2021
				Other TX School	
Frazer, Trevor C.	Teach/Math	Sellers M.S.	1 year with GISD	Resignation/	6/9/2021
				Finish Year Only	
Garcia, Silvia I.	Teach/Math EOC/Coach	South Garland H.S.	4 years with GISD	Resignation/	6/11/2021
				Personal	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Garza, Charlie N.	Teach/English	CC @ Brandenburg	5 years with GISD	Resignation/	6/9/2021
				Other TX School	
Gatlin, Kyle S.	Teach/Science	O'Banion M.S.	8 years with GISD	Resignation/	6/9/2021
				Career Change	
Garza, Keyla A.	Teach/ESL Math Newcomer	Memorial Pathway	3 years with GISD	Resignation/	6/9/2021
				Relocation	
Gentry, Shirl A.	Teach/KN	Kimberlin Academy	23 years with GISD	Retirement	6/9/2021
Gomez, Richard C.	Teach/Theater	Schrade M.S.	1 year with GISD	Resignation/	6/9/2021
				Other TX School	
Gonzalez, Leslie	Teach/KN Bilingual	Montclair Elem.	5 years with GISD	Resignation/	6/9/2021
				Other TX School	
Gosselin, Bret D.	Sheltered Instruction Fac.	English Lang. Learners	15 years/4 with GISD	Resignation/	6/24/2021
				Career Change	
Granstaff, Jacklyn R.	Nurse	Hickman Elem.	2 years with GISD	Resignation/	6/9/2021
				Relocation	
Gray, Kylie K.	Teach/Choir	Schrade M.S.	7 years with GISD	Resignation/	6/11/2021
				Other TX School	
Greenwood, Amy H.	Teach/3rd Grade	Williams Elem.	10 years with GISD	Resignation/	6/9/2021
				Other TX School	
Hampton, Sasha R.	Teach/English	O'Banion M.S.	6 years/2 with GISD	Resignation/	6/9/2021
				Career Change	
Harper, Sarah E.H.	Teach/Art	Bullock Elem.	14 years/1 with GISD	Resignation/	6/9/2021
				Career Change	
Hartweck, Charity R.	Teach/Dance	Garland H.S.	15 years with GISD	Resignation/	6/21/2021
				Other TX School	
Hashert, JenniferA.	Librarian	Sellers M.S.	17 years with GISD	Resignation/	6/9/2021
				Other TX School	
Hausknecht, Silvia B.	Athletic Trainer	Sachse H.S.	17 years/10 with GISD	Resignation/	6/11/2021
				Career Change	
Hazel, Adam M.	Teach/Asst. Band Director	Garland H.S.	3 years with GISD	Resignation/	6/17/2021
				Career Change	
Hebert, Patricia L.	Teach/Math Instr. Coach	O'Banion M.S.	12 years with GISD	Resignation/	6/30/2021
				Other TX School	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Heinkel, Meghan R.	Teach/5th Grade	Ethridge Elem.	14 years/12 with GISD	Resignation/	6/9/2021
				Other TX School	
Hempstead, Lea A.	Teach/Social Studies	Hudson M.S.	11 years with GISD	Resignation/	6/9/2021
				Other TX School	
Henderson, Scott R.	Teach/5th Grade	Spring Creek Elem.	4 years/2 with GISD	Resignation/	6/9/2021
				Personal	
Henry, Ronda L.	Teach/ 1st Grade	Routh Roach Elem.	9 years/7 with GISD	Resignation/	6/9/2021
				Professional Dev.	
Hudson, Michael E.	Teach/Health Sci. Career Prep	North Garland H.S.	19 years/1 with GISD	Resignation/	6/15/2021
				Finish Year Only	
Iftikhar, Zobia F.	Teach/Science	Jackson T.C.	2 years with GISD	Resignation/	6/9/2021
				Other TX School	
Jagislski, Steven J.	Teach/Science	AEC	31 years with GISD	Retirement	6/9/2021
Jaquez, Maura	Teach/Math	Sam Houston M.S.	2 years with GISD	Resignation/	6/9/2021
				Moving Out of State	
Johnson, Teena A.	Certification Manager	Human Resources	24 years/19 with GISD	Retirement	6/30/2021
Jones, Sarah Maria L.	Teach/1st Grade	Sewell Elem.	4 years with GISD	Resignation/	6/9/2021
				Other TX School	
Judie, Renee L.	Teach/Math	Schrade M.S.	4 years with GISD	Resignation/	6/9/2021
				Other TX School	
Koski, Phillip	Teach/3rd Grade	Ethridge Elem.	5 years/1 with GISD	Resignation/	6/9/2021
				Relocation	
Kumar, Ashley K.	Teach/1st Grade	Freeman Elem.	6 years/2 with GISD	Resignation/	6/9/2021
				Personal	
Leach, Dominique A.	Teach/Special Ed. ALE	Naaman Forest H.S.	16 years/6 with GISD	Resignation/	6/9/2021
				Moving Out of State	
Lenihan, Jessica D.	Teach/Science	Lakeview Cent. H.S.	14 years with GISD	Resignation/	6/9/2021
				Other TX School	
Lenihan, John M.	Teach/PE/Coach	Lakeview Cent. H.S.	16 years with GISD	Resignation/	6/11/2021
				Other TX School	
Lewis, Cyril L.	Teach/ Special Ed. CBSE	Luna Elem.	9 year/4 with GISD	Resignation/	6/9/2021
				Other TX School	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Lewis, David M.	Teach/PE/Coach	Sam Houston M.S.	23 years with GISD	Retirement	6/10/2021
Little, Chavon N.	Teach/5th Grade	Steadham Elem.	16 years/2 with GISD	Resignation/	6/9/2021
				Other TX School	
Love, Alesha C.	Counselor	Carver Elem.	25 years/22 with GISD	Resignation/	6/11/2021
				Other TX School	
Lowenthal-Lambert, Diana B.	Teach/Special Ed. CM	Jackson T.C.	12 years/1 with GISD	Resignation/	6/9/2021
				Other TX School	
Marcor Hernandez, Ana K.	Teach/Art	Naaman Forest H.S.	3 years with GISD	Resignation/	6/9/2021
				Personal	
Marish, Jessica L.	Teach/Health Care Science	South Garland H.S.	12 years/7 with GISD	Resignation/	6/15/2021
				Career Change	
Marks, Wesley L.	Teach/English	Sellers M.S.	8 years with GISD	Resignation/	6/9/2021
				Other TX School	
Martinez, Kristen R.	Teach/RTI Specialist	Keeley Elem.	9 years with GISD	Resignation/	6/9/2021
				Other TX School	
McCalister-Hampton, Alice C.	Teach/English	Lyles M.S.	14 years with GISD	Resignation/	6/9/2021
				Other TX School	
McCreary, Kathy M.	Teach/4th Grade	Park Crest Elem.	22 years with GISD	Resignation/	6/9/2021
				Other TX School	
McRae, Ross E.	Athletic Trainer	Naaman Forest H.S.	15 years/2 with GISD	Resignation/	6/11/2021
				Other TX School	
Mendez, Cristina	Teach/1st Grade Bilingual	Bullock Elem.	13 years/9 with GISD	Resignation/	6/9/2021
				Relocation	
Milam, Kristin L.	Teach/Science	CC @ Brandenburg	18 years/9 with GISD	Resignation/	6/9/2021
				Other TX School	
Mobley, Elisabeth J.	Teach/2nd Grade	Couch Elem.	27 years/23 with GISD	Resignation/	6/9/2021
				Other TX School	
Monnette, Stephanie N.	Teach/1st Grade	CC @ Vial	8 years/3 with GISD	Resignation/	6/9/2021
				Personal	
Moore, Anna C.	Teach/Special Ed. CBSE Idea B	Carver Elem.	4 years with GISD	Resignation/	6/9/2021
				Other TX School	
Morgan, Vanessa J.	Counselor	North Garland H.S.	14 years with GISD	Resignation/	6/16/2021
				Other TX School	

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RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Morris, Tracy L.	Nurse	Hillside Academy	4 years with GISD	Resignation/	6/9/2021
				Personal	
Munoz, Luis A.	Teach/Math	Lakeview Cent. H.S.	12 years/2 with GISD	Resignation/	6/9/2021
				Other TX School	
Myers, Tamera L.	Teach/ESL English Newcomer	Memorial Pathway	5 years with GISD	Resignation/	6/9/2021
				Other TX School	
Myers, Terrence (Shane)	Teach/Special Ed. BA	Rowlett H.S.	13 years/7 with GISD	Resignation/	6/9/2021
				Career Change	
Najarro, Zachary S.	Teach/Social Studies/Coach	Sachse H.S.	15 years/3 with GISD	Resignation/	6/11/2021
				Other TX School	
Navarro, Robert C.	Teach/PE	Weaver Elem.	3 years with GISD	Resignation/	6/9/2021
				Other TX School	
Nguyen, Peter H.N.	Teach/Math	Naaman Forest H.S.	6 years with GISD	Resignation/	6/9/2021
				Career Change	
Nguyen, William T.	Teach/Math	Garland H.S.	2 years with GISD	Resignation/	6/4/2021
				Other TX School	
Ogle, Lauren E.	Teach/Math Coach	Naaman Forest H.S.	2 years with GISD	Resignation/	6/9/2021
				Personal	
Orjuela, Jose M.	Teach/5th Grade Bilingual	Davis Elem.	12 years/8 with GISD	Resignation/	6/9/2021
				Other TX School	
Oviedo, Victoria R.	Teach/KN	Toler Elem.	1 year with GISD	Resignation/	6/9/2021
				Career Change	
Parker, Fred R.	Teach/PE/Coach	Bussey M.S.	29 years with GISD	Retirement	6/10/2021
Patterson, Linda W.	Teach/Math	Garland H.S.	26 years/5 with GISD	Resignation/	6/9/2021
				Not Working	
Pitcock, Jody	Teach/Special Ed. PPCD Pre-K	Cisneros PreK	7 years with GISD	Resignation/	6/9/2021
				Health Reasons	
Powell, Brittany S.	Teach/Science	Lyles M.S.	13 years/6 with GISD	Resignation/	6/9/2021
				Personal	
Ramey, JoAnna K.	Teach/KN	Club Hill Elem.	9 years/6 with GISD	Resignation/	6/9/2021
				Other TX School	
Raymond, Tracy E.	Teach/Technology Ed.	Coyle M.S.	10 years/5 with GISD	Resignation/	6/9/2021
				Health Reasons	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Reynolds, Bradley S.	Teach/Science/Coach	Lakeview Cent. H.S.	9 years/3 with GISD	Resignation/	6/11/2021
				Other TX School	
Ritter, Brandon L.	Teach/Choir Director	North Garland H.S.	19 years with GISD	Resignation/	6/11/2021
				Other TX School	
Rivas, Gloria M.	Teach/5th Grade Bilingual	Shorehaven Elem.	4 years with GISD	Resignation/	6/9/2021
				Professional Dev.	
Rodriguez, Leslie S.	Teach/5th Grade	Hillside Academy	22 years/7 with GISD	Resignation/	6/9/2021
				Career Change	
Rowbotham, Mallory L.	Teach/Art	Hudson M.S.	3 years with GISD	Resignation/	6/9/2021
				Relocation	
Ruangtip, Sethapong (Art)	Teach/Band Director	Rowlett H.S.	21 years/14 with GISD	Resignation/	6/11/2021
				Other TX School	
Rutledge, Joshua	Teach/Special Ed. CM/Coach	South Garland H.S.	10 years/1 with GISD	Resignation/	6/11/2021
				Personal	
Schmitter, Emily L.	Teach/Math	Garland H.S.	3 years with GISD	Resignation/	6/9/2021
				Relocation	
Scroggin, Raelyn D.	Principal	O'Banion M.S.	23 years with GISD	Resignation/	6/30/2021
				Career Change	
Self, Matthew F.	Teach/Social Studies/Coach	Lakeview Cent. H.S.	3 years/2 with GISD	Resignation/	6/11/2021
				Other TX School	
Shepherd, Krystle N.	Librarian	Garland H.S.	10 years with GISD	Resignation/	6/9/2021
				Other TX School	
Sierra, Kenneth C.	Teach/ESL	O'Banion M.S.	2 years/1 with GISD	Resignation/	6/9/2021
				Other TX School	
Smith, Brianna M.	Teach/Agri Science Production	Lakeview Cent. H.S.	1 year with GISD	Resignation/	6/30/2021
				End of Assignment	
Smith, Marcus W.	Teach/PE	Bullock Elem.	19 years/17 with GISD	Retirement	6/9/2021
Sparks, Shawn M.	Teach/Social Studies/Coach	Sachse H.S.	24 years/5 with GISD	Resignation/	6/11/2021
				Other TX School	
Stafford, Tracy G.	Lead Counselor	Lakeview Cent. H.S.	24 years/5 with GISD	Resignation/	6/18/2021
				Other TX School	
Starling, Davante L.	Teach/Math	Bussey M.S.	1 year with GISD	Resignation/	6/9/2021
				Other TX School	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Stevenson, Daryl J.	Teach/Social Studies/Coach	Naaman Forest H.S.	4 years/1 with GISD	Resignation/	6/11/2021
				End of Assignment	
Swanner, Nathan E.	Athletic Trainer	Rowlett H.S.	22 years/16 with GISD	Resignation/	6/11/2021
				Other TX School	
Tamez, Elda A.	Teach/5th Grade Bilingual	Southgate Elem.	2 years with GISD	Resignation/	6/9/2021
				Relocation	
Terzis, Nicholette A.	Teach/Math	Naaman Forest H.S.	31 years/25 with GISD	Resignation/	6/12/2021
				Other TX School	
Tijerina III, Melchor A.	Teach/Math	Houston M.S.	5 years/2 with GISD	Resignation/	6/9/2021
				Other TX School	
Thomason, Andrew A.	Teach/Science	Sellers M.S.	3 years with GISD	Resignation/	6/9/2021
				Relocation	
Vallejos, Yolanda C.	Teach/3rd Grade Bilingual	Rowlett Elem.	19 years with GISD	Resignation/	6/9/2021
				Moving Out of State	
Vargas, Rebecca A.	Teach/Special Ed. ALE	Schrade M.S.	14 years with GISD	Resignation/	6/9/2021
				Relocation	
Vela, Paula D.	Diagnostician	Special Education	20 years with GISD	Resignation/	6/10/2021
				Career Change	
Waldorf, Cherish D.	Teach/Art	Coyle M.S.	5 years/1 with GISD	Resignation/	6/9/2021
				Unsatisfied with Job	
Ward, Tristan B.	Teach/ESL	Bussey M.S.	2 years/1 with GISD	Resignation/	6/9/2021
				Moving Out of State	
Way, Jaime L.	Counselor	Cooper Elem.	16 years with GISD	Resignation/	6/11/2021
				Other TX School	
Westmoreland, Blair D.	Teach/2nd Grade	Abbett Elem.	10 years with GISD	Resignation/	6/9/2021
				Career Change	
Whitfield, Zachary D.	Teach/PE/Coach	South Garland H.S.	3 years with GISD	Resignation/	6/11/2021
				Other TX School	
Wilcox, Julie L.	Teach/Family Con. Sci. SAPE	Lakeview Cent. H.S.	17 years/3 with GISD	Resignation/	6/15/2021
				Other TX School	
Wilcox, Weston E.	Teach/Math	Schrade M.S.	10 years/8 with GISD	Resignation/	6/9/2021
				Career Change	
Wilkerson, Sabrina H.	Teach/AVID	South Garland H.S.	3 years with GISD	Resignation/	6/9/2021
				Other TX School	

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Wilkin, Christine B.	Teach/Math	Garland H.S.	8 years with GISD	Resignation/	6/9/2021
				Other TX School	
Williams, Amanda J.	Campus Support Coach	Special Education	10 years/1 with GISD	Resignation/	6/16/2021
				Personal	
Williams, Dwight G.	Teach/Math	North Garland H.S.	16 years/10 with GISD	Resignation/	6/9/2021
				Other TX School	
Williams, Timothy A.	Teach/Social Studies	North Garland H.S.	25 years with GISD	Retirement	6/9/2021
Wood, Carole A.	Counselor	Rowlett H.S.	52 years/32 with GISD	Retirement	6/16/2021
Wright, Kevin L.	Teach/Math Coach/Coach	Naaman Forest H.S.	5 years with GISD	Resignation/	6/11/2021
				Other TX School	
Wright-Ratliff, Tarnisha L.	Teach/Special Ed. CBSE Idea B	Spring Creek Elem.	2 years with GISD	Resignation/	6/9/2021
				Other TX School	
Young, Bianca T.	Teach/English	North Garland H.S.	5 years/2 with GISD	Resignation/	6/9/2021
				Moving Out of State	
Zaragoza, Carrie S.	Teach/4th Grade	Hickman Elem.	6 years/2 with GISD	Resignation/	6/9/2021
				Other TX School	
Zink, David L.	Teach/Social Studies	Garland H.S.	8 years with GISD	Retirement	6/9/2021
Professional Resignation/Retirements:		**Approved to Date:**	**502**		
		Current:	**160**		
B. Support Personnel					
Name	Job Title	School/Dept.	Experience	Reasons	
ParaProfessional Resignation/Retirements:		**Approved to Date:**	**17**		
		Current:			

PERSONNEL ADMINISTRATION

RECOMMENDED TERMINATIONS, RESIGNATIONS AND RETIREMENTS

Other TX School - has informed us of taking a position at another Texas school district					
Personal - used at the discretion of the employee and no specific reason given or shared					
Career Change - has informed us of taking a position outside of education					

Garland Independent School District
Board of Trustees

Date of Meeting:	June 22, 2021
Agenda Item:	Consider Approval of Recommendation for Retention Stipend
Agenda Section:	Action Item
Administrator Responsible:	Dr. Gradyne E. Brown Assistant Superintendent, Human Resources

OBJECTIVE A: EARLY LITERACY (Reading)
Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)
Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION
Percent of ELL students demonstrating English language acquisition, as measured by yearly progress indicator on the Texas English Language Proficiency Assessment System (TELPAS)

OBJECTIVE D: SCIENTIFIC UNDERSTANDING
Percent of students in grade 8 demonstrating scientific understanding as measured by Meets Grade Level performance on STAAR Science.

OBJECTIVE E: MATHEMATICAL PROFICIENCY
Percent of students demonstrating mathematical proficiency as measured by Meets Grade Level performance by the end of grade 9 on STAAR Algebra I EOC**.**

OBJECTIVE F: POSTSECONDARY READINESS (SAT Exams)
Percent of students demonstrating postsecondary readiness exam success, as measured by meeting college ready benchmarks through 11TH grade SAT School Day.

OBJECTIVE G: POSTSECONDARY READINESS (AP Exams)
Percent of students demonstrating postsecondary readiness exam success, as measured by AP exams with qualifying criterion scores.

OBJECTIVE I: GRADUATION OUTCOMES
Percent of students successfully completing graduation and College, Career, Military

Ready (CCM-R) requirements.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:
Throughout the 2020-2021 school year, COVID-19 created disruption in our normal school program. Staff members successfully stepped up to meet many challenges and pivoted in order to provide an outstanding educational environment and instruction for our students. These challenges have increased the likelihood of staff resignations. Administration proposes that in an effort to decrease the number of resignations, returning fulltime and part-time employees receive retention stipends. Stipend payments are contingent upon the approval of the district's ESSER III Funding Plan by the Texas Education Agency. Proposed stipends, eligibility, and payments are as follows:

<u>Stipend Amounts</u>
Full-time employees: $2,000
Part-time employees: $1,000

<u>Stipend Eligibility</u>
Employed with Garland ISD through June 30, 2021, AND
Must be employed with Garland ISD on the last work day of the month preceding receipt of payment, AND
Full-time employee, OR
Part-time employee who worked at least 19 hours per week

<u>Stipend Payment</u>
October 2021--25%
December 2021--50%
March 2022--25%

Administrative Recommendations:
Administration recommends approval.

Exhibit—Retention Stipend Cost Information

Background

Funding for the Retention Stipend is contingent upon approval of the Garland ISD ESSER III spending plan by the Texas Education Agency. The information below provides the estimated cost of the stipend and benefits as calculated by the Budget department. This stipend is not TRS eligible

2021-2022 Retention Stipend Costs

	Number of Staff	**$2000 FT/$1000PT**
Average Number of Returning Staff*	6,192	$12,383,906
Average number of Part-time	169	$169,047
Total	**6,361**	**$12,552,953**
With Estimated Benefits		**$13,808,248**

*Source: Texas Education Agency TAPR plus a 100 FTE buffer

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Amendment of 2021-2022 Salary Schedule for Retention Stipends

Agenda Section: Action Item

Administrator Responsible: Dr. Gradyne E. Brown
Assistant Superintendent, Human Resources

Board Goal Objective:

OBJECTIVE A: EARLY LITERACY (Reading)
Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)
Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION
Percent of ELL students demonstrating English language acquisition, as measured by yearly progress indicator on the Texas English Language Proficiency Assessment System (TELPAS)

OBJECTIVE D: SCIENTIFIC UNDERSTANDING
Percent of students in grade 8 demonstrating scientific understanding as measured by Meets Grade Level performance on STAAR Science.

OBJECTIVE E: MATHEMATICAL PROFICIENCY
Percent of students demonstrating mathematical proficiency as measured by Meets Grade Level performance by the end of grade 9 on STAAR Algebra I EOC.

OBJECTIVE F: POSTSECONDARY READINESS (SAT Exams)
Percent of students demonstrating postsecondary readiness exam success, as measured by meeting college ready benchmarks through 11TH grade SAT School Day.

OBJECTIVE G: POSTSECONDARY READINESS (AP Exams)
Percent of students demonstrating postsecondary readiness exam success, as measured by AP exams with qualifying criterion scores.

OBJECTIVE I: GRADUATION OUTCOMES
Percent of students successfully completing graduation and College, Career, Military

Ready (CCM-R) requirements.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

We are requesting Board Approval to amend the 2021-2022 salary schedule to reflect Employee Retention Stipends. Stipend payments are contingent upon the approval of the district's ESSER III Funding Plan by the Texas Education Agency.

Administrative Recommendations:
Provided for approval

THIS SALARY SCHEDULE IS FOR THE 2021-2022 SCHOOL YEAR ONLY

The 2021-2022 school year pay schedules reflect the implementation of the Board approved salary increase.

The GISD Board of Trustees approved a 2% of midpoint pay grade increase for all district employees. All raises were computed on the mid-point of each pay grade.

The increase will be reflected as follows:
- In the July pay check for 12- month (215 – 260 work days),
- In the August pay check for the 11-month (198 – 214 work days) employees.
- In the September pay check for ten (10) month employees (less than 197 work days), biweekly employees in their first paycheck in September.

Neither past nor future salaries can be accurately calculated nor predicted from this booklet. Only the salary ranges based on pay grades can be obtained from this information.

Salary plans are determined on an annual basis and salary advancement is not guaranteed. Pay increases are based on the annual pay raise approved by the Board of Trustees.
Salaries are determined individually with consideration for job-related experience and credentials.

All GISD employees who returned to their same position held in the district in the 2020- 2021 school year received the outlined increase from the midpoint of their pay grade. The percent of increase from the midpoint was added to their 2020 - 2021 salary.

To determine your increase:
1. Find your pay grade on the charts
2. To the far right of the table, you will see the increase amount either per day or per hour asapplicable.

Employee Retention Stipends*

On June 22, 2021, the Board of Trustees approved a retention stipend for all GISD full-time and part-time employees. Payment of this stipend depends upon the approval of the GISD ESSER III funding plan by the Texas Education Agency.

Stipend Amounts
Full-time employees: $2,000
Part-time employees: $1,000

Stipend Eligibility
Employed with Garland ISD through June 30, 2021, AND
Must be employed with Garland ISD on the last work of the month preceding receipt of payment, AND
Full-time employee, OR
Part-time employee who worked at least 19 hours per week

Stipend Payment
October 2021--25%
December 2021--50%
March 2022--25%

*Retention stipends are not TRS eligible.

For any salary questions, please send an e-mail to salary@garlandisd.net

This salary schedule cannot be used to compute future earnings.

GISD

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Approval for Memorandum of Understanding (MOU) with Dallas County Juvenile Justice Alternative Education Program (DCJJAEP)

Agenda Section: Information Items

Administrator Responsible: Dr. Babetta Hemphill
Executive Director of Student Services & School Choice

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Summary/Background Information:

Supplementary Information – MOU JJAEP students who have committed certain infractions are placed at the JJAEP. The district maintains a memo of understanding to ensure students may be placed in their programming.

Administrative Recommendations:
Provided for consideration.

2021-2022

Dallas County Juvenile Justice Alternative Education Program

Memorandum Of Understanding

Carrollton/Farmers Branch ISD - Cedar Hill ISD - Coppell ISD - Dallas County Juvenile Justice Board - Dallas ISD - DeSoto ISD - Duncanville ISD - Garland ISD - Grand Prairie ISD - Highland Park ISD - Irving ISD - Lancaster ISD - Mesquite ISD - Region 10 ESC - Richardson ISD - Sunnyvale ISD

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School District Superintendents' Distribution List

District Approval Sheets

DCJJAEP Governance Meeting Dates

2021-2022 DCJJAEP Governance Committee

COMMITTEE CHAIR	Craig Raley – Region 10 Program Coord.
COMMITTEE VICE - CHAIR	Janet Allen, *Dallas ISD*
COMMITTEE CO - CHAIR	Jennifer Villines, *Coppell ISD**

GOVERNANCE PLANNING COMMITTEE

PLANNING COMMITTEE CHAIR	Scott Sralla, *Irving ISD*
PLANNING COMMITTEE MEMBERS	Rich Laffey , *Grand Prairie ISD**
	Cristy Hirsh, *Highland Park ISD*
	Jason Tharp, *Richardson ISD**
	Craig Raley, *Region 10 Education Service Center*

GOVERNANCE COMMITTEE

CARROLLTON / FARMERS BRANCH ISD	Deborah Millican
CEDAR HILL ISD	Patrick Nash
COPPELL ISD	Jennifer Villines
DALLAS COUNTY JUVENILE DEPARTMENT AND DALLAS COUNTY JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (DCJJAEP)	Susan Sanders
DALLAS ISD	Janet Allen
DESOTO ISD	Monet Reed
DUNCANVILLE ISD	Edward Marcell
GARLAND ISD	Mary Garcia
GRAND PRAIRIE ISD	Rich Laffey
HIGHLAND PARK ISD	Cristy Hirsh
IRVING ISD	Rick Nolly ♦ Michael Crotty (Alternate)*
LANCASTER ISD	Dr. Antionette Mathews
MESQUITE ISD	Dr. Valerie Nelson
REGION 10 EDUCATION SERVICE CENTER (ESC)	Craig Raley
RICHARDSON ISD	Jason Tharpe
SUNNYVALE ISD	Cristy Morgan

COMMITTEE ADVISORY MEMBERS

DALLAS ISD FOOD AND CHILD NUTRITION SERVICES	Debra Owens
REGION 10 (ESC) - SPECIAL EDUCATION	Stacey Glosson ♦ Dr. April Estrada*
DALLAS COUNTY JUVENILE JUSTICE ALTERNATIVE EDUCATION PROGRAM (DCJJAEP) - SPECIAL EDUCATION	Dr. Michelle DeLaGarza - *Diagnostic Assessment Services (DAS)*
DALLAS COUNTY JUVENILE JUSTICE DEPARTMENT - TRANSPORTATION	Unassigned
FISCAL AGENT	Jill Hamilton, *Region 10 Education Service Center*

* Member Services Appreciated through 2018

♦

Legal Compliance

Last Reviewed for legal compliance and concurred on by
Sara Hardner Leon, Leon & Associates, LLP
7500 Realto Blvd., Bldg. 1 Ste.250
Austin, Texas 78735
2020-2021

MEMORANDUM OF UNDERSTANDING
REGARDING DALLAS COUNTY JUVENILE
JUSTICE ALTERNATIVE EDUCATION PROGRAM

This Memorandum of Understanding (sometimes referred to herein as "Agreement") is entered into pursuant to the Texas Interlocal Cooperation Act, Texas Government Code, Chapter 791 and Texas Education Code, Chapter 37, and is entered into to be effective August 1, 2020. The Parties to this Agreement are, the Dallas County Juvenile Board ("DCJB"), Region 10 Education Service Center and the following educational entities: Carrollton-Farmers Branch Independent School District, Cedar Hill Independent School District, Coppell Independent School District, Dallas Independent School District, DeSoto Independent School District, Duncanville Independent School District, Garland Independent School District, Grand Prairie Independent School District, Highland Park Independent School District, Irving Independent School District, Lancaster Independent School District, Mesquite Independent School District, Richardson Independent School District, and Sunnyvale Independent School District (hereinafter referred to collectively as the "ISDs"). This agreement shall be effective upon District Board approval.

R E C I T A L S:

WHEREAS:

(1) Chapter 37 of the Texas Education Code requires that in those counties with a population of 125,000 or more, juvenile boards and independent school districts must work cooperatively to provide alternative education programs. The responsibilities of school districts and county juvenile boards as to the operation and funding of such programs must be outlined in a joint memorandum of understanding pursuant to Texas Education Code Section 37.011 (k); and

(2) The educational spectrum available for youth provided under Chapter 37 of the Texas Education Code requires the creation of alternative education programs in each independent school district operating in Dallas County and the creation of a Dallas County Juvenile Justice Alternative Education Program (DCJJAEP). This partnership between the DCJB and the ISDs necessitates a memorandum of understanding defining the Parties' responsibilities to ensure the success of such alternative education programs; and

(3) The ISDs wish to reach an agreement with the DCJB as to the placement of students expelled from school under the provisions of Texas Education Code Sections 37.007 (b), (c), and (f); and

(4) The Dallas County Juvenile Board, Dallas County Schools, Region 10 Education Service Center, and the ISDs agree that the goals of this Memorandum of Understanding are (a) to establish consistency, predictability, and appropriateness of curriculum options and student placement following expulsion from school;

(b) to return students to the school setting when appropriate; (c) to impress upon youth that there are progressive sanctions for misconduct in the public school setting; (d) to provide educational options for the juvenile courts, consistent with the progressive sanctions in the juvenile justice system where appropriate; and (e) to comply with the requirements of Chapter 37 of the Texas Education Code.

NOW THEREFORE, BY THIS MEMORANDUM OF UNDERSTANDING IT IS MUTUALLY UNDERSTOOD AND AGREED BY THE PARTIES AS FOLLOWS:

SECTION ONE: DEFINITIONS

1.1 For purposes of this Agreement, the following definitions shall be used:

(A) "**Academic review team**" shall mean those persons responsible for reviewing a student's academic progress in accordance with Texas Education Code Section 37.011(d); that is, the DCJB or its designee, and the parent or guardian of the student.

(B) "**Discretionary expulsion**" shall refer to any student who is removed from the school setting for conduct for which expulsion is permitted but not required pursuant to the provisions of Texas Education Chapter 37. The term "discretionary expulsion" shall also refer to students who are registered sex offenders and who are removed from the regular educational setting and placed in the DCJJAEP pursuant to this Agreement.

(C) "**Liaison**" shall be a person designated to act on behalf of a party to this Agreement with authority to bind such party regarding the day-to-day operation of the DCJJAEP. Each party to this Agreement shall designate a primary and alternate liaison and shall notify all other parties of such designation in writing within a reasonable period after execution of this Agreement. In the event no designation is made, the superintendent of schools / county judge shall be the designated liaison for that party for purposes of such communications.

(D) "**Mandatory expulsion**" shall refer to any student who is removed from the school setting for conduct for which expulsion is required pursuant to the provisions of Texas Education Code Chapter 37.

(E) "**Student**" shall mean any person age ten years or older and admitted into the public schools of an ISD under this MOU under Texas Education Code 25.001(b).

(F) The Governance Committee will review and make recommendations to the DCJJAEP Code of Conduct.

(G) The Governance Committee will review and make recommendations to the DCJJAEP Operating Procedures.

SECTION TWO: STUDENT CODES OF CONDUCT

2.1 The DCJJAEP will be created and operated pursuant to Chapter 37 of the Texas Education Code and this Memorandum of Understanding. Each ISD has developed a Student Code of Conduct, specifying the circumstances under which a student may be removed from a classroom, campus, or alternative education

program.

2.2 The Student Code of Conduct adopted by each ISD shall set forth the circumstances under which youth will be subject to removal from the school setting and placement in the DCJJAEP. Each ISD agrees to adopt, as part of its Student Code of Conduct, the following definition of serious misbehavior that may result in removal from the school district alternative education program under Texas Education Code Section 37.007 (c):

"Serious misbehavior" shall mean:

(1) Deliberate violent behavior that poses a direct threat to the health or safety of others;

(2) Extortion, meaning the gaining of money or other property by force or threat;

(3) Conduct that constitutes coercion, as defined by Section 1.07, Penal Code; or

(4) Conduct that constitutes the offense of:

(A) Public lewdness under Section 21.07, Penal Code;

(B) Indecent exposure under Section 21.08, Penal Code;

(C) Criminal mischief under Section 28.03, Penal Code;

(D) Personal hazing under Section 37.152; or

(E) Harassment of a student or district employee under Section 42.07(a) (1), Penal Code.

A student may be subject to discretionary expulsion for serious misbehavior only if the student, while placed in a disciplinary alternative education program, engages in such behavior. An ISD may, however, allow a student to be expelled from the regular school program and placed in the JJAEP for violations of Texas Education Code Sections 37.007 (b) or (f) and pursuant to Texas Education Code Section 37.0051. It is understood by the Parties to this Agreement that such expulsions shall be limited to conduct considered by the school district to be of a serious nature, or likely to substantially interfere with the ISD's educational programs.

2.3 Pursuant to Texas Education Code Section 37.309(b)(1), a student who is a registered sex offender and is removed from the regular educational program pursuant to Subchapter I, Chapter 37, Texas Education Code, shall be placed in the DCJJAEP in the same manner as a discretionary placement student pursuant to Section 4 of this Agreement. Pursuant to Texas Education Code Section 37.310, funding for students placed in the DCJJAEP under this paragraph shall be paid in the same manner as discretionary expulsion students under Section

12 of this Agreement.

SECTION THREE: GOVERNANCE OF DCJJAEP

3.1 Composition of Governing Body - The DCJJAEP shall operate as a function of the Dallas County Juvenile Board, independent and apart from the other parties to this Memorandum of Understanding. It shall not be an independent political subdivision, nor shall it operate under the direction or control of any party to this Memorandum of Understanding other than the DCJB. All final decisions regarding the operation of the DCJJAEP shall be made by the DCJB, consistent with this Agreement.

3.2 Governance Committee - The role of the DCJJAEP Governance Committee shall be to provide advice and consultation to the DCJB in matters involving the operation of the DCJJAEP. Upon execution of this Memorandum of Understanding, the DCJB will establish a DCJJAEP Governance Committee consisting of one administrative representative from each ISD, said representatives to be chosen by the respective ISD, one representative of the Region 10 Education Service Center, and two additional representatives designated by the DCJB. The DCJJAEP administrator shall serve as an ex-officio member of the Governance Committee. In making appointments to the Governance Committee, all parties to the Memorandum of Understanding agree to make their best effort to appoint representatives that reflect the ethnic and cultural diversity of the student population served by the DCJJAEP.

3.3 Quorum and Voting - A majority of the members of the DCJJAEP Governance Committee shall constitute a quorum. The DCJJAEP Governance Committee shall act by and through resolutions, motions or orders adopted or passed by the DCJJAEP Governance Committee upon the vote of the majority of the members of the DCJJAEP Governance Committee attending the meeting at which the issue was presented.

3.4 Voting Rights - Each member shall be entitled to one vote on each matter submitted to a vote of the members. In the event of a tie vote, the Chair shall have two votes.

3.5 Chair and Vice-Chair - At the initial meeting of the DCJJAEP Governance Committee, the members in attendance shall select a Chair and Vice-Chair by the affirmative vote of a majority of the members. The Chair shall preside over the meetings of the Committee and shall be responsible for scheduling regular and special called meetings of the Committee, including the provision of notice thereof. In the absence or disability of the Chair, his/her duties shall be performed, and his/her powers may be exercised by the Vice-Chair. The Vice-

Chair shall generally assist the Chair and shall have such powers and shall perform such duties and services as shall from time to time be prescribed or delegated to him or her by the Chair of the DCJJAEP Governance Committee.

The Chair and Vice-Chair shall serve in their respective capacities until tendering written resignation(s), or until replacement by a majority vote of the members of the DCJJAEP Governance Committee. The Chair and Vice-Chair shall be entitled to vote on all matters coming before the DCJJAEP Governance Committee.

3.6 Meetings - The DCJJAEP Governance Committee shall hold regular meetings at such time and in such place as shall be determined by the Committee. Meetings shall be held in accordance with the provisions of the Texas Open Meetings Act, and procedures for meetings shall be governed by the most current version of *Robert's Rules of Order*. Special meetings of the DCJJAEP Governance Committee shall be called by the Chair, or by affirmative vote of not less than one-third (1/3) of the members of the Committee.

3.7 Notice of Meetings - Written notice of all meetings of the DCJJAEP Governance Committee shall be posted at the place(s) for posting notice of public meetings of each of the Parties hereto in accordance with the Texas Open Meetings Act. The Chair of the Governance Committee shall transmit to each member of the Governance Committee a notice for the purpose of such posting not less than five (5) days prior to the date of the meeting. Notice shall be given by or at the general direction of Chair of the Committee, or the members calling the meeting.

3.8 Duties - The duties of the DCJJAEP Governance Committee shall include, but not be limited to the following:

(A) To develop recommended operating policies and review the operations, policies and procedures of the DCJJAEP, and to make advisory recommendations to the DCJB regarding such operations, policies, and procedures including suggested changes or amendments thereto;

(B) To periodically evaluate and report to the parties regarding the ongoing success of the DCJJAEP in providing alternative education to students within the DCJJAEP;

(C) To participate in an advisory capacity in the development of the annual operating budget for the DCJJAEP, including adjustments to the annual per student rate charged to each member ISD for discretionary expulsion students served by the DCJJAEP; to recommend the initial criteria for, and thereafter monitor the ISDs' billing and payment schedule for the DCJJAEP; and to monitor reimbursement to the Fiscal Agent (as hereinafter defined) for its administrative expenses in connection with its responsibilities as set forth in Section Twelve herein;

(D) To review the contractual arrangements of the DCJB with any providers of goods and services in connection with the creation and operation of the DCJJAEP, and to make recommendations to the DCJB in connection with such contracts;

(E) To advise the local community of all matters within the public interest relating to the creation, operation and performance results of the DCJJAEP;

(F) To facilitate coordination with the parties to this Memorandum of Understanding on matters relating to the supervision, educational and rehabilitative services available for expelled students and students assigned to the DCJJAEP and the subsequent transition through the ISDs' alternative education programs;

(G) To assist the Chief Probation Officer or designee, the Deputy Director of Education, in developing a priority system for acceptance of discretionary expulsion student in the DCJJAEP in the event space becomes limited;

(H) To formulate and recommend other policies or procedures as appropriate to the governance of the DCJJAEP as may be necessary to obtain approval of the Texas Juvenile Probation Commission and DCJB; and

(I) To appoint a liaison to inform the Governance Committee regarding pending legislative issues and updates.

3.9 Conflict of Interest - No member of the DCJJAEP Governance Committee shall participate in any vote or discussion upon any matter in which the Committee member, or any person related to that member within the second degree of affinity or consanguinity, has a pecuniary interest. In the event of a conflict of interest, the Committee member shall state the nature of such conflict and thereafter shall refrain from further participation in the matter.

SECTION FOUR: STUDENT PLACEMENT IN DCJJAEP

4.1 The parties to this Agreement acknowledge that Texas Education Code Section 37.010(a) requires that every student who is not detained or receiving treatment under an order of the juvenile court must be enrolled in an educational program. It is therefore the intent of the parties that the DCJJAEP provide education services to all students who have been removed from the school setting and who are under the jurisdiction of the juvenile court, subject to the terms and conditions of this Agreement.

4.2 Students who are removed from the school district setting will be afforded due process at the ISD as provided by school district policy and federal and state law.

4.3 Any student who has been removed from a school district setting may be referred for placement in either the DCJJAEP or in the appropriate school district alternative educational program upon recommendation of

the Case Review Committee as further defined in Section Five herein.

4.4 Every party to this Agreement shall designate a Liaison as defined in Section 1.1(C), who shall be the person responsible for day-to-day communications with the other parties to this Agreement concerning the operation of the DCJJAEP.

4.5 Each ISD shall use its best efforts to notify DCJB's designated liaison in writing as soon as practicable upon the ISD's identification of a student who the ISD reasonably believes has engaged in conduct for which the student will be subject to mandatory expulsion. Such notice shall be given in addition to any notice required under Texas Family Code Section 52.041. If the DCJB's designated liaison receives written notice under this section that a student is believed to have engaged in conduct for which the ISD reasonably believes the student will be subject to mandatory expulsion, and the student is under the jurisdiction of the juvenile court, the juvenile court shall be requested to order the student to attend the DCJJAEP as soon as practicable, pending the outcome of any disciplinary proceedings at the ISD.

4.6 It is the intent of the parties to this Agreement to request that every student who has been removed from an ISD as a mandatory expulsion, and for whom information has been provided by the ISD from which the student has been removed to the juvenile court in accordance with Texas Family Code Section 52.041, be ordered by the juvenile court to enroll in the DCJJAEP as soon as reasonably practicable after the juvenile court's receipt of such notice. It is the intent of the parties to the Agreement that every student who has been removed from an ISD as a discretionary expulsion, and for whom information has been provided by the ISD from which the student has been removed to the juvenile court in accordance with Texas Family Code Section 52.041, be ordered by the juvenile court to enroll in the DCJJAEP as soon as reasonably practicable after the juvenile court's receipt of such notice, so long as adequate space is available in the DCJJAEP. Any juvenile court order placing a student in a residential placement during the student's period of assignment to the DCJJAEP may run in concurrence with that assignment unless a local ISD's policy dictates otherwise. In the event that sufficient space is unavailable in the DCJJAEP, a discretionary expulsion student may be ordered by the juvenile court to attend the alternative education program operated by the ISD from which the student was expelled until such time as space becomes available in the DCJJAEP; in the event space later becomes available in the DCJJAEP, it is the intention of the parties that the order shall provide that the student be assigned to the DCJJAEP for the time remaining in the

student's period of removal. It is the intent of the parties that there be no material interruption in the provision of educational services to expelled students under this Memorandum of Understanding.

4.7 Any student who has not been removed from the school setting but is recommended for placement in the DCJJAEP by the juvenile department, or is court-ordered to that placement shall be admitted if space is available. Mandatory and discretionary expulsions from ISDs take priority in such instances.

4.8 Failure of an ISD to timely notify the juvenile court of a student's expulsion pursuant to Texas Family Code Section 52.041 shall result in the ISD's duty to continue to educate that student until such time as the notification to the DCJB is properly made.

4.9 The DCJB shall, for each student taken into custody for conduct that occurred on school property or at a school-sponsored or school-related activity, use its best efforts to ascertain whether the conduct for which the student was taken into custody would subject the student to mandatory expulsion. If the DCJB ascertains that the conduct for which the student was taken into custody is such that it would subject the student to mandatory expulsion, the juvenile court may immediately order the student to attend the DCJJAEP, pending resolution of the disciplinary action, including any due process hearings, at the ISD.

4.10 It is the intent of the Parties hereto that for each expelled student who is placed in the DCJJAEP, the term of such placement will be coterminous with the term of the student's expulsion from school. Students must remain in the DCJJAEP for the full period ordered by the juvenile court unless the student's home school district agrees to accept the student before the date ordered by the juvenile court. The juvenile court shall be requested to consider the term of a student's expulsion in entering any order as to the student, including terms and conditions of release from custody, deferred prosecution, or probation. At the conclusion of the student's term of probation, or any other requirement imposed by the juvenile court, including conditions of a deferred prosecution ordered by the court, and providing the student meets the requirements for admission into the public schools established by law, the school district in which the student resides shall readmit the student, but may assign such student to the school district alternative education program.

4.11 In order to avoid undue disruption in the educational process for students attending DCJJAEP under this Agreement, in assigning a term of expulsion, the ISD expelling the student shall consider a term of expulsion as follows:

(A) For mandatory placements, a minimum term of 90 days to a maximum term of 180 days; and

(B) For discretionary placements, a minimum term of 90 days to a maximum term of 180 days with a review at 50 days for possible exit at 60 days, contingent upon the student's academic progress, attendance and adherence to the rules, policies and procedures of the DCJJAEP. The exception to this assignment would be gun - related violations which have a maximum term of 180 days.

(C) For discretionary placements, enrollment in the DCJJAEP should minimize academic disruption of the DCJJAEP program:

i. There will be no admission to or enrollment in the DCJJAEP in the seven-day period preceding the administration of state-mandated assessments;
ii. There will be no admission to or enrollment in the DCJJAEP in the ten-day period preceding the last day of classes of either the first or second semester; and
iii. A student whose enrollment in the DCJJAEP is delayed under this section shall continue to receive educational services in a disciplinary placement provided at the home district pending enrollment in the DCJJAEP. Days served in the home district's disciplinary placement shall be considered the same as days served in the DCJJAEP.

The term of expulsion will terminate on the Friday following the completion of the assigned days, or at the conclusion of the next six- or nine-week grading period, with the mutual agreement of the expelling ISD and the DCJJAEP.

4.12 In the event a student engages in conduct for which the student may be subject to expulsion, and the student seeks to withdraw from school prior to receiving a hearing and a final order of expulsion, the ISDs agree that all procedural requirements will be completed to finalize an expulsion order before finalizing the student withdrawal.

4.13 Neither student nor parents or guardian of a student placed in the DCJJAEP shall be required to pay a fee, including an entrance fee or supply fee, for participating in the DCJJAEP unless law authorizes such fee.

SECTION FIVE: <u>CASE REVIEW COMMITTEES</u>

5.1 The Case Review Committee is hereby created for the purpose of:

(A) Verifying the appropriateness of a mandatory or discretionary expulsion;

(B) Assuring that the documents for enrollment in the DCJJAEP are included in the student's records for each student referred to the DCJJAEP;

(C) Reviewing the need for related services of expelled special education students as mandated in the ARD / IEP document;

(D) Requesting that the school district fax any incomplete information to the DCJJAEP within two working days of the CRC meeting; and

(E) Returning any cases that do not meet the eligibility requirements in this Agreement to the sending ISD and notifying the Governance Committee representative.

5.2 The Case Review Committee shall review and make placement recommendations for those students who have been removed from an ISD's regular educational program and for whom placement in the DCJJAEP under this Agreement is authorized. The Case Review Committee shall be composed of, but not limited to, four members: the ISD representative making the referral, the ISD Special Education representative, one certified teacher from the service provider and two representatives of the DCJB, one of whom is the chairman. It is strongly recommended the ISD provide Special Education representation. The DCJJAEP school administrator or his or her designee will participate as an ex officio member of the Case Review Committee.

5.3 It is the intent of this Memorandum of Understanding that the Case Review Committee shall review, as soon as possible, the placement of all students who are expelled from the school setting. The Case Review Committee shall then make appropriate recommendations to the DCJJAEP, the juvenile court, and/or the ISDs regarding placement recommendations for such students. The Case Review Committee shall review the placement of each student expelled from school as expeditiously as possible to avoid delay in the provision of educational services to students served under this Memorandum of Understanding.

5.4 In making appointments to the Case Review Committee, all parties to the Memorandum of Understanding agree to make best efforts to appoint representatives that reflect the ethnic and cultural diversity of the students served by the DCJJAEP.

SECTION SIX: <u>SPECIAL EDUCATION</u>

6.1 The DCJB shall provide instructional services in compliance with the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Individuals with Disabilities Education Improvement Act (IDEIA) Amendments of 2004. The ISD in which a student resides retains responsibility for providing and funding related services specified in the Individualized Education Program to eligible students under the Individuals with Disabilities Education Improvement Act.

6.2 The DCJB and the ISDs shall cooperate in the provision of related services to students placed in the DCJJAEP. (See Attachment A – *Procedure for Students Receiving Special Education Services*)

6.3 The ISDs shall provide reasonable notice, preferably five school days, to the administrator of the DCJJAEP to participate in any ISD's Admission, Review and Dismissal Committee (ARD) meeting where placement in the DCJJAEP will be considered or when reviewing or modifying the program of a student in the DCJJAEP. A copy of the student's current individualized education program (IEP) must be provided to the JJAEP administrator or designee with the notice. If the JJAEP representative is unable to attend the ARD committee meeting, the representative must be given the opportunity to participate in the meeting through alternative means including participation by telephone conference call. The ISDs will be responsible for scheduling and sending notices of ARD meetings during the period of expulsion, and for giving notice to the DCJJAEP Liaison of such ARD meetings. For students receiving services under the Individuals with Disabilities Education Act, the Admission, Review and Dismissal Committee meetings shall satisfy the requirement for academic review team meetings as otherwise required in Section 7.1 herein.

6.4 If, after placement of a student with disabilities in the DCJJAEP under this Agreement, the administrator of the DCJJAEP has concerns that the student's educational or behavioral needs cannot be met in the DCJJAEP, the administrator (or his/her designee) shall immediately provide written notice to the ISD from which the student was expelled. Upon receipt of such notice, the ISD shall convene an ARD committee meeting to reconsider the placement of the student in the program, giving reasonable advance notice to the administrator of the DCJJAEP. A representative of the DCJJAEP may participate in the ARD committee meeting to the extent that the meeting relates to the student's placement or continued placement in the DCJJAEP.

SECTION SEVEN: <u>ACADEMIC REVIEW AND TRANSITION</u>

7.1 The DCJB or its designee, together with the parent or guardian of each student, shall regularly review the student's academic progress. In the case of a high school student, the board or the board's designee, together with the student's parent or guardian, shall review the student's progress towards meeting high school graduation requirements and shall establish a graduation plan for the student. The DCJJAEP is not required to provide a course necessary to fulfill a student's high school graduation requirements other than a course specified under Texas Education Code Section 37.011(d).

7.2 The DCJB shall provide the state - required annual performance reports of all students served by the DCJJAEP. Such evaluation shall reflect the academic performance of students served in the DCJJAEP each

year.

7.3 A teacher employed by the DCJJAEP who holds certification granted under Texas Education Code Section 21.031, *et seq*., must review all academic work of the student prior to the student's exit from the DCJJAEP and return to the school district, and must certify completion of course work based upon a determination that the student has mastered the essential knowledge and skills for a course at the seventieth percentile pursuant to Texas Education Code Section 28.002,. In accordance with Texas Education Code Section 37.011(d), such certification must be accepted by the school district and all course credit earned by the student while at the DCJJAEP shall be reflected on the student's school district transcript.

7.4 Prior to completion of a student's placement in the DCJJAEP, the DCJJAEP's designee and ISD's representative shall develop, together with the student's parent or guardian, recommendations for the student's transition to the regular school setting.

SECTION EIGHT: <u>ADMINISTRATION OF ALL REQUIRED STATE TESTING</u>

8.1 In accordance with Texas Education Code Section 37.011(d), the parties agree that state-mandated assessment instruments shall be administered to all students enrolled in the DCJJAEP, except where such students are exempt from such testing by an ARD committee or other legal authority. The parties agree that they will cooperate in the acquisition of testing materials, scheduling, and as otherwise necessary in order to facilitate assessment instrument administration. The DCJB shall be responsible for administering assessment instruments to those students enrolled in the DCJJAEP. Prior to scheduled testing dates, the parties will communicate regarding the most efficient method of obtaining secured testing materials for all students placed in the DCJJAEP, and the DCJB and the ISDs will cooperate in the acquisition of such materials for students in the DCJJAEP. Each ISD shall provide to the DCJJAEP administrator the name of a responsible contact person who shall have responsibility, on behalf of each ISD, for coordination of administration of statewide assessment instruments for that ISD's students enrolled in the DCJJAEP. The DCJB shall be responsible for returning all testing material to the appropriate TEA agent.

SECTION NINE: <u>DCJJAEP FACILITIES AND STAFFING</u>

9.1 Facilities and staffing for the DCJJAEP shall be the responsibility of the DCJB and may be provided by the DCJB.

9.2 The DCJB agrees to provide periodic evaluations of the effectiveness of the DCJJAEP. Such evaluations shall include but not be limited to external evaluation of student performance, fiscal audits, and review of student records, classroom observations, and surveys of students, parents and ISDs.

SECTION TEN: TRANSPORTATION

10.1 Each ISD shall be responsible for providing transportation services for students attending the DCJJAEP, either directly or through an agreement with another provider.

SECTION ELEVEN: RELEASE OF STUDENT AND JUVENILE RECORDS

11.1 The governing body of each party to this Memorandum of Understanding finds that in order to appropriately serve students receiving services under this Memorandum of Understanding, the sharing of information pertinent to the provision of juvenile justice, education and rehabilitation services is essential and in the best interests of the students served. Each party to this Memorandum of Understanding further agrees that any juvenile and/or educational record shared under this Memorandum of Understanding shall be kept strictly confidential and shall only be released to persons with legitimate educational, behavioral and/or treatment-related interests in the student affected.

11.2 Upon referral of a student to the DCJJAEP, the student's home school district shall forward to the DCJJAEP the same records it is required to forward to another public school when a student transfer. The student's home school shall provide the following records to the DCJJAEP:

(A) For students in middle school, the student's Middle School Plan, which is a list of courses offered, by grade level, and the course credit earned by the student;

(B) For students in grades 9-12, the student's Graduation Plan, which lists the sequence of courses needed for graduation and the course credit earned by the student;

(C) The student's current transcript including all achievement test scores recorded on that document;

(D) The student's current year report card;

(E) A withdrawal form, which shall indicate the current courses in which the student is enrolled, the current earned grade, and the textbook and other instructional resources being used with that subject;

(F) The student's records related to State-mandated testing;

(G) The student's current year attendance record;

(H) The student's latest Admission, Review and Dismissal (ARD) documents, the Manifestation Determination (MD), the Individualized Education Program (IEP) and the student's Behavior Intervention Plan (BIP), in accordance with Paragraph 6.1 of this Memorandum of Understanding;

(I) The student's health records;

(J) The student's home language survey;

(K) For mandatory expulsions, a police service number must be included; and

(L) As soon as is practical, the student's home school district shall forward the student's previous year's attendance record.

SECTION TWELVE: FUNDING FOR DCJJAEP AND FISCAL AGENT

12.1 All Districts participating in the MOU must pay a $3,000.00 annual administrative fee.

12.2 Base Rate - The base rate, as established by DCJB, will be charged for each discretionary expulsion student enrolled in the DCJJAEP. The base rate for those students admitted to the JJAEP for the 2021 – 2022 school year shall be an amount not to exceed One Hundred Fourteen Dollars ($114.00) per student per day in attendance. The Fiscal Agent shall establish billing, payment, and accounting procedures. The ISDs shall not be charged for mandatory expulsion students enrolled in the DCJJAEP, nor shall any ISD be charged for students placed at the DCJJAEP by order of a Dallas County Juvenile Court Judge. The base rate shall be considered the "actual cost" of the DCJJAEP program for students placed in the DCJJAEP pursuant to Texas Education Code Section 37.0081.

12.3 Student Attendance - Dallas County shall keep accurate records of student attendance at the JJAEP in accordance with TEA guidelines. The County will sign – off, each month on said accuracy. In the event that a student fails to attend school at the JJAEP in accordance with state compulsory attendance laws, Dallas County shall provide the student and the student's parents with a warning notice in compliance with Texas Education Code Section 25.095. A copy of such notice shall be provided to the ISD from which the student was expelled. If a student enrolled in the JJAEP fails to attend school without excuse on 10 or more days or parts of days within a six-month period in the same school year, or if a student fails to attend school without excuse on three or more days or parts of days within a four-week period, the ISD from which the student was expelled may file a complaint against the student or the student's parent or both as provided under Texas Education Code Section 25.0951.

12.4 Fiscal Agent - Region 10 Education Service Center (ESC) shall serve as the Fiscal Agent of the ISDs with respect to payment by the ISDs to the DCJB for DCJJAEP services in accordance with Section 37.012 of the Texas Education Code. In its capacity as Fiscal Agent, ESC shall be responsible for receiving funds from the respective ISDs for the establishment and operation of the DCJJAEP and shall transfer such funds in a timely fashion to the DCJB.

12.5 Assistance to the DCJB - To the extent requested by the DCJB, the ESC shall advise the DCJB regarding the establishment of appropriate record keeping and accounting functions and procedures for the DCJJAEP. DCJB agrees to cooperate with ESC on all matters relating to the ESC's responsibilities as Fiscal Agent for the ISDs concerning the funding for the DCJJAEP.

12.6 Sharing of Financial and Enrollment Information - The DCJB and "the" ESC agree to share information and records, including access to accounting and other non-confidential information, regarding the number of students served by the DCJJAEP and the costs incurred in connection with the establishment and operation of the DCJJAEP, so as to allow ESC to accurately assess and verify the amounts to be paid by the ISDs to the DCJB in connection with the DCJJAEP.

12.7 Maintenance of Depository Account - ESC shall establish and maintain a depository account at its regular depository institution for the deposit of funds from the ISDs, such funds representing the respective ISDs' funding obligations to the DCJB for the DCJJAEP as required by Section 37.012 of the Texas Education Code and as further agreed upon by the parties to this Memorandum of Understanding. All such funds shall be placed in a fully insured depository account, or other insured account as required by law, and any interest accruing from such deposited funds shall be credited to the DCJJAEP to be used for unanticipated or extraordinary expenses of the DCJJAEP and shall not be commingled with the regular operating funds of the ESC. From such funds, ESC shall make payment to the DCJB on behalf of the ISDs for the DCJJAEP as set forth in this Agreement.

12.8 Accounting to ISDs - In its capacity as Fiscal Agent, ESC shall provide accounting to the ISDs on an as-requested basis of the amounts paid to the DCJB in connection with the DCJJAEP, together with supporting documentation.

12.9 Billing - DCJB agrees to establish and coordinate billing arrangements with the ISDs and ESC with respect to the ISDs' funding responsibilities for the DCJJAEP.

12.10 Audit - At least annually, ESC shall provide an audited accounting to the ISDs and DCJB of funds received and paid with respect to the DCJJAEP.

12.11 Budget - In addition to the provision of services as Fiscal Agent, ESC shall provide recommendations to DCJB on budgetary matters relating to the establishment and operation of the DCJJAEP.

12.12 Reimbursement - The ISDs agree to reimburse ESC for its reasonable administrative expenses incurred in its capacity as Fiscal Agent. Such reimbursement responsibility shall be allocated to the ISDs in proportion to their annual funding requirements to the DCJJAEP. ESC shall maintain and provide detailed accounting to the ISDs for all reimbursable administrative expenses incurred in connection with its service as Fiscal Agent and shall submit invoices on a quarterly basis to the ISDs for such services. Revenue that exceeds operating costs will be channeled back into the fund balance for the purpose of operating the JJAEP only.

12.13 Funding Not Required for Certain Students - In the event a juvenile court with jurisdiction over a student who has not been expelled from school orders that the student attend the DCJJAEP as a term or condition of probation, the ISD which the student attended at the time the juvenile court entered such order shall not be required to make any payment to the DCJJAEP under Section 12.1 herein.

SECTION THIRTEEN: TERM OF MEMORANDUM OF UNDERSTANDING

13.1 The initial term of this Memorandum of Understanding shall be for the period from the effective date of this Memorandum of Understanding through July 31, 2022. This Memorandum of Understanding shall be automatically renewed for an additional term of one year on the same terms and conditions, unless one or more of the parties hereto elects to terminate this Memorandum of Understanding by providing written notice to all other parties hereto at least thirty (30) days prior to the expiration of this Memorandum of Understanding, unless terminated sooner. This Memorandum of Understanding may be extended for additional terms of one year upon the mutual consent of the parties evidenced by an extension agreement entered not later than thirty (30) days prior to the termination date of this Memorandum of Understanding, or any extension hereof.

13.2 Any provision of the preceding Section 13.1 to the contrary notwithstanding, this Memorandum of Understanding may be terminated prior to the expiration of the term hereof by written mutual agreement of the DCJB and a participating ISD. In such event, the Memorandum of Understanding will remain in force and effect with respect to the remaining ISDs.

SECTION FOURTEEN: EXPEDITED MAGISTRATE SYSTEM

14.1 The expeditious hearing of all cases related to the DCJJAEP by the juvenile court is crucial to the spirit and the letter of both the Education and the Juvenile Justice Codes. The DCJB and juvenile courts will utilize their best efforts to provide a system whereby all cases related to the DCJJAEP can be heard by the juvenile courts as soon as practicable after the student has been expelled from the school setting.

SECTION FIFTEEN: MISCELLANEOUS

15.1 Amendments - If changed conditions are encountered during the term of this Memorandum of Understanding, the Memorandum of Understanding may be supplemented or amended under terms and conditions mutually agreeable to the parties, provided that all such changes, amendments, supplements or modifications shall be in writing.

15.2 Records and Reporting Requirements - Throughout the term of this Memorandum of Understanding, the Parties agree to establish and maintain detailed records regarding the administration and operation of the ISDs' alternative education programs and DCJJAEP, including information regarding the costs of such programs, including facilities, staffing and administrative expenses.

15.3 Legal Requirements - The Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules, and regulations, in connection with the programs contemplated under this Memorandum of Understanding. This Memorandum of Understanding is subject to all applicable present and future valid laws governing the juvenile justice programs applicable to school districts and/or county juvenile probation departments.

15.4 Notices - Except where oral notice is specifically allowed or required under this Memorandum of Understanding, any notice provided hereunder by any party shall be in writing and may either be (1) delivered by hand to the party or, the party's designated agent; (2) deposited in the United States mail, postage paid; (3) transmitted by telecopy; or (4) delivered by electronic mail transmission, to the addresses that follows, electronic mail address, or telecopy number. Notice deposited in the United States mail in the manner hereinabove described shall be deemed received two (2) business days after such deposit. Notice given in any other manner shall be effective only if and when received by the party to be notified. Any party may designate a different agent or address for notice purposes by giving the other parties ten (10) days written notice in the manner provided above.

15.5 Integration Clause - This Memorandum of Understanding, including attachments, contains the entire agreement of the parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the parties. No other agreement, statement, or promise made by or to any party, or made by or to any employee, officer, or agent of any party, that is not contained in this Memorandum of Understanding shall be of any force or effect.

15.6 Partial Invalidity - If any term(s) or provision(s) of this Memorandum of Understanding are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Memorandum of Understanding shall remain in full force and effect and shall in no way be affected, impaired or invalidated, unless such holding causes the obligations of the parties hereto to be impossible to perform or shall render the terms of this Memorandum of Understanding to be inconsistent with the intent of the parties hereto.

15.7 Non - assignment - No assignment of this Memorandum of Understanding or of any duty or obligation of performance hereunder, shall be made in whole or in part by any party hereto without the prior written consent of the other parties hereto.

15.8 Waiver - No waiver of a breach of any provision of this Memorandum of Understanding shall be construed to be a waiver of any breach of any other provision. No delay in acting with regard to any breach of any provision shall be construed to be a waiver of such breach.

15.9 Immunity - Neither the DCJB, Region 10 Education Service Center nor the ISDs waive or relinquish any immunity or defense on behalf of themselves, their trustees, commissioners, officers, employees, and agents as a result of its execution of this Memorandum of Understanding and performance of the functions and obligations described herein.

15.10 Available Funds - The Parties to this Memorandum of Understanding expressly acknowledge and agree that all monies paid pursuant to this Memorandum of Understanding shall be paid from budgeted available funds for the current fiscal year of each such entity.

15.11 Open Meetings - The meetings at which this Memorandum of Understanding was approved by the Parties' governing boards were posted and held in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

IN WITNESS THEREOF, the undersigned Parties acting under the authority of their respective governing boards have caused this Memorandum of Understanding to be duly executed in multiple counterparts, each of which shall constitute an original, all as of the day and year above first written, which is the date of this Memorandum of Understanding.

2021 – 2022

Dallas County Juvenile Justice Alternative Education Program (DCJJAEP)

Attachment A

Procedure for Students Receiving Special Education Services

I. School districts may only expel a student with disabilities in accordance with the Individuals with Disabilities Education Act (IDEA) provisions and regulations.

DCJJAEP placement may result if:

A. The expellable behavior is not a manifestation of the student's disability; or

B. The expellable behavior falls within one of the special circumstances recognized by the IDEA (drugs, weapons, or serious bodily injury) and the length of placement in the DCJJAEP does not exceed 45 days; or

C. The expellable behavior is a manifestation of the student's disability, but the parent and the sending school district agree to a change of placement to the JJAEP as part of the modification of the behavior intervention plan. Notwithstanding the foregoing, the parties understand that no child with a disability who receives special education services may be placed in the DCJJAEP for solely educational purposes.

II. The following procedures shall serve to establish a mechanism whereby DCJJAEP staff can communicate with, and provide input to, the Admission, Review and Dismissal (ARD) Committee regarding placement and the continuation of special education services to students while at the DCJJAEP.

Nothing in these Procedures shall be construed to relieve the DCJJAEP or the local education agency of its statutory obligations under Texas law to students eligible for special education services under the IDEA. Likewise, nothing in these Procedures shall be construed to create a duty on the participating sending districts to indemnify the DCJJAEP for any failure to provide services that the DCJJAEP is required to provide under this MOU.

DCJJAEP, pursuant to the Memorandum of Understanding Regarding Dallas County Juvenile Justice Alternative Education Program (the "MOU") as it may be modified from time to time and the IDEA**,** shall provide special education instructional services in a full continuum of arrangements, as specified as appropriate in the student's Individualized Education Plan (IEP).

Per 34 CFR § 300.114 Least Restrictive Environment (LRE) requirements.
(a) General.

(1) Except as provided in § 300.324(d)(2) (regarding children with disabilities in adult prisons), the State must have in effect policies and procedures to ensure that public agencies in the State meet the LRE requirements of this section and §§ 300.115 through 300.120.

(2) Each public agency must ensure that
(i) To maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, are educated with children who are nondisabled; and

(ii) Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if the nature or severity of the disability is such

that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

The student's IEP will include, as appropriate, a Functional Behavioral Assessment (FBA), behavioral intervention services and modifications that are designed to provide instruction so that the behavior does not interfere with the ability of the student to receive an educational benefit.

A. The sending school district will be responsible for the provision of related services as specified in the student's IEP. Also, if speech services are in the IEP, the sending district will send a speech services provider to the DCJJAEP to render those services.

B. The sending school district will conduct any required evaluation or re-evaluation and hold IEP meetings as appropriate.

III. Upon enrollment of a student who receives special education services, the DCJJAEP Special Education Designee will notify the special education administration from the sending school district. The Designee will also notify special education administration when a student who is enrolled at DCJJAEP changes residence into a different school district.

IV. During the time that the student is placed in the DCJJAEP, the sending school district and DCJJAEP agree as follows:

A. The DCJJAEP special education teacher will review the IEP and inform the appropriate instructional staff regarding required IEP implementation, including identified accommodations and/or modifications needed to ensure progress toward the IEP. If a student's needs change, DCJJAEP staff shall notify the sending school district. The sending school district will promptly convene an ARD meeting with the appropriate school district staff and DCJJAEP staff to address the student's needs.

B. The DCJJAEP special education teacher shall provide the direct special education service as indicated on the IEP and provide indirect service to the regular instructional staff regarding implementation of the IEP according to the frequency and duration of service as indicated on the student's IEP and in compliance with IDEA 2004 statutory requirements.

C. The sending school district is responsible for periodic monitoring of each student's performance at DCJJAEP.

1. Parents of students who receive special education services must receive progress reports at least as often as parents of regular education students or as identified in the student's current IEP documents. Such progress report must be based on progress on IEP goals and objectives and is in addition to the grade report.

2. The DCJJAEP special education teacher shall assist in monitoring and documenting the progress of students who receive special education services. DCJJAEP will provide the sending school district information pertaining to each student's progress. This shall be a copy of the LEA's designated reporting period (6 or 9 weeks) IEP progress report sent to parents by DCJJAEP.

V. The DCJJAEP Special Education Designee shall notify the special education administration of the sending school district at least three weeks prior to the return of a student to the district. The sending school district shall convene an ARD committee meeting including DCJJAEP general and special education staff and other required members to consider exit and transition to the sending school district. The DCJJAEP shall provide to the ARD committee:

1. Data related to present levels of academic achievement and functional performance
2. Recommendations of updated goals and objectives based on progress monitoring reports
3. Recommendations for proposed goals and objectives
4. Student's current report card and transcript
5. Summary of successful behavioral interventions

VI. DCJJAEP administration shall ensure and document that all staff are trained annually and adhere to legal requirements of confidentiality.

DCJJAEP administrators shall ensure and document that all staff are trained annually and adhere to IDEA requirements and state regulations.

2021 – 2022
Dallas County Juvenile Justice Alternative Education Program

Attachment B
Procedures for Students with English as a Second Language

I. School districts may only expel a student with English as a Second Language (ESL) if:

- The school district provides due process in a language that the student and the parent/s understand.

- The DCJJAEP is provided notice that the student is receiving language acquisition support/services to ensure that a continuity of instruction will occur.

II. The DCJJAEP must provide ESL instruction with a certified teacher.

- The sending school will send required information (LPAC and grade records, applicable interventions, etc.) to help with the student's instruction

- Parents of students who receive ESL services must receive progress reports at least as often as parents of non-ESL students in a language they understand.

III. Students enrolled with DCJJAEP at the time of the TELPAS testing window will take all four domains of the TELPAS language proficiency assessment. Results will be provided to parents as required by law, once received by the student's home school

2021-2022 Superintendent Distribution List

TO CARROLLTON-FARMERS BRANCH ISD: Dr. John Chapman, Superintendent of Schools Carrollton-Farmers Branch ISD P.O. Box 115186 / 1445 N. Perry Road Carrollton, Texas 75011-5186 (972) 968.6100 (972) 968.6217 [FAX] chapmanj@cfbisd.edu	**TO CEDAR HILL ISD:** Dr. Gerald Hudson, Superintendent of Schools Cedar Hill ISD 285 Uptown Blvd., Bldg. 300 Cedar Hill, Texas 75104-3506 (972) 291.1581 X4011 (972) 291.5231 [FAX] gerald.hudson@chisd.net
TO COPPELL ISD: Dr. Brad Hunt, Superintendent of Schools Coppell ISD 200 South Denton Tap Road Coppell, Texas 75019-3205 (214) 496.6000 (214) 496.8006 [FAX] bhunt@coppellisd.com	**TO DALLAS COUNTY JUVENILE BOARD:** Mr. Darryl Beatty, Director Juvenile Justice Center 2600 Lone Star Drive Dallas, Texas 75212 (214) 698.2223 (214) 698.5508 [FAX] darryl.beatty@dallascounty.org
TO DALLAS ISD: Dr. Michael Hinojosa, Superintendent of Schools Dallas ISD 9400 N. Central Expwy Dallas, Texas 75231 (972) 925.3700 / (972) 925.3200 (972) 925.3201 [FAX] arodriguez@dallasisd.org	**TO DESOTO ISD:** Dr. D'Andre Weaver, Superintendent of Schools DeSoto ISD 200 East Beltline Road DeSoto, Texas 75115-5795 (972) 223.6666 (972) 274.8011 [FAX] dandre.weaver@desotoisd.org
TO DUNCANVILLE ISD: Dr. Marc Smith, Superintendent of Schools Duncanville ISD 710 South Cedar Ridge Dr. Duncanville, Texas 75137-2316 (972) 708.2000 (972) 708.2020 [FAX] superintendent@duncanvilleisd.org	**TO GARLAND ISD:** Dr. Ricardo Lopez, Superintendent of Schools Garland ISD P. O. Box 469026 / 501 S. Jupiter Road Garland, Texas 75046-9026 (972) 494.8201 (972) 485.4936 [FAX] rlopez@garlandisd.net
TO GRAND PRAIRIE ISD: Linda Ellis, Superintendent of Schools Grand Prairie ISD P. O. Box 531170 / 2602 S. Belt Line Rd. Grand Prairie, Texas 75053-1170 (972) 264.6141 (972) 237.5440 [FAX] susan.simpson@gpisd.org	**TO HIGHLAND PARK ISD:** Dr. Thomas Trigg, Superintendent of Schools Highland Park ISD 7015 Westchester Drive Dallas, Texas 75205-1061 (214) 780.3000 (214) 780.3004 [FAX] triggt@hpisd.org

2021-2022 Superintendent Distribution List

TO IRVING ISD: Magda Hernandez, Superintendent of Schools Irving ISD P.O. Box 152637 / 2621 W. Airport Freeway Irving, Texas 75015-2637 (972) 600.5001 (972) 215.5003 [FAX] mhernandez@irvingisd.net	**LANCASTER ISD:** Dr. A. Katrise Perera, Superintendent of Schools Lancaster ISD 422 S. Centre Street Lancaster, Texas 75146-0400 (972) 218.1400 (972) 218.1401 [FAX] katriseperera@lancasterisd.org
TO MESQUITE ISD: Dr. David Vroonland, Superintendent of Schools Mesquite ISD 3819 Towne Crossing Mesquite, Texas 75150 (972) 288.6411 (972) 882.7787 [FAX] dvroonland@mesquiteisd.org	**TO REGION 10 EDUCATION SERVICE CENTER:** Craig Raley Program Coordinator Region 10 Education Service Center 400 East Spring Valley Road Richardson, Texas 75081-5101 (972) 348.1000 (972) 348.1001 [FAX] craig.raley@region10.org
TO RICHARDSON ISD: Dr. Jeannie Stone, Superintendent of Schools Richardson ISD 400 South Greenville Avenue Richardson, Texas 75081-4198 (469) 593.0000 (469) 593.0402 [FAX] Jeannie.stone@risd.org	**TO SUNNYVALE ISD:** Mr. Doug Williams, Superintendent of Schools Sunnyvale ISD 417 East Tripp Road Sunnyvale, Texas 75182-9544 (972) 226.5974 / 972.226.7601 (972) 226.6882 [FAX] doug.williams@sunnyvaleisd.com

Approval Signatures for

DCJJAEP 2021-2022 Memorandum of Understanding (page 1)

	Signature	Position	Date
DALLAS COUNTY JUVENILE BOARD			

District	Signature	Position	Date
REGION 10 ESC			

District	Signature	Position	Date
CARROLLTON FARMERS BRANCH ISD			

District	Signature	Position	Date
CEDAR HILL ISD			

District	Signature	Position	Date
COPPELL ISD			

District	Signature	Position	Date
DALLAS ISD			

District	Signature	Position	Date
DESOTO ISD			

District	Signature	Position	Date
DUNCANVILLE ISD			

Once approved, please email a copy of your districts signature page to Craig.Raley@region10.org

Approval Signatures DCJJAEP MOU (page 2)

District	Signature	Position	Date
GARLAND ISD		Superintendent	

District	Signature	Position	Date
GRAND PRAIRIE ISD			

District	Signature	Position	Date
HIGHLAND PARK ISD			

District	Signature	Position	Date
IRVING ISD			

District	Signature	Position	Date
LANCASTER ISD			

District	Signature	Position	Date
MESQUITE ISD			

District	Signature	Position	Date
RICHARDSON ISD			

District	Signature	Position	Date
SUNNYVALE ISD			

APPROVED AS TO FORM:

	Signature	Position	Date
ATTORNEY FOR REGION 10 ESC			

Once approved, please email a copy of your districts signature page to Craig.Raley@region10.org

DCJJAEP Governance Committee
CALENDAR OF 2021-2022 MEETING DATES

Day / Date	***Time***	***Site***
Friday, August 27, 2021 (optional)	10:00 AM	Zoom
Friday, September 24, 2021	10:00 AM	Zoom
Friday, October 29, 2021	10:00 AM	Zoom
Friday, November 2021	No meeting	
Friday, December 10, 2021	10:00 AM	Zoom
Friday, January 28, 2022	10:00 AM	Zoom
Friday, February 25, 2022	10:00 AM	Zoom
Friday, March 25, 2022	10:00 AM	Zoom
Friday, April 29, 2022	10:00 AM	Zoom
Friday, May 20, 2022	10:00 AM	Zoom
Tuesday, June 7, 2022 (optional)	10:00 AM	Zoom

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Teacher Data Portal of the Texas Assessment Management System Waiver

Agenda Section: Action Item

Administrator Responsible: Dr. Pam Neblett, RAAD Coordinator

Board Goal Objective:

OBJECTIVE A: EARLY LITERACY (Reading)
Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)
Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION
Percent of ELL students demonstrating English language acquisition, as measured by yearly progress indicator on the Texas English Language Proficiency Assessment System (TELPAS).

OBJECTIVE D: SCIENTIFIC UNDERSTANDING
Percent of students in grade 8 demonstrating scientific understanding as measured by Meets Grade Level performance on STAAR Science.

OBJECTIVE E: MATHEMATICAL PROFICIENCY
Percent of students demonstrating mathematical proficiency as measured by Meets Grade Level performance by the end of grade 9 on STAAR Algebra I EOC.

OBJECTIVE F: POSTSECONDARY READINESS (SAT Exams)
Percent of students demonstrating postsecondary readiness exam success, as measured by meeting college ready benchmarks through 11th grade SAT School Day.

Superintendent's Goal:

Superintendent Goal #1 – Student Results

Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Summary/Background Information:

The assessment data portal of the Texas Assessment Management System complies with the requirements of Texas Education Code (TEC) §32.258, as enacted by House Bill 3, 81st Legislature. Districts that are interested in fulfilling the requirements of TEC §32.258 (to provide teacher access to student assessment data through a local student data system) need to apply for an expedited waiver.

This expedited waiver will allow Eduphoria, the current student assessment warehouse used by teachers in the district to access student assessment data, to substitute for the Teacher Data Portal of the Texas Assessment Management System. Eduphoria meets the conditions set forth in the waiver requirements as a substitute for the Teacher Data Portal of the Texas Assessment Management System.

The requested expedited waiver, upon TEA approval, would be in good standing for three years (through the 2023-2024 school year). The current Teacher Data Portal of the Texas Assessment Management System waiver for Garland ISD was approved by TEA on July 25, 2018 and expires at the conclusion of the 2020-2021 school year.

The District Educational Improvement Council (DEIC) approved the Teacher Data Portal of the Texas Assessment Management System Waiver on April 28, 2021.

Administrative Recommendations:

Administration recommends approval.

TEACHER DATA PORTAL OF THE TEXAS ASSESSMENT MANAGEMENT SYSTEM WAIVER

ACTION ITEM FOR CONSIDERATION OF THE

GISD SCHOOL BOARD

JUNE 15, 2021

TEACHER DATA PORTAL OF THE TEXAS ASSESSMENT MANAGEMENT SYSTEM WAIVER

- Complies with the requirements of the Texas Education Code §32.258, as enacted by House Bill 3, 81st Legislature
- Teachers must be provided access to student assessment data
- Access may be done through logging into the Student Portal on Texasassessment.com or through a local student data system
  - In Garland ISD, the local student data system is Eduphoria

TEACHER DATA PORTAL OF THE TEXAS ASSESSMENT MANAGEMENT SYSTEM WAIVER

- The current waiver approved by TEA on July 25, 2018 for three years
  - Expires at the end of the 2020-2021 school year
- The waiver is an expedited waiver
  - Approval by the district committee (DEIC) on April 28, 2021
  - Approval by the School Board

TEACHER DATA PORTAL OF THE TEXAS ASSESSMENT MANAGEMENT SYSTEM WAIVER (REQUIREMENTS)

- The local data portal must be accessible to all teachers in the core subject areas (reading/English Language Arts, math, science and social studies)
  - must allow teachers to view their own students' assessment data
  - Local decision whether to extend access to teachers outside of the four core subjects
    - In Garland ISD, all teachers of record have access to student assessment data
- Student data must be available for multiple years and include data indicating progress in student achievement

TEACHER DATA PORTAL OF THE TEXAS ASSESSMENT MANAGEMENT SYSTEM WAIVER (REQUIREMENTS)

- Student data must be available on or before the first instructional day of the year following the year in which the data was collected
- The local data portal must permit comparisons of student performance at the classroom, campus, district, and state levels
  - Not be necessary for local data portals to contain statewide data for comparisons of student performance
  - Local portals must include a link to the TEA's website where statewide reports are posted

TEACHER DATA PORTAL OF THE TEXAS ASSESSMENT MANAGEMENT SYSTEM WAIVER

- Eduphoria, the current district assessment data warehouse, meets all of the above waiver requirements
- It is requested that this waiver request be approved by the School Board and then submitted by the Research, Assessment & Accountability Department to TEA for their approval

QUESTIONS?

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Budget Transfers and Amendments to the 2020-2021 General Fund, Student Nutrition Service Fund, and Debt Service Fund

Agenda Section: Action Item

Administrator Responsible: Ms. Brandy Mayo
Executive Director of Budget

Board Goal Objective:

Not applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown are the transfers and amendments proposed for approval and their respective impacts on the general fund, student nutrition service fund, and debt service fund.

This agenda item was reviewed during the Finance Committee Meeting on June 15, 2021.

Administrative Recommendations:

Provided for your consideration.

GISD
GARLAND INDEPENDENT SCHOOL DISTRICT

BUDGET TRANSFERS AND AMENDMENTS
FOR THE GENERAL FUND
FISCAL YEAR 2020-21
June 22, 2021

REVENUES:

	Original Budget	Revised Budget	*Current Transfers Requested*	*Current Amendments Requested*	Proposed Amended Budget
57 Local Revenue	$ 230,653,531	$ 214,209,287	$ -	$ -	$ 214,209,287
58 State Revenue	320,008,654	291,235,654			291,235,654
59 Federal Revenue	9,000,000	9,000,000			9,000,000
Total Revenues	$ 559,662,185	$ 514,444,941	$ -	$ -	$ 514,444,941
EXPENDITURES:					
11 Instruction	$ 318,782,474	$ 313,055,738	$ (800,000)	$ -	$ 312,255,738
12 Instructional Resources and Media Services	8,224,571	8,233,448	100,000		8,333,448
13 Curriculum Development and Instructional Staff Development	14,005,577	14,857,541	500,000		15,357,541
21 Instructional Leadership	9,696,055	8,989,498	(150,000)		8,839,498
23 School Leadership	34,986,245	34,593,252	(150,000)		34,443,252
31 Guidance, Counseling and Evaluation	26,267,605	26,033,888			26,033,888
32 Social Work Services	1,046,663	671,193			671,193
33 Health Services	7,874,364	9,615,340	(150,000)		9,465,340
34 Student Transportation	19,610,924	18,968,260		(31,000)	18,937,260
35 Food Service	300,000	251,517			251,517
36 Extracurricular Activities	13,877,625	13,360,488	(150,000)		13,210,488
41 General Administration	20,035,055	18,856,688	(200,000)		18,656,688
51 Facilities Maintenance & Operations	46,266,388	47,524,367	900,000	(275,400)	48,148,967
52 Security and Monitoring Services	7,197,217	8,702,244	100,000	(972,730)	7,829,514
53 Data Processing Services	17,057,325	15,148,433			15,148,433
61 Community Services	2,047,132	1,884,797			1,884,797
71 Debt Service - Principal on Long-Term Debt	484,000	484,000			484,000
72 Debt Service Interest on Long-Term Debt					
73 Bond Issuance Cost and Fees					
81 Facilities Acquisition and Construction		69,483			69,483
95 Juvenile Justice Program	36,000	36,000			36,000
99 Other Intergovernmental Charges	928,839	963,769			963,769
Total Expenditures	$ 548,724,059	$ 542,299,944	$ -	$ (1,279,130)	$ 541,020,814
Excess (Deficiency) Revenues Over (Under) Expenditures	$ 10,938,126	$ (27,855,003)	$ -	$ 1,279,130	$ (26,575,873)
Other Financing Sources	$ -	$ -	$ -	$ -	$ -
Other Financing Uses	$ -	$ (4,535,819)	$ -	$ (1,279,130)	$ (5,814,949)
Net Change in Fund Balance	$ 10,938,126	$ (32,390,822)	$ -	$ -	$ (32,390,822)

GISD
GARLAND INDEPENDENT SCHOOL DISTRICT

DETAIL OF BUDGET TRANSFERS AND AMENDMENTS
FOR THE GENERAL FUND
FISCAL YEAR 2020-21
June 22, 2021

Budget Transfers

Expenditures	**Increase**	**Decrease**	**Net**
11 Instruction	$ -	$ 800,000	$ (800,000)
12 Instructional Resources and Media Services	100,000		100,000
13 Curriculum Development and Instructional Staff Development	500,000		500,000
21 Instructional Leadership		150,000	(150,000)
23 School Leadership		150,000	(150,000)
33 Health Services		150,000	(150,000)
36 Extracurricular Activities		150,000	(150,000)
41 General Administration		200,000	(200,000)
51 Facilities Maintenance & Operations	900,000		900,000
52 Security and Monitoring Services	100,000		100,000
Total Expenditures	$ 1,600,000	$ 1,600,000	$ -

Budget neutral transfers to realign expenditures.

Budgetary funds to be transferred to Fund 651 Capital Projects.

Other Changes to General Fund	**Increase**	**Decrease**	**Net**
Other Financing Sources/Uses	$ -	$ 1,279,130	$ (1,279,130)
Total	$ -	$ 1,279,130	$ (1,279,130)

Transfer out includes Security winter freeze repairs, Maintenance winter freeze repairs, and Transportation will add five access control doors.

GISD
GARLAND INDEPENDENT SCHOOL DISTRICT

BUDGET TRANSFERS AND AMENDMENTS
FOR THE STUDENT NUTRITION SERVICE FUND
FISCAL YEAR 2020-21
June 22, 2021

REVENUES:	**Original Budget**	**Revised Budget**	***Current Transfers Requested***	***Current Amendments Requested***	**Proposed Amended Budget**
57 Local Revenue	$ 7,262,000	$ 3,631,000		$ (2,800,000)	$ 831,000
58 State Revenue	170,000	170,000		-	170,000
59 Federal Revenue	26,370,809	13,185,405		6,500,000	19,685,405
Total Revenues	$ 33,802,809	$ 16,986,405	$ -	$ 3,700,000	$ 20,686,405
EXPENDITURES:					
35 Food Service	$ 34,302,809	$ 26,944,374			$ 26,944,374
Total Expenditures	$ 34,302,809	$ 26,944,374	$ -	$ -	$ 26,944,374
Excess (Deficiency) Revenues Over (Under) Expenditures	$ (500,000)	$ (9,957,969)	$ -	$ 3,700,000	$ (6,257,969)
Other Financing Sources	$ -	$ -	$ -	$ -	$ -
Other Financing Uses	$ -	$ -	$ -	$ -	$ -
Net Change in Fund Balance	$ (500,000)	$ (9,957,969)	$ -	$ 3,700,000	$ (6,257,969)

DETAIL OF BUDGET TRANSFERS AND AMENDMENTS
FOR THE STUDENT NUTRITION SERVICE FUNDS
FISCAL YEAR 2020-21

June 22, 2021

Budget Amendments

Revenue	**Increase**	**Decrease**	**Net**
57 Local Revenue	$ -	$ 2,800,000	$ (2,800,000)
58 State Revenue		-	-
59 Federal Revenue	6,500,000		6,500,000
Total Revenue	$ 6,500,000	$ 2,800,000	$ 3,700,000

Decrease in Local and State Revenue due lower participation due to virtual school learning. Increase in Federal Revenue from Texas Department of Agriculture (TDA) reimbursement of $1,971,121 for COVID relief.

Budget Amendments

Expenditures	**Increase**	**Decrease**	**Net**
35 Food Service	$ -		$ -
Total Expenditures	$ -	$ -	$ -

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GARLAND INDEPENDENT SCHOOL DISTRICT

BUDGET TRANSFERS AND AMENDMENTS
FOR THE DEBT SERVICE FUND
FISCAL YEAR 2020-21
June 22, 2021

REVENUES:	Original Budget	Revised Budget	Current Transfers Requested	Current Amendments Requested	Proposed Amended Budget
57 Local Revenue	$ 71,955,387	$ 67,154,095	$ -	$ -	$ 67,154,095
58 State Revenue		-			
59 Federal Revenue	470,994	470,994			470,994
Total Revenues	$ 72,426,381	$ 67,625,089	$ -	$ -	67,625,089
EXPENDITURES:					
71 Debt Service - Principal on Long-Term Debt	$ 42,230,000	$ 43,075,000	$ -	$ -	$ 43,075,000
72 Debt Service Interest on Long-Term Debt	22,795,000	22,795,000			22,795,000
73 Bond Issuance Cost and Fees	1,000,000	450,000			450,000
Total Expenditures	$ 66,025,000	$ 66,320,000	$ -	$ -	$ 66,320,000
Excess(Deficiency) Revenues Over(Under) Expenditures	$ 6,401,381	$ 1,305,089	$ -	$ -	$ 1,305,089
Other Resources	$ -	-	$ -	$ -	$ -
Other Financing Uses	$ -	-	$ -	$ -	$ -
Net Change in Fund Balance	$ 6,401,381	$ 1,305,089	$ -	$ -	$ 1,305,089

DETAILS OF BUDGET TRANSFERS AND AMENDMENTS
FOR THE DEBT SERVICE FUND
FISCAL YEAR 2020-21
June 22, 2021

Budget Amendments

Budget Transfers

Expenditures	**Increase**	**Decrease**	**Net**
Total Expenditures	$ -	$ -	$ -

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Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of the Final Amended Budgets for 2020-2021

Agenda Section: Action Item

Administrator Responsible: Ms. Brandy Mayo
Executive Director of Budget

Board Goal Objective:

Not applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the Final Amended Budgets for the fiscal year ending June 30, 2021.

This agenda item was reviewed during the Finance Committee Meeting on June 15, 2021.

Administrative Recommendations:

Provided for your consideration.

GISD
GARLAND INDEPENDENT SCHOOL DISTRICT

Final Amended Budget
FOR THE GENERAL FUND
FISCAL YEAR 2020-21
June 22, 2021

REVENUES:	**7/1/2020 Original Budget**	**Recommended Final Amended Budget**
57 Local Revenue	$ 230,653,531	$ 214,209,287
58 State Revenue	320,008,654	291,235,654
59 Federal Revenue	9,000,000	9,000,000
Total Revenues	$ 559,662,185	$ 514,444,941
EXPENDITURES:		
11 Instruction	$ 318,782,474	$ 312,255,738
12 Instructional Resources and Media Services	8,224,571	8,333,448
13 Curriculum Development and Instructional Staff Development	14,005,577	15,357,541
21 Instructional Leadership	9,696,055	8,839,498
23 School Leadership	34,986,245	34,443,252
31 Guidance, Counseling and Evaluation	26,267,605	26,033,888
32 Social Work Services	1,046,663	671,193
33 Health Services	7,874,364	9,465,340
34 Student Transportation	19,610,924	18,937,260
35 Food Service	300,000	251,517
36 Extracurricular Activities	13,877,625	13,210,488
41 General Administration	20,035,055	18,656,688
51 Facilities Maintenance & Operations	46,266,388	48,148,967
52 Security and Monitoring Services	7,197,217	7,829,514
53 Data Processing Services	17,057,325	15,148,433
61 Community Services	2,047,132	1,884,797
71 Debt Service - Principal on Long-Term Debt	484,000	484,000
72 Debt Service Interest on Long-Term Debt		
73 Bond Issuance Cost and Fees		
81 Facilities Acquisition and Construction		69,483
95 Juvenile Justice Program	36,000	36,000
99 Other Intergovernmental Charges	928,839	963,769
Total Expenditures	$ 548,724,059	$ 541,020,814
Excess(Deficiency) Revenues Over(Under)Expenditures	$ 10,938,126	$ (26,575,873)
Other Financing Sources	$ -	$ -
Other Financing Uses	$ -	$ (5,814,949)
Net Change in Fund Balance	$ 10,938,126	$ (32,390,822)
Unassigned Fund Balance - July 1 (Beginning)	$ 267,485,471	$ 267,485,471
Increase (Decrease) Current year Fund Balance	10,938,126	(32,390,822)
Fund Balance - End Of The Period	$ 278,423,597	$ 235,094,649

GARLAND INDEPENDENT SCHOOL DISTRICT

Final Amended Budget
For The Student Nutrition Service Fund
Fiscal Year 2020-21
June 22, 2021

REVENUES:	**7/1/2020 Original Budget**	**Recommended Final Amended Budget**
57 Local Revenue	$ 7,262,000	$ 831,000
58 State Revenue	170,000	170,000
59 Federal Revenue	26,370,809	19,685,405
Total Revenues	$ 33,802,809	$ 20,686,405
EXPENDITURES:		
35 Food Service	$ 34,302,809	$ 26,944,374
Total Expenditures	$ 34,302,809	$ 26,944,374
Excess(Deficiency) Revenues Over(Under)Expenditures	$ (500,000)	$ (6,257,969)
Other Financing Sources	$ -	$ -
Other Financing Uses	$ -	$ -
Net Change in Fund Balance	$ (500,000)	$ (6,257,969)
Unassigned Fund Balance - July 1 (Beginning)	$ 7,588,492	$ 7,588,492
Increase (Decrease) Current year Fund Balance	(500,000)	(6,257,969)
Fund Balance - End Of The Period	$ 7,088,492	$ 1,330,523

GARLAND INDEPENDENT SCHOOL DISTRICT

Final Amended Budget
For The Debt Service Fund
Fiscal Year 2020-21
June 22, 2021

REVENUES:	**7/1/2020 Original Budget**	**Recommended Final Amended Budget**
57 Local Revenue	$ 71,955,387	$ 67,154,095
58 State Revenue		
59 Federal Revenue	470,994	470,994
Total Revenues	$ 72,426,381	$ 67,625,089
EXPENDITURES:		
71 Debt Service	$ 42,230,000	$ 43,075,000
72 Debt Service Interest on Long-Term Debt	22,795,000	22,795,000
73 Debt Service Fees	1,000,000	450,000
Total Expenditures	$ 66,025,000	$ 66,320,000
Excess(Deficiency) Revenues Over(Under) Expenditures	$ 6,401,381	$ 1,305,089
Other Financing Sources	$ -	$ -
Other Financing Uses	$ -	$ -
Net Change in Fund Balance	$ 6,401,381	$ 1,305,089
Unassigned Fund Balance - July 1 (Beginning)	$ 71,517,196	$ 71,517,196
Increase (Decrease) Current year Fund Balance		1,305,089
Fund Balance - End Of The Period	$ 71,517,196	$ 72,822,285

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of the Budget for the 2021-2022 School Year

Agenda Section: Action Item

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Ms. Brandy Mayo
Executive Director of Budget

Board Goal Objective:

Not applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

The proposed expenditure budget includes Fund 199 – General Fund, Fund 240 – Student Nutrition Service Fund and Fund 599 – Debt Service Fund.

This agenda item was reviewed by the Finance Committee on June 15, 2021.

Administrative Recommendations:

Provided for your consideration.

GARLAND INDEPENDENT SCHOOL DISTRICT

Garland ISD
2021-22 Proposed Budget
June 22, 2021

	General Fund 199	Student Nutrition Services Fund 240	Debt Service Fund 599
REVENUES:			
57 Local Revenue	$ 220,814,473	$ 7,262,000	$ 70,735,788
58 State Revenue	283,757,343	170,000	
59 Federal Revenue	9,000,000	26,580,122	470,994
Total Revenues	$ 513,571,816	$ 34,012,122	$ 71,206,782
EXPENDITURES:			
11 Instruction	$ 319,755,544	$ -	$ -
12 Instructional Resources and Media Services	7,826,046		
13 Curriculum Development and Instructional Staff Development	15,596,228		
21 Instructional Leadership	8,470,547		
23 School Leadership	33,580,856		
31 Guidance, Counseling and Evaluation	26,600,828		
32 Social Work Services	491,210		
33 Health Services	8,417,693		
34 Student Transportation	16,234,639		
35 Food Services	379,779	34,012,122	
36 Extracurricular Activities	12,822,417		
41 General Administration *	18,475,461		
51 Facilities Maintenance and Operations	48,599,006		
52 Security and Monitoring Services	7,282,629		
53 Data Processing Services	15,259,057		
61 Community Services	1,792,660		
71 Debt Service - Principal on Long-Term Debt	482,517		42,265,000
72 Debt Service - Interest on Long-Term Debt			20,559,389
73 Bond Issuance Cost and Fees			1,000,000
81 Facilities Acquisition and Construction			
95 Juvenile Justice Program	36,000		
99 Other Intergovernmental Charges	897,947		
Total Expenditures	$ 543,001,064	$ 34,012,122	$ 63,824,389
Excess (Deficiency) Revenues Over (Under) Expenditures	$ (29,429,248)	$ -	$ 7,382,393
Other Financing Sources (Uses)	$ -	$ -	$ -
Net Change in Fund Balance	$ (29,429,248)	$ -	$ 7,382,393

*Publish Required Notices - Expenditures to publish all statutorily required public notices - $56,357.
*Lobbying - Expenditures for "directly or indirectly influencing or attempt to influence the outcome of legislation or administrative action - $5,665.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Resolution Authorizing Contribution to the Garland Economic Development Partnership

Agenda Section: Action Item

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Summary/Background Information:

In order for the District to enter into an agreement with the Garland Economic Development Partnership, whereby the District will make a contribution to support the Garland Economic Development Partnership's efforts, the Board of Trustees must first determine that doing so will serve the District's public purpose. The Board has determined that the contribution will indeed serve the District's public purpose and this resolution spells out that determination as well as what will be required from the Garland Economic Development Partnership to allow the District to ensure sufficient controls over the use of the District's contribution. The District will then require the Garland Economic Development Partnership to enter into an agreement with the District after the passage of the attached resolution. Funding will not occur until this agreement is finalized.

The payment amount did not change from the prior year.

This agenda item was submitted to the Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Should the Board desire to make this contribution, they must first determine a public purpose by approving the attached resolution.

Resolution

WHEREAS, the Chamber of Commerce of the City of Garland, Texas, has created Garland Economic Development Partnership ("Partnership") for the purpose of fostering economic development within the City of Garland; and

WHEREAS, the Partnership has requested that the Garland Independent School District contribute District funds to the Partnership; and

WHEREAS, the payment by the District will be used by the Partnership to help fund recognition of excellent local teachers, opportunities for District officials to work with City leaders and business owners to encourage open communication and collaboration between all parties, enhancement of educational opportunities for students, and programs identified in Exhibit A; and

WHEREAS, the Board of Trustees of the Garland Independent School District finds that such expenditures will serve the District's public purposes of fostering good relationships with the Garland business community so as to engender and encourage support within the business community for the District's mission, providing opportunities for the employment of students on graduation, and encouraging and training students; and

WHEREAS, the Board of Trustees further finds that the District will receive adequate return benefit for such expenditure and that such expenditure is necessary for the conduct of the public schools of the District;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES that the Superintendent of Schools of the District is hereby authorized to make a payment of $50,000 to the Garland Economic Development Partnership, for the purposes listed above.

BE IT FURTHER RESOLVED that before such payment is made, the Partnership shall enter into an agreement with the District in a form to be approved by counsel for the District, agreeing: (A) to use District funds only for the program or programs identified in the Resolution or agreement between the parties; (B) if such programs include direct grants to businesses or entities, to use District funds only for grants to businesses or entities located within the District; and (C) to acknowledge and publicize the District's assistance and contribution to the programs of the Partnership so as to foster good relations between the District and the recipients of the benefits of such programs.

PASSED AND ADOPTED this _____day of _____2021.

_____
President
Board of Trustees

ATTEST:

_____
Secretary
Board of Trustees

Agreement

1. This Agreement is between the Garland Independent School District (the "District" or "GISD") and the Garland Economic Development Partnership (the "Partnership").

2. The subject matter of this Agreement is the payment of funds by the District to the Partnership and the conditions for such payment.

3. The purpose of this Agreement is to satisfy the legal requirement that the District maintain sufficient control over this expenditure to ensure that the public purposes of the District will be accomplished.

4. Therefore, in consideration of the agreement by the District to pay $50,000 to the Partnership, the Partnership agrees that:

   A. The Partnership shall use District funds only to assist local businesses adversely affected by District construction projects, to fund educational programs, and/or for programs identified in Exhibit A, and for no other purposes;

   B. Any direct grants made with District funds to businesses or other entities for such purposes may only be made to entities located in whole or in part within the District;

   C. The Partnership shall keep complete records identifying the expenditures made with District funds and shall furnish an accounting to the District at least semi-annually demonstrating that all District funds were spent by the Partnership in accordance with this Agreement. The semi-annual reports must be sent in the March and August following payment. The semi-annual report must be sent to: Board Service Manager ; Garland Independent School District; 501 South Jupiter Road; Garland, Texas 75042; and

   D. The Partnership shall acknowledge and publicize the District's assistance and contribution to the programs of the Partnership so as to foster good relations between the District and the recipients of the benefits of such programs.

5. To receive the consideration in the amount of $50,000, the Partnership shall send an invoice to the District in September of the District fiscal year for the payment. The invoice must be sent to: Board Service Manager; Garland Independent School District; 501 South Jupiter Road; Garland, Texas 75042.

6. The term of this Agreement is one year beginning on the date both parties have signed the Agreement. However, the limitations on the Partnership's use of District-paid funds outlined in item 4 of this Agreement remain in effect beyond one year to the extent the Partnership has not expended all of the funds paid by the District or returned unused funds to the District. This Agreement may be renewed for additional one-year terms upon the written agreement of both parties.

7. This Agreement may be terminated by the District or the Partnership with or without cause by providing 30 days advanced written notice. If the Partnership terminates the Agreement, it shall refund to the District all unspent District funds no later than 30 days after the date of termination.

SIGNED and AGREED:

Garland Economic Development Partnership

By: _____

Printed Name: _____

Date: _____

Attest

By: _____

Printed Name: _____

Date: _____

Garland Independent School District

By: _____

James Miller
President, Board of Trustees

Date: _____

Attest

By: _____

Linda Griffin
Secretary, Board of Trustees

Date: _____

Exhibit A
GISD PARTNERSHIP |2021-2022

Business Retention and Workforce

The focus is on supporting economic development and long-term sustainability of the Garland community through result-oriented initiatives relating to business retention and workforce development.
The Garland Chamber of Commerce staff will work with local employers and educational institutions to facilitate an understanding of needs relating to the training and continued education of a qualified workforce.A dedicated staff member of the Chamber will coordinate with our community partners to ensure opportunities are well communicated to both the educators and employers. Initiatives is this area include:

- Benchmarking of workforce best practices in other communities
- Participation in workforce conferences related to economic development
- Preparation of ideas for school programs related to workforce development
- Participation with the Career and Technical Education program of the GISD
- Promote and Support the Federation for Advanced Manufacturing Education Program
- Collaboration with GISD and PTECH program
- Setting up GISD student internship programs with local companies
- Promote business participation in the GISD Advisory Committee
- Providing ongoing support for business partnerships as mandated by HB 5
- Providing support for GISD Program Initiatives related to workforce
- Including the CTC leadership in all the DCMA activities to insure relevant curriculum and student success infinding employment
- Promoting and initiating support among manufacturing businesses for career and technical programsupport
- Providing grant support for equipment to Career and Technical programs

Marketing

The goal of the Chamber is to be the trusted source of timely, relevant information regarding opportunities for involvement and growth in the business community. The emphasis in this area is marketing the services and programs the district provides to the community. Initiatives is this area include:

- Promote GISD initiatives on Chamber website and social media platforms
- Provide the Education section to GISD in the annual Garland Guide
- GISD Day in the annual Leadership Garland Program
- Youth Leadership Program – 21 Students participating from GISD High Schools
- Promote and support of the Garland Education Foundation activities
- Teacher of the month recognition– 56 campuses
- State of the District at SPARK Luncheon
- Marketing students to employers
- Career Day and Discovery Day speaker participation
- Community Improvement Meeting participation
- Invitations to the businesses for Community Football Night
- Development of a pre- apprenticeship program for high school students

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Resolution Authorizing Contribution to the Rowlett Chamber Foundation

Agenda Section: Action Item

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Summary/Background Information:

In order for the District to enter into an agreement with the Rowlett Chamber Foundation, whereby the District will make a contribution to support the Rowlett Chamber Foundation's efforts, the Board of Trustees must first determine that doing so will serve the District's public purpose. The Board has determined that the contribution will indeed serve the District's public purpose and this resolution spells out that determination as well as what will be required from the Rowlett Chamber Foundation to allow the District to ensure sufficient controls over the use of the District's contribution. The District will then require the Rowlett Chamber Foundation to enter into an agreement with the District after the passage of the attached resolution. Funding will not occur until this agreement is finalized.

The payment amount did not change from the prior year.

This agenda item was submitted to the Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Should the Board desire to make this contribution, they must first determine a public purpose by approving the attached resolution.

Resolution

WHEREAS, the Chamber of Commerce of the City of Rowlett, Texas, has created the Rowlett Chamber Foundation ("Foundation") for the purpose of fostering economic development within the City of Rowlett; and

WHEREAS, the Foundation has requested that the Garland Independent School District contribute District funds to the Foundation; and

WHEREAS, the payment by the District will be used by the Foundation to help fund five $1,000 scholarships for graduating seniors, recognition of excellent local teachers, opportunities for District officials to work with City leaders and business owners to encourage open communication and collaboration between all parties, enhancement of educational opportunities for students, and programs identified in Exhibit A; and

WHEREAS, the Board of Trustees of the Garland Independent School District finds that such expenditures will serve the District's public purposes of fostering good relationships with the Rowlett business community so as to engender and encourage support within the business community for the District's mission, providing opportunities for the employment of students on graduation, and encouraging and training students, including students who may wish to start and grown their own businesses; and

WHEREAS, the Board of Trustees further finds that the District will receive adequate return benefit for such expenditure and that such expenditure is necessary for the conduct of the public schools of the District;

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES that the Superintendent of Schools of the District is hereby authorized to make a payment of $20,000 to the Rowlett Chamber Foundation, for the purposes listed above.

BE IT FURTHER RESOLVED that before such payment is made, the Foundation shall enter into an agreement with the District in a form to be approved by counsel for the District, agreeing: (A) to use District funds only for the program or programs identified in this Resolution or agreement between the parties; (B) if such programs include direct grants to businesses or entities, to use District funds only for grants to businesses or entities located within the District; and (C) to acknowledge and publicize the District's assistance and contribution to the programs of the Foundation so as to foster good relations between the District and the recipients of the benefits of such programs.

PASSED AND ADOPTED this_____day of_____2021.

_____
President
Board of Trustees

ATTEST:

_____
Secretary
Board of Trustees

Rowlett Chamber Foundation Partnership with Garland Independent School District Investment Agreement

Exhibit A

Workforce

- Set up GISD student internship programs with local companies.
- Provide ongoing support for business partnerships.
- Support the strategic vision related to the GISD Bond Program.
- Provide assistance related to CTE leadership to ensure relevant curriculum and student success in finding employment.
- Participate in the GISD Business Advisory Committee.
- Support economic development efforts in local businesses within the district.

Marketing

- Recognition of GISD in the Rowlett Chamber of Commerce online business directory and on the Rowlett Chamber Foundation website.
- Provide opportunity for other online/print advertising such as maps, print directories, etc.
- Promote and support the GISD Education Foundation activities and efforts.
- Promote and support GISD Project Search to promote work opportunities for students with learning challenges; Special Education Department.
- Reserve a minimum of 1 seat for a GISD participant in the Leadership Rowlett program. Name and enrollment fee to be provided by the District.
- Continue to support other District initiatives.
- Recognize the Teacher of the Month from each GISD school in Rowlett at the Rowlett Chamber Monthly Luncheon. (Lunch for the Principals and Teachers paid for by local business sponsors).
- Recognize the Teacher of the Year and the Principal of the Year at the Annual Members Meeting & Community Awards Banquet.
- Allow the GISD Superintendent to present an annual "State of the District" at the September Rowlett Chamber Monthly Luncheon.
- Present five $1,000 scholarships to graduating seniors.

Rowlett Chamber Foundation Partnership with Garland Independent School District Investment Agreement

1. This Agreement is between the Garland Independent School District (the "District" or "GISD") and the Rowlett Chamber Foundation (the "Foundation").
2. The subject matter of this Agreement is the payment of funds by the District to the Foundation and the conditions for such payment.
3. The purpose of this Agreement is to satisfy the legal requirement that the District maintain sufficient control over this expenditure to ensure that the public purposes of the District will be accomplished.
4. Therefore, in consideration of the agreement by the District to pay $20,000 to the Foundation, the Foundation agrees that:
    a. The Foundation shall use District funds for the purposes agreed to in Exhibit A and to fund education programs. Any direct grants made with District funds to businesses or other entities for such purposes may only be made to entities located in whole or in part within the District;
    b. Maintain a GISD seat on the Rowlett Chamber Foundation Board.
5. The Foundation shall keep complete records identifying the expenditures made with District funds and shall furnish an accounting to the District at least semi-annually demonstrating that all District funds were spent by the Foundation in accordance with this Agreement. The semi-annual reports must be sent in March and August. The semi• annual report must be sent to: Board Service Manager; Garland Independent School District; 501 South Jupiter Road; Garland, Texas 75042.
6. The Foundation shall acknowledge and publicize the District's assistance and contribution to the programs of the Foundation so as to foster good relations between the District and the recipients of the benefits of such programs.
7. To receive the consideration in the amount of $20,000, the Foundation shall send an invoice for the payment at the beginning of the GISD fiscal year. The invoice must be sent to: Board Service Manager; Garland Independent School District; 501 South Jupiter Road; Garland, Texas 75042.
8. The term of this Agreement is one year beginning on the date both parties have signed the Agreement. However, the limitations on the Foundation's use of District-paid funds outlined in item 4 of this Agreement remain in effect beyond one year to the extent the Foundation has not expended all of the funds paid by the District or returned unused

funds to the District. This Agreement may be renewed for additional one year terms upon the written agreement of both parties.

9. This Agreement may be terminated by the District or the Foundation with or without cause by providing 30 days advanced written notice. If the Foundation terminates the Agreement, it shall refund to the District all unspent District funds no later than 30 days after the date of termination.

SIGNED and AGREED:

Rowlett Chamber Foundation

By: _____

Printed Name: _____

Date: _____

Garland Independent School District

By:

_____

James Miller

President, Board of Trustees

Date: _____

Attest

By: _____

Linda Griffin

Secretary, Board of Trustees

Date: _____

Rowlett Chamber Foundation Partnership with Garland Independent School District Investment Agreement

Exhibit A

Workforce

- Set up GISD student internship programs with local companies.
- Provide ongoing support for business partnerships.
- Support the strategic vision related to the GISD Bond Program.
- Provide assistance related to CTE leadership to ensure relevant curriculum and student success in finding employment.
- Participate in the GISD Business Advisory Committee.
- Support economic development efforts in local businesses within the district.

Marketing

- Recognition of GISD in the Rowlett Chamber of Commerce online business directory and on the Rowlett Chamber Foundation website.
- Provide opportunity for other online/print advertising such as maps, print directories, etc.
- Promote and support the GISD Education Foundation activities and efforts.
- Promote and support GISD Project Search to promote work opportunities for students with learning challenges; Special Education Department.
- Reserve a minimum of 1 seat for a GISD participant in the Leadership Rowlett program. Name and enrollment fee to be provided by the District.
- Continue to support other District initiatives.
- Recognize the Teacher of the Month from each GISD school in Rowlett at the Rowlett Chamber Monthly Luncheon. (Lunch for the Principals and Teachers paid for by local business sponsors).
- Recognize the Teacher of the Year and the Principal of the Year at the Annual Members Meeting & Community Awards Banquet.
- Allow the GISD Superintendent to present an annual "State of the District" at the September Rowlett Chamber Monthly Luncheon.
- Present five $1,000 scholarships to graduating seniors.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Independent Sources of Instruction for the Training of Investment Officers

Agenda Section: Action Item

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Ms. Rhonda Rountree
Cash Manager

Board Goal Objective:

Not Applicable

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

In compliance with Board Policy CDA (Legal): *Other Revenues: Investments,* the Board shall annually approve the independent sources of instruction for investment officers for the District. Attached is the list that will be presented to the Finance Committee for review on June 15, 2021 and submitted to the Board for approval at the June 22, 2021 board meeting.

Administrative Recommendations:

Provided for your consideration.

Annual Review
Training of Investment Officers and the Independent Sources of Instruction

Board Policy CDA (Legal) requires the district's investment officers to attend investment training sessions. The training sessions must include education in investment controls, security risks, strategy risks, market risk, and compliance with the Government Code, Chapter 2256.008.

The Board approves the following as independent sources of instruction relating to investment responsibilities for the investment officers of the district:

Association for Financial Professionals

Association of Public Treasurers

Bank of America/Merrill Lynch

Dun and Bradstreet

Education Service Centers 7,8,9,10,11,12,13

Government Treasurers' Organization of Texas

Hilltop Securities

Houston Treasury Management Association

JP Morgan/Chase

North Central Texas Council of Governments

PFM Asset Management LLC

Sympro/Emphasys Software

Texas Association for Financial Professionals

Texas Association of School Boards (TASB)

Texas Association of School Business Officials (TASBO)

Texas Class/Public Trust Advisors

Texpo (regional conference of AFP)

University of North Texas/Center for Public Management

Wells Fargo

_____ _____

Board President Board Secretary

Date: June 22, 2021

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Qualified Investment Brokers

Agenda Section: Action Item

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Ms. Rhonda Rountree
Cash Manager

Board Goal Objective:

Not Applicable

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

In compliance with Board Policy CDA (Legal): *Other Revenues: Investments,* the Board shall review, revise, and adopt a list of brokers qualified to do business with the District. Attached is the list that will be presented to the Finance Committee for review on June 15, 2021 and submitted to the Board for approval at the June 22, 2021 board meeting.

Administrative Recommendations:

Provided for your consideration.

Annual Review
Qualified Brokers

In compliance with Board Policy CDA (Legal), the Board authorizes the following list of qualified brokers to engage in investment transactions with the District. The qualified brokers are:

Bank of America/Merrill Lynch

Comerica

First Public/Lone Star

Hilltop Securities, Inc.

Ladenburg Thalmann & Co.

LOGIC

Mischler Financial Group

PFM Asset Management LLC/TexasTERM

Robert W. Baird & Co.

SAMCO Capital Markets

Stifel Nicolaus

TexasCLASS

TexPool

TexSTAR

UBS Financial

Wells Fargo

_____ _____

Board President Board Secretary

Date: June 22, 2021

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Review the Investment Policy and Investment Strategy and adopt a written instrument stating review of same and recording any changes made to either the investment policy or investment strategies.

Agenda Section: Action Item

Administrator Responsible: Dr. Brent Ringo
Chief Financial Officer

Ms. Rhonda Rountree
Cash Manager

Board Goal Objective:

Not Applicable

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

In compliance with Board Policy CDA (Legal): *Other Revenues: Investments,* the Board shall review the investment policy and investment strategy at least annually and adopt a written instrument stating that it has been reviewed. The written instrument so adopted (as shown) shall record any changes made to either the investment policy or investment strategy. Also, shown is a copy of Board Policy CDA (Local), the District's investment policy. This information will be presented to the Finance Committee for review on June 15, 2021 and submitted to the Board for approval at the June 22, 2021 board meeting.

Administrative Recommendations:

Provided for your consideration.

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All investments made by a district shall comply with the Public Funds Investment Act (Texas Government Code Chapter 2256, Subchapter A) and all federal, state, and local statutes, rules, or regulations. *Gov't Code 2256.026*

Definitions

Bond Proceeds — "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by a district, and reserves and funds maintained by a district for debt service purposes.

Investment Pool — "Investment pool" means an entity created under the Texas Government Code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield.

Pooled Fund Group — "Pooled fund group" means an internally created fund of a district in which one or more institutional accounts of a district are invested.

Separately Invested Asset — "Separately invested asset" means an account or fund of a district that is not invested in a pooled fund group.

Gov't Code 2256.002(1), (6), (9), (12)

Pledged Revenue — "Pledged revenue" means money pledged to the payment of or as security for:

1. Bonds or other indebtedness issued by a district;
2. Obligations under a lease, installment sale, or other agreement of a district; or
3. Certificates of participation in a debt or obligation described by item 1 or 2.

Gov't Code 2256.0208(a)

Repurchase Agreement — "Repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations, described by Government Code 2256.009(a)(1) (obligations of governmental entities) or 2256.013 (commercial paper) or if applicable, 2256.0204 (corporate bonds), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement. *Gov't Code 2256.011(b)*

Hedging — "Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering

into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

Eligible Entity "Eligible entity" means a political subdivision that has:

1. A principal amount of at least $250 million in outstanding long-term indebtedness, long-term indebtedness proposed to be issued, or a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued; and
2. Outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

Eligible Project "Eligible project" has the meaning assigned by Government Code 1371.001 (issuance of obligations for certain public improvements).

Gov't Code 2256.0207(a)

Corporate Bond "Corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that, on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation, or is an unsecured debt obligation. *Gov't Code 2256.0204(a)*

Written Policies The board shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control. The investment policies must primarily emphasize safety of principal and liquidity and must address investment diversification, yield, and maturity and the quality and capability of investment management. The policies must include:

1. A list of the types of authorized investments in which the district's funds may be invested;
2. The maximum allowable stated maturity of any individual investment owned by the district;
3. For pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date of the portfolio;

4. Methods to monitor the market price of investments acquired with public funds;

5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

6. Procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021 [see Loss of Required Rating, below].

Gov't Code 2256.005(a), (b)

Annual Review

The board shall review its investment policy and investment strategies not less than annually. The board shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies. *Gov't Code 2256.005(e)*

Annual Audit

A district shall perform a compliance audit of management controls on investments and adherence to the district's established investment policies. The compliance audit shall be performed in conjunction with the annual financial audit. *Gov't Code 2256.005(m)*

Investment Strategies

As an integral part of the investment policy, the board shall adopt a separate written investment strategy for each of the funds or group of funds under the board's control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

1. Understanding of the suitability of the investment to the financial requirements of the district;

2. Preservation and safety of principal;

3. Liquidity;

4. Marketability of the investment if the need arises to liquidate the investment before maturity;

5. Diversification of the investment portfolio; and

6. Yield.

Gov't Code 2256.005(d)

Investment Officer

A district shall designate by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees as investment officer(s) to be responsible for the investment of its funds consistent

with the investment policy adopted by the board. If the board has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the contracting board's district. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the board retains the ultimate responsibility as fiduciaries of the assets of the district. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the district. Authority granted to a person to invest the district's funds is effective until rescinded by the district or until termination of the person's employment by a district, or for an investment management firm, until the expiration of the contract with the district. *Gov't Code 2256.005(f)*

A district or investment officer may use the district's employees or the services of a contractor of the district to aid the investment officer in the execution of the officer's duties under Government Code, Chapter 2256. *Gov't Code 2256.003(c)*

Investment Training

Investment training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Public Funds Investment Act. *Gov't Code 2256.008(c)*

Initial

Within 12 months after taking office or assuming duties, the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a district shall attend at least one training session from an independent source approved by the board or a designated investment committee advising the investment officer. This initial training must contain at least ten hours of instruction relating to their respective responsibilities under the Public Funds Investment Act. *Gov't Code 2256.008(a)*

Ongoing

The treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a district shall attend an investment training session not less than once in a two-year period that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under the Public Funds Investment Act from an independent source approved by the board or by a designated investment committee advising the investment officer. *Gov't Code 2256.008(a-1)*

Exception

The ongoing training requirement does not apply to the treasurer, chief financial officer, or investment officer of a district if:

1. The district does not invest district funds or only deposits those funds in interest-bearing deposit accounts or certificates of deposit as authorized by Government Code 2256.010; and

2. The treasurer, chief financial officer, or investment officer annually submits to the agency a sworn affidavit identifying the applicable criteria under item 1 that apply to the district.

Gov't Code 2256.008(g)

Standard of Care

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following objectives, in order of priority:

1. Preservation and safety of principal;

2. Liquidity; and

3. Yield.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the following shall be taken into consideration:

1. The investment of all funds, or funds under the district's control, over which the officer had responsibility rather than the prudence of a single investment; and

2. Whether the investment decision was consistent with the district's written investment policy.

Gov't Code 2256.006

Personal Interest

A district investment officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the district shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined by Government Code Chapter 573 (nepotism prohibition), to an individual seeking to sell an investment to the investment officer's district shall file a statement disclosing that relationship. A required statement must be filed with the board and with the Texas Ethics Commission. For purposes of this policy, an investment officer has a personal business relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or

3. The investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

Gov't Code 2256.005(i)

Quarterly Reports

Not less than quarterly, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. This report shall be presented not less than quarterly to the board and the superintendent within a reasonable time after the end of the period. The report must:

1. Describe in detail the investment position of the district on the date of the report;

2. Be prepared jointly and signed by all district investment officers;

3. Contain a summary statement of each pooled fund group that states the:

   a. Beginning market value for the reporting period;

   b. Ending market value for the period; and

   c. Fully accrued interest for the reporting period;

4. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

5. State the maturity date of each separately invested asset that has a maturity date;

6. State the account or fund or pooled group fund in the district for which each individual investment was acquired; and

7. State the compliance of the investment portfolio of the district as it relates to the investment strategy expressed in the district's investment policy and relevant provisions of the Public Funds Investment Act.

If a district invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the board by that auditor.

Gov't Code 2256.023

Selection of Broker

The board or the designated investment committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with a district. *Gov't Code 2256.025*

Bond Proceeds

The investment officer of a district may invest bond proceeds or pledged revenue only to the extent permitted by the Public Funds Investment Act, in accordance with:

1. Statutory provisions governing the debt issuance or the agreement, as applicable; and
2. The district's investment policy regarding the debt issuance or the agreement, as applicable.

Gov't Code 2256.0208(b)

Authorized Investments

A board may purchase, sell, and invest its funds and funds under its control in investments described below, in compliance with its adopted investment policies and according to the standard of care set out in this policy. *Gov't Code 2256.003(a)*

In the exercise of these powers, the board may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under this authority may not be for a term longer than two years. A renewal or extension of the contract must be made by the board by order, ordinance, or resolution. *Gov't Code 2256.003(b)*

The board may specify in its investment policy that any authorized investment is not suitable. *Gov't Code 2256.005(j)*

Obligations of Governmental Entities

The following are authorized investments:

1. Obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks;

2. Direct obligations of this state or its agencies and instrumentalities;

3. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

4. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state, the United States, or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States;

5. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;

6. Bonds issued, assumed, or guaranteed by the state of Israel;

7. Interest-bearing banking deposits that are guaranteed or insured by the FDIC or its successor, or the National Credit Union Share Insurance Fund or its successor; and

8. Interest-bearing banking deposits other than those described at item 7 above if:

    a. The funds are invested through a broker with a main office or a branch office in this state that the district selects from a list the board or designated investment committee of the district adopts as required at Selection of Broker above or a depository institution with a main office or a branch office in this state and that the district selects;

    b. The broker or depository institution selected as described above arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the district's account;

    c. The full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality of the United States; and

    d. The district appoints as the district's custodian of the banking deposits issued for the district's account the de-

pository institution selected as described above, an entity described by Government Code 2257.041(d) (custodian with which to deposit securities), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating under Rule 15c3-3 (17 C.F.R. Section 240.15c3-3).

Gov't Code 2256.009(a)

Unauthorized Obligations

The following investments are not authorized:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years; and
4. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Gov't Code 2256.009(b)

Certificates of Deposit and Share Certificates

A certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in Texas and is:

1. Guaranteed or insured by the FDIC or its successor or the National Credit Union Share Insurance Fund or its successor;
2. Secured by obligations described at Obligations of Governmental Entities, above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities described at Unauthorized Obligations, above; or
3. Secured in accordance with Government Code Chapter 2257 (Public Funds Collateral Act) or in any other manner and amount provided by law for the deposits of the district.

Gov't Code 2256.010(a)

In addition to the authority to invest funds in certificates of deposit under the previous section, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment:

1. The funds are invested by the district through a broker that has its main office or a branch office in this state and is selected from a list adopted by the district as required at Selection of Broker, above or a depository institution that has its main office or a branch office in this state and that is selected by the district;

2. The broker or depository institution selected by the district arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the district;

3. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

4. The district appoints the depository institution selected by the district, an entity described by Government Code 2257.041(d) (custodian with which to deposit securities), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the district with respect to the certificates of deposit issued for the account of the district.

Gov't Code 2256.010(b)

The district's investment policies may provide that bids for certificates of deposit be solicited orally, in writing, electronically, or in any combination of those methods. *Gov't Code 2256.005(c)*

Repurchase Agreements

A fully collateralized repurchase agreement is an authorized investment if it:

1. Has a defined termination date;

2. Is secured by a combination of cash and obligations described by Government Code 2256.009(a)(1) (obligations of governmental entities) or 2256.013 (commercial paper) or if applicable, 2256.0204 (corporate bonds);

3. Requires the securities being purchased by the district or cash held by the district to be pledged to the district, held in the district's name, and deposited at the time the investment is made with the district or a third party selected and approved by the district; and

4. Is placed through a primary government securities dealer, as defined by the Federal Reserve or a financial institution doing business in Texas.

The term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received by a district under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Government Code 1371.059(c) (validity and incontestability of obligations for certain public improvements) applies to the execution of a repurchase agreement by a district.

Gov't Code 2256.011

Securities Lending Program

A securities lending program is an authorized investment if:

1. The value of securities loaned is not less than 100 percent collateralized, including accrued income;
2. A loan allows for termination at any time;
3. A loan is secured by:
    a. Pledged securities described at Obligations of Governmental Entities, above;
    b. Pledged irrevocable letters of credit issued by a bank that is organized and existing under the laws of the United States or any other state, and continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or
    c. Cash invested in accordance with Government Code 2256.009 (obligations of governmental entities), 2256.013 (commercial paper), 2256.014 (mutual funds), or 2256.016 (investment pools);
4. The terms of a loan require that the securities being held as collateral be pledged to the district, held in the district's name, and deposited at the time the investment is made with the district or with a third party selected by or approved by the district; and
5. A loan is placed through a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003, or a financial institution doing business in this state.

An agreement to lend securities under a securities lending program must have a term of one year or less.

Gov't Code 2256.0115

Banker's Acceptances

A banker's acceptance is an authorized investment if it:

1. Has a stated maturity of 270 days or fewer from the date of issuance;
2. Will be, in accordance with its terms, liquidated in full at maturity;
3. Is eligible for collateral for borrowing from a Federal Reserve Bank; and
4. Is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least on nationally recognized credit rating agency.

Gov't Code 2256.012

Commercial Paper

Commercial paper is an authorized investment if it has a stated maturity of 365 days or fewer from the date of issuance; and is rated not less than A-1 or P-1 or an equivalent rating by at least:

1. Two nationally recognized credit rating agencies; or
2. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States law or any state.

Gov't Code 2256.013

Mutual Funds

A no-load money market mutual fund is an authorized investment if the mutual fund:

1. Is registered with and regulated by the Securities and Exchange Commission;
2. Provides the district with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and
3. Complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.).

Gov't Code 2256.014(a)

In addition to the no-load money market mutual fund authorized above, a no-load mutual fund is an authorized investment if it:

1. Is registered with the Securities and Exchange Commission;
2. Has an average weighted maturity of less than two years; and
3. Either has a duration of:
    a. One year or more and is invested exclusively in obligations approved by the Public Funds Investment Act, or
    b. Less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

Gov't Code 2256.014(b)

Limitations

A district is not authorized to:

1. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Government Code 2256.014(b);
2. Invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Government Code 2256.014(b); or
3. Invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Government Code 2256.014(a) or (b) in an amount that exceeds ten percent of the total assets of the mutual fund.

Gov't Code 2256.014(c)

Guaranteed Investment Contracts

A guaranteed investment contract is an authorized investment for bond proceeds if the guaranteed investment contract:

1. Has a defined termination date;
2. Is secured by obligations described at Obligations of Governmental Entities, above, excluding those obligations described at Unauthorized Obligations, in an amount at least equal to the amount of bond proceeds invested under the contract; and
3. Is pledged to the district and deposited with the district or with a third party selected and approved by the district.

Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested in a guaranteed investment contract with a term longer than five years from the date of issuance of the bonds.

To be eligible as an authorized investment:

1. The board must specifically authorize guaranteed investment contracts as eligible investments in the order, ordinance, or resolution authorizing the issuance of bonds;
2. The district must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;
3. The district must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;
4. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and
5. The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Government Code 1371.059(c) (validity and incontestability of obligations for certain public improvements) applies to the execution of a guaranteed investment contract by a district.

Gov't Code 2256.015

Investment Pools

A district may invest its funds or funds under its control through an eligible investment pool if the board by rule, order, ordinance, or resolution, as appropriate, authorizes the investment in the particular pool. *Gov't Code 2256.016, .019*

To be eligible to receive funds from and invest funds on behalf of a district, an investment pool must furnish to the investment officer or other authorized representative of the district an offering circular or other similar disclosure instrument that contains the information specified in Government Code 2256.016(b). To maintain eligibility, an investment pool must furnish to the investment officer or other authorized representative investment transaction confirmations and a monthly report that contains the information specified in Government Code 2256.016(c). A district by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds. *Gov't Code 2256.016(b)-(d)*

Corporate Bonds

A district that qualifies as an issuer as defined by Government Code 1371.001 [see CCF], may purchase, sell, and invest its funds and funds under its control in corporate bonds (as defined above) that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

A district is not authorized to:

1. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or
2. Invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

A district subject to these provisions may purchase, sell, and invest its funds and funds under its control in corporate bonds if the board:

1. Amends its investment policy to authorize corporate bonds as an eligible investment;
2. Adopts procedures to provide for monitoring rating changes in corporate bonds acquired with public funds and liquidating the investment in corporate bonds; and
3. Identifies the funds eligible to be invested in corporate bonds.

The district investment officer, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

1. Issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or
2. Changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

Gov't Code 2256.0204

Hedging Transactions

The board of an eligible entity (as defined above) shall establish the entity's policy regarding hedging transactions. An eligible entity may enter into hedging transactions, including hedging contracts,

and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.

Government Code 1371.059(c) (validity and incontestability of obligations for certain public improvements) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.

An eligible entity may:

1. Pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.

2. Credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.

An eligible entity's cost of or payment under a hedging contract or agreement may be considered an operation and maintenance expense, an acquisition expense, or construction expense of the eligible entity; or a project cost of an eligible project.

Gov't Code 2256.0206

Prohibited Investments

Except as provided by Government Code 2270 (prohibited investments), a district is not required to liquidate investments that were authorized investments at the time of purchase. *Gov't Code 2256.017*

Note: As an "investing entity" under Government Code 2270.0001(7)(A), a district must comply with Chapter 2270, including reporting requirements, regarding prohibited investments in scrutinized companies listed by the comptroller in accordance with Government Code 2270.0201.

Loss of Required Rating

An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. A district shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. *Gov't Code 2256.021*

Sellers of Investments

A written copy of the investment policy shall be presented to any business organization (as defined below) offering to engage in an investment transaction with a district. The qualified representative of the business organization offering to engage in an investment transaction with a district shall execute a written instrument in a form acceptable to the district and the business organization substantially to the effect that the business organization has:

1. Received and reviewed the district investment policy; and
2. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the district and the organization that are not authorized by the district's investment policy, except to the extent that this authorization:
    a. Is dependent on an analysis of the makeup of the district's entire portfolio;
    b. Requires an interpretation of subjective investment standards; or
    c. Relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The investment officer of a district may not acquire or otherwise obtain any authorized investment described in the district's investment policy from a business organization that has not delivered to the district the instrument required above.

Gov't Code 2256.005(k)–(l)

Nothing in this section relieves the district of the responsibility for monitoring investments made by the district to determine that they are in compliance with the investment policy.

Business Organization

For purposes of the provisions at Sellers of Investments above, "business organization" means an investment pool or investment management firm under contract with a district to invest or manage the district's investment portfolio that has accepted authority granted by the district under the contract to exercise investment discretion in regard to the district's funds.

Gov't Code 2256.005(k)

Donations

A gift, devise, or bequest made to a district to provide college scholarships for district graduates may be invested by the board as provided in Property Code 117.004 (Uniform Prudent Investor Act),

unless otherwise specifically provided by the terms of the gift, devise, or bequest. *Education Code 45.107*

Investments donated to a district for a particular purpose or under terms of use specified by the donor are not subject to the requirements of the Public Funds Investment Act. *Gov't Code 2256.004(b)*

Electronic Funds Transfer

A district may use electronic means to transfer or invest all funds collected or controlled by the district. *Gov't Code 2256.051*

Investment Authority

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

Approved Investment Instruments

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

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

Safety

The primary goal of the investment program is to ensure safety of principal, to maintain liquidity, and to maximize financial returns within current market conditions in accordance with this policy. Investments shall be made in a manner that ensures the preservation of capital in the overall portfolio, and offsets during a 12-month period any market price losses resulting from interest-rate fluctua-

tions by income received from the balance of the portfolio. No individual investment transaction shall be undertaken that jeopardizes the total capital position of the overall portfolio.

Investment Management

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

Liquidity and Maturity

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

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

Diversity

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

Monitoring Market Prices

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

Monitoring Rating Changes

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

Funds/Strategies

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

Operating Funds	Investment strategies for operating funds (including any commingled pools containing operating funds) shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Custodial Funds	Investment strategies for custodial funds shall have as their primary objectives preservation and safety of principal, investment liquidity, and maturity sufficient to meet anticipated cash flow requirements.
Debt Service Funds	Investment strategies for debt service funds shall have as their primary objective sufficient investment liquidity to timely meet debt service payment obligations in accordance with provisions in the bond documents. Maturities longer than one year are authorized provided legal limits are not exceeded.
Capital Project Funds	Investment strategies for capital project funds shall have as their primary objective sufficient investment liquidity to timely meet capital project obligations. Maturities longer than one year are authorized provided legal limits are not exceeded.

Safekeeping and Custody

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

Sellers of Investments

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

Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA).

Soliciting Bids for CDs

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

Interest Rate Risk

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

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

Internal Controls

A system of internal controls shall be established and documented in writing and must include specific procedures designating who has authority to withdraw funds. Also, they shall be designed to

protect against losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by employees and officers of the District. Controls deemed most important shall include:

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

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

Annual Review

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

Annual Audit

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

Annual Review
Investment Policy and Strategy

In compliance with Board Policy CDA (Legal), the Board has completed the annual review of the investment policy and investment strategies of the District. Changes made to either the investment policy or the investment strategies are noted below.

_____ _____

Board President Board Secretary

Date: June 22, 2021

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Resolution Designating Investment Officers for the District

Agenda Section: Action Item

Administrator Responsible: Ms. Allison Davenport
Executive Director of Finance

Board Goal Objective:

Not Applicable

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

In compliance with Board Policy CDA (Legal): *Other Revenues: Investments,* the Board shall adopt a written instrument that designates the Chief Financial Officer and the Cash Manager as investment officers for the District. Shown are copies of Board Policy CDA (Legal) and the Certificate of Secretary designating the investment officers. This information will be presented to the Finance Committee for review on June 15, 2021 and submitted to the Board for approval at the June 22, 2021 board meeting.

Administrative Recommendations:

Provided for your consideration.

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All investments made by a district shall comply with the Public Funds Investment Act (Texas Government Code Chapter 2256, Subchapter A) and all federal, state, and local statutes, rules, or regulations. *Gov't Code 2256.026*

Definitions

Bond Proceeds — "Bond proceeds" means the proceeds from the sale of bonds, notes, and other obligations issued by a district, and reserves and funds maintained by a district for debt service purposes.

Investment Pool — "Investment pool" means an entity created under the Texas Government Code to invest public funds jointly on behalf of the entities that participate in the pool and whose investment objectives in order of priority are preservation and safety of principal, liquidity, and yield.

Pooled Fund Group — "Pooled fund group" means an internally created fund of a district in which one or more institutional accounts of a district are invested.

Separately Invested Asset — "Separately invested asset" means an account or fund of a district that is not invested in a pooled fund group.

Gov't Code 2256.002(1), (6), (9), (12)

Pledged Revenue — "Pledged revenue" means money pledged to the payment of or as security for:

1. Bonds or other indebtedness issued by a district;
2. Obligations under a lease, installment sale, or other agreement of a district; or
3. Certificates of participation in a debt or obligation described by item 1 or 2.

Gov't Code 2256.0208(a)

Repurchase Agreement — "Repurchase agreement" means a simultaneous agreement to buy, hold for a specified time, and sell back at a future date obligations, described by Government Code 2256.009(a)(1) (obligations of governmental entities) or 2256.013 (commercial paper) or if applicable, 2256.0204 (corporate bonds), at a market value at the time the funds are disbursed of not less than the principal amount of the funds disbursed. The term includes a direct security repurchase agreement and a reverse security repurchase agreement. *Gov't Code 2256.011(b)*

Hedging — "Hedging" means acting to protect against economic loss due to price fluctuation of a commodity or related investment by entering

into an offsetting position or using a financial agreement or producer price agreement in a correlated security, index, or other commodity.

Eligible Entity "Eligible entity" means a political subdivision that has:

1. A principal amount of at least $250 million in outstanding long-term indebtedness, long-term indebtedness proposed to be issued, or a combination of outstanding long-term indebtedness and long-term indebtedness proposed to be issued; and
2. Outstanding long-term indebtedness that is rated in one of the four highest rating categories for long-term debt instruments by a nationally recognized rating agency for municipal securities, without regard to the effect of any credit agreement or other form of credit enhancement entered into in connection with the obligation.

Eligible Project "Eligible project" has the meaning assigned by Government Code 1371.001 (issuance of obligations for certain public improvements).

Gov't Code 2256.0207(a)

Corporate Bond "Corporate bond" means a senior secured debt obligation issued by a domestic business entity and rated not lower than "AA-" or the equivalent by a nationally recognized investment rating firm. The term does not include a debt obligation that, on conversion, would result in the holder becoming a stockholder or shareholder in the entity, or any affiliate or subsidiary of the entity, that issued the debt obligation, or is an unsecured debt obligation. *Gov't Code 2256.0204(a)*

Written Policies The board shall adopt by rule, order, ordinance, or resolution, as appropriate, a written investment policy regarding the investment of its funds and funds under its control. The investment policies must primarily emphasize safety of principal and liquidity and must address investment diversification, yield, and maturity and the quality and capability of investment management. The policies must include:

1. A list of the types of authorized investments in which the district's funds may be invested;
2. The maximum allowable stated maturity of any individual investment owned by the district;
3. For pooled fund groups, the maximum dollar-weighted average maturity allowed based on the stated maturity date of the portfolio;

4. Methods to monitor the market price of investments acquired with public funds;

5. A requirement for settlement of all transactions, except investment pool funds and mutual funds, on a delivery versus payment basis; and

6. Procedures to monitor rating changes in investments acquired with public funds and the liquidation of such investments consistent with the provisions of Government Code 2256.021 [see Loss of Required Rating, below].

Gov't Code 2256.005(a), (b)

Annual Review

The board shall review its investment policy and investment strategies not less than annually. The board shall adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies. *Gov't Code 2256.005(e)*

Annual Audit

A district shall perform a compliance audit of management controls on investments and adherence to the district's established investment policies. The compliance audit shall be performed in conjunction with the annual financial audit. *Gov't Code 2256.005(m)*

Investment Strategies

As an integral part of the investment policy, the board shall adopt a separate written investment strategy for each of the funds or group of funds under the board's control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance:

1. Understanding of the suitability of the investment to the financial requirements of the district;

2. Preservation and safety of principal;

3. Liquidity;

4. Marketability of the investment if the need arises to liquidate the investment before maturity;

5. Diversification of the investment portfolio; and

6. Yield.

Gov't Code 2256.005(d)

Investment Officer

A district shall designate by rule, order, ordinance, or resolution, as appropriate, one or more officers or employees as investment officer(s) to be responsible for the investment of its funds consistent

with the investment policy adopted by the board. If the board has contracted with another investing entity to invest its funds, the investment officer of the other investing entity is considered to be the investment officer of the contracting board's district. In the administration of the duties of an investment officer, the person designated as investment officer shall exercise the judgment and care, under prevailing circumstances, that a prudent person would exercise in the management of the person's own affairs, but the board retains the ultimate responsibility as fiduciaries of the assets of the district. Unless authorized by law, a person may not deposit, withdraw, transfer, or manage in any other manner the funds of the district. Authority granted to a person to invest the district's funds is effective until rescinded by the district or until termination of the person's employment by a district, or for an investment management firm, until the expiration of the contract with the district. *Gov't Code 2256.005(f)*

A district or investment officer may use the district's employees or the services of a contractor of the district to aid the investment officer in the execution of the officer's duties under Government Code, Chapter 2256. *Gov't Code 2256.003(c)*

Investment Training

Investment training must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with the Public Funds Investment Act. *Gov't Code 2256.008(c)*

Initial

Within 12 months after taking office or assuming duties, the treasurer, the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a district shall attend at least one training session from an independent source approved by the board or a designated investment committee advising the investment officer. This initial training must contain at least ten hours of instruction relating to their respective responsibilities under the Public Funds Investment Act. *Gov't Code 2256.008(a)*

Ongoing

The treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer of a district shall attend an investment training session not less than once in a two-year period that begins on the first day of the district's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under the Public Funds Investment Act from an independent source approved by the board or by a designated investment committee advising the investment officer. *Gov't Code 2256.008(a-1)*

Exception

The ongoing training requirement does not apply to the treasurer, chief financial officer, or investment officer of a district if:

1. The district does not invest district funds or only deposits those funds in interest-bearing deposit accounts or certificates of deposit as authorized by Government Code 2256.010; and

2. The treasurer, chief financial officer, or investment officer annually submits to the agency a sworn affidavit identifying the applicable criteria under item 1 that apply to the district.

Gov't Code 2256.008(g)

Standard of Care

Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion, and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital and the probable income to be derived. Investment of funds shall be governed by the following objectives, in order of priority:

1. Preservation and safety of principal;

2. Liquidity; and

3. Yield.

In determining whether an investment officer has exercised prudence with respect to an investment decision, the following shall be taken into consideration:

1. The investment of all funds, or funds under the district's control, over which the officer had responsibility rather than the prudence of a single investment; and

2. Whether the investment decision was consistent with the district's written investment policy.

Gov't Code 2256.006

Personal Interest

A district investment officer who has a personal business relationship with a business organization offering to engage in an investment transaction with the district shall file a statement disclosing that personal business interest. An investment officer who is related within the second degree by affinity or consanguinity, as determined by Government Code Chapter 573 (nepotism prohibition), to an individual seeking to sell an investment to the investment officer's district shall file a statement disclosing that relationship. A required statement must be filed with the board and with the Texas Ethics Commission. For purposes of this policy, an investment officer has a personal business relationship with a business organization if:

1. The investment officer owns ten percent or more of the voting stock or shares of the business organization or owns $5,000 or more of the fair market value of the business organization;

2. Funds received by the investment officer from the business organization exceed ten percent of the investment officer's gross income for the previous year; or

3. The investment officer has acquired from the business organization during the previous year investments with a book value of $2,500 or more for the personal account of the investment officer.

Gov't Code 2256.005(i)

Quarterly Reports

Not less than quarterly, the investment officer shall prepare and submit to the board a written report of investment transactions for all funds covered by the Public Funds Investment Act for the preceding reporting period. This report shall be presented not less than quarterly to the board and the superintendent within a reasonable time after the end of the period. The report must:

1. Describe in detail the investment position of the district on the date of the report;

2. Be prepared jointly and signed by all district investment officers;

3. Contain a summary statement of each pooled fund group that states the:

   a. Beginning market value for the reporting period;

   b. Ending market value for the period; and

   c. Fully accrued interest for the reporting period;

4. State the book value and market value of each separately invested asset at the end of the reporting period by the type of asset and fund type invested;

5. State the maturity date of each separately invested asset that has a maturity date;

6. State the account or fund or pooled group fund in the district for which each individual investment was acquired; and

7. State the compliance of the investment portfolio of the district as it relates to the investment strategy expressed in the district's investment policy and relevant provisions of the Public Funds Investment Act.

If a district invests in other than money market mutual funds, investment pools or accounts offered by its depository bank in the form of certificates of deposit, or money market accounts or similar accounts, the reports prepared by the investment officers shall be formally reviewed at least annually by an independent auditor, and the result of the review shall be reported to the board by that auditor.

Gov't Code 2256.023

Selection of Broker

The board or the designated investment committee shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with a district. *Gov't Code 2256.025*

Bond Proceeds

The investment officer of a district may invest bond proceeds or pledged revenue only to the extent permitted by the Public Funds Investment Act, in accordance with:

1. Statutory provisions governing the debt issuance or the agreement, as applicable; and
2. The district's investment policy regarding the debt issuance or the agreement, as applicable.

Gov't Code 2256.0208(b)

Authorized Investments

A board may purchase, sell, and invest its funds and funds under its control in investments described below, in compliance with its adopted investment policies and according to the standard of care set out in this policy. *Gov't Code 2256.003(a)*

In the exercise of these powers, the board may contract with an investment management firm registered under the Investment Advisers Act of 1940 (15 U.S.C. Section 80b-1 et seq.) or with the State Securities Board to provide for the investment and management of its public funds or other funds under its control. A contract made under this authority may not be for a term longer than two years. A renewal or extension of the contract must be made by the board by order, ordinance, or resolution. *Gov't Code 2256.003(b)*

The board may specify in its investment policy that any authorized investment is not suitable. *Gov't Code 2256.005(j)*

Obligations of Governmental Entities

The following are authorized investments:

1. Obligations, including letters of credit, of the United States or its agencies and instrumentalities, including the Federal Home Loan Banks;

2. Direct obligations of this state or its agencies and instrumentalities;

3. Collateralized mortgage obligations directly issued by a federal agency or instrumentality of the United States, the underlying security for which is guaranteed by an agency or instrumentality of the United States;

4. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of, this state, the United States, or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation (FDIC) or by the explicit full faith and credit of the United States;

5. Obligations of states, agencies, counties, cities, and other political subdivisions of any state rated as to investment quality by a nationally recognized investment rating firm not less than A or its equivalent;

6. Bonds issued, assumed, or guaranteed by the state of Israel;

7. Interest-bearing banking deposits that are guaranteed or insured by the FDIC or its successor, or the National Credit Union Share Insurance Fund or its successor; and

8. Interest-bearing banking deposits other than those described at item 7 above if:

    a. The funds are invested through a broker with a main office or a branch office in this state that the district selects from a list the board or designated investment committee of the district adopts as required at Selection of Broker above or a depository institution with a main office or a branch office in this state and that the district selects;

    b. The broker or depository institution selected as described above arranges for the deposit of the funds in the banking deposits in one or more federally insured depository institutions, regardless of where located, for the district's account;

    c. The full amount of the principal and accrued interest of the banking deposits is insured by the United States or an instrumentality of the United States; and

    d. The district appoints as the district's custodian of the banking deposits issued for the district's account the de-

pository institution selected as described above, an entity described by Government Code 2257.041(d) (custodian with which to deposit securities), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating under Rule 15c3-3 (17 C.F.R. Section 240.15c3-3).

Gov't Code 2256.009(a)

Unauthorized Obligations

The following investments are not authorized:

1. Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal;
2. Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest;
3. Collateralized mortgage obligations that have a stated final maturity date of greater than ten years; and
4. Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

Gov't Code 2256.009(b)

Certificates of Deposit and Share Certificates

A certificate of deposit or share certificate is an authorized investment if the certificate is issued by a depository institution that has its main office or a branch office in Texas and is:

1. Guaranteed or insured by the FDIC or its successor or the National Credit Union Share Insurance Fund or its successor;
2. Secured by obligations described at Obligations of Governmental Entities, above, including mortgage backed securities directly issued by a federal agency or instrumentality that have a market value of not less than the principal amount of the certificates, but excluding those mortgage backed securities described at Unauthorized Obligations, above; or
3. Secured in accordance with Government Code Chapter 2257 (Public Funds Collateral Act) or in any other manner and amount provided by law for the deposits of the district.

Gov't Code 2256.010(a)

In addition to the authority to invest funds in certificates of deposit under the previous section, an investment in certificates of deposit made in accordance with the following conditions is an authorized investment:

1. The funds are invested by the district through a broker that has its main office or a branch office in this state and is selected from a list adopted by the district as required at Selection of Broker, above or a depository institution that has its main office or a branch office in this state and that is selected by the district;

2. The broker or depository institution selected by the district arranges for the deposit of the funds in certificates of deposit in one or more federally insured depository institutions, wherever located, for the account of the district;

3. The full amount of the principal and accrued interest of each of the certificates of deposit is insured by the United States or an instrumentality of the United States; and

4. The district appoints the depository institution selected by the district, an entity described by Government Code 2257.041(d) (custodian with which to deposit securities), or a clearing broker-dealer registered with the Securities and Exchange Commission and operating pursuant to Securities and Exchange Commission Rule 15c3-3 (17 C.F.R. Section 240.15c3-3) as custodian for the district with respect to the certificates of deposit issued for the account of the district.

Gov't Code 2256.010(b)

The district's investment policies may provide that bids for certificates of deposit be solicited orally, in writing, electronically, or in any combination of those methods. *Gov't Code 2256.005(c)*

Repurchase Agreements

A fully collateralized repurchase agreement is an authorized investment if it:

1. Has a defined termination date;

2. Is secured by a combination of cash and obligations described by Government Code 2256.009(a)(1) (obligations of governmental entities) or 2256.013 (commercial paper) or if applicable, 2256.0204 (corporate bonds);

3. Requires the securities being purchased by the district or cash held by the district to be pledged to the district, held in the district's name, and deposited at the time the investment is made with the district or a third party selected and approved by the district; and

4. Is placed through a primary government securities dealer, as defined by the Federal Reserve or a financial institution doing business in Texas.

The term of any reverse security repurchase agreement may not exceed 90 days after the date the reverse security repurchase agreement is delivered. Money received by a district under the terms of a reverse security repurchase agreement shall be used to acquire additional authorized investments, but the term of the authorized investments acquired must mature not later than the expiration date stated in the reverse security repurchase agreement.

Government Code 1371.059(c) (validity and incontestability of obligations for certain public improvements) applies to the execution of a repurchase agreement by a district.

Gov't Code 2256.011

Securities Lending Program

A securities lending program is an authorized investment if:

1. The value of securities loaned is not less than 100 percent collateralized, including accrued income;
2. A loan allows for termination at any time;
3. A loan is secured by:
    a. Pledged securities described at Obligations of Governmental Entities, above;
    b. Pledged irrevocable letters of credit issued by a bank that is organized and existing under the laws of the United States or any other state, and continuously rated by at least one nationally recognized investment rating firm at not less than A or its equivalent; or
    c. Cash invested in accordance with Government Code 2256.009 (obligations of governmental entities), 2256.013 (commercial paper), 2256.014 (mutual funds), or 2256.016 (investment pools);
4. The terms of a loan require that the securities being held as collateral be pledged to the district, held in the district's name, and deposited at the time the investment is made with the district or with a third party selected by or approved by the district; and
5. A loan is placed through a primary government securities dealer, as defined by 5 C.F.R. Section 6801.102(f), as that regulation existed on September 1, 2003, or a financial institution doing business in this state.

An agreement to lend securities under a securities lending program must have a term of one year or less.

Gov't Code 2256.0115

Banker's Acceptances

A banker's acceptance is an authorized investment if it:

1. Has a stated maturity of 270 days or fewer from the date of issuance;
2. Will be, in accordance with its terms, liquidated in full at maturity;
3. Is eligible for collateral for borrowing from a Federal Reserve Bank; and
4. Is accepted by a bank organized and existing under the laws of the United States or any state, if the short-term obligations of the bank, or of a bank holding company of which the bank is the largest subsidiary, are rated not less than A-1 or P-1 or an equivalent rating by at least on nationally recognized credit rating agency.

Gov't Code 2256.012

Commercial Paper

Commercial paper is an authorized investment if it has a stated maturity of 365 days or fewer from the date of issuance; and is rated not less than A-1 or P-1 or an equivalent rating by at least:

1. Two nationally recognized credit rating agencies; or
2. One nationally recognized credit rating agency and is fully secured by an irrevocable letter of credit issued by a bank organized and existing under the laws of the United States law or any state.

Gov't Code 2256.013

Mutual Funds

A no-load money market mutual fund is an authorized investment if the mutual fund:

1. Is registered with and regulated by the Securities and Exchange Commission;
2. Provides the district with a prospectus and other information required by the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) or the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.); and
3. Complies with federal Securities and Exchange Commission Rule 2a-7 (17 C.F.R. Section 270.2a-7), promulgated under the Investment Company Act of 1940 (15 U.S.C. Section 80a-1 et seq.).

Gov't Code 2256.014(a)

In addition to the no-load money market mutual fund authorized above, a no-load mutual fund is an authorized investment if it:

1. Is registered with the Securities and Exchange Commission;
2. Has an average weighted maturity of less than two years; and
3. Either has a duration of:
    a. One year or more and is invested exclusively in obligations approved by the Public Funds Investment Act, or
    b. Less than one year and the investment portfolio is limited to investment grade securities, excluding asset-backed securities.

Gov't Code 2256.014(b)

Limitations

A district is not authorized to:

1. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds and reserves and other funds held for debt service, in mutual funds described in Government Code 2256.014(b);
2. Invest any portion of bond proceeds, reserves and funds held for debt service, in mutual funds described in Government Code 2256.014(b); or
3. Invest its funds or funds under its control, including bond proceeds and reserves and other funds held for debt service, in any one mutual fund described in Government Code 2256.014(a) or (b) in an amount that exceeds ten percent of the total assets of the mutual fund.

Gov't Code 2256.014(c)

Guaranteed Investment Contracts

A guaranteed investment contract is an authorized investment for bond proceeds if the guaranteed investment contract:

1. Has a defined termination date;
2. Is secured by obligations described at Obligations of Governmental Entities, above, excluding those obligations described at Unauthorized Obligations, in an amount at least equal to the amount of bond proceeds invested under the contract; and
3. Is pledged to the district and deposited with the district or with a third party selected and approved by the district.

Bond proceeds, other than bond proceeds representing reserves and funds maintained for debt service purposes, may not be invested in a guaranteed investment contract with a term longer than five years from the date of issuance of the bonds.

To be eligible as an authorized investment:

1. The board must specifically authorize guaranteed investment contracts as eligible investments in the order, ordinance, or resolution authorizing the issuance of bonds;
2. The district must receive bids from at least three separate providers with no material financial interest in the bonds from which proceeds were received;
3. The district must purchase the highest yielding guaranteed investment contract for which a qualifying bid is received;
4. The price of the guaranteed investment contract must take into account the reasonably expected drawdown schedule for the bond proceeds to be invested; and
5. The provider must certify the administrative costs reasonably expected to be paid to third parties in connection with the guaranteed investment contract.

Government Code 1371.059(c) (validity and incontestability of obligations for certain public improvements) applies to the execution of a guaranteed investment contract by a district.

Gov't Code 2256.015

Investment Pools

A district may invest its funds or funds under its control through an eligible investment pool if the board by rule, order, ordinance, or resolution, as appropriate, authorizes the investment in the particular pool. *Gov't Code 2256.016, .019*

To be eligible to receive funds from and invest funds on behalf of a district, an investment pool must furnish to the investment officer or other authorized representative of the district an offering circular or other similar disclosure instrument that contains the information specified in Government Code 2256.016(b). To maintain eligibility, an investment pool must furnish to the investment officer or other authorized representative investment transaction confirmations and a monthly report that contains the information specified in Government Code 2256.016(c). A district by contract may delegate to an investment pool the authority to hold legal title as custodian of investments purchased with its local funds. *Gov't Code 2256.016(b)-(d)*

Corporate Bonds

A district that qualifies as an issuer as defined by Government Code 1371.001 [see CCF], may purchase, sell, and invest its funds and funds under its control in corporate bonds (as defined above) that, at the time of purchase, are rated by a nationally recognized investment rating firm "AA-" or the equivalent and have a stated final maturity that is not later than the third anniversary of the date the corporate bonds were purchased.

A district is not authorized to:

1. Invest in the aggregate more than 15 percent of its monthly average fund balance, excluding bond proceeds, reserves, and other funds held for the payment of debt service, in corporate bonds; or
2. Invest more than 25 percent of the funds invested in corporate bonds in any one domestic business entity, including subsidiaries and affiliates of the entity.

A district subject to these provisions may purchase, sell, and invest its funds and funds under its control in corporate bonds if the board:

1. Amends its investment policy to authorize corporate bonds as an eligible investment;
2. Adopts procedures to provide for monitoring rating changes in corporate bonds acquired with public funds and liquidating the investment in corporate bonds; and
3. Identifies the funds eligible to be invested in corporate bonds.

The district investment officer, acting on behalf of the district, shall sell corporate bonds in which the district has invested its funds not later than the seventh day after the date a nationally recognized investment rating firm:

1. Issues a release that places the corporate bonds or the domestic business entity that issued the corporate bonds on negative credit watch or the equivalent, if the corporate bonds are rated "AA-" or the equivalent at the time the release is issued; or
2. Changes the rating on the corporate bonds to a rating lower than "AA-" or the equivalent.

Gov't Code 2256.0204

Hedging Transactions

The board of an eligible entity (as defined above) shall establish the entity's policy regarding hedging transactions. An eligible entity may enter into hedging transactions, including hedging contracts,

and related security, credit, and insurance agreements in connection with commodities used by an eligible entity in the entity's general operations, with the acquisition or construction of a capital project, or with an eligible project. A hedging transaction must comply with the regulations of the federal Commodity Futures Trading Commission and the federal Securities and Exchange Commission.

Government Code 1371.059(c) (validity and incontestability of obligations for certain public improvements) applies to the execution by an eligible entity of a hedging contract and any related security, credit, or insurance agreement.

An eligible entity may:

1. Pledge as security for and to the payment of a hedging contract or a security, credit, or insurance agreement any general or special revenues or funds the entity is authorized by law to pledge to the payment of any other obligation.

2. Credit any amount the entity receives under a hedging contract against expenses associated with a commodity purchase.

An eligible entity's cost of or payment under a hedging contract or agreement may be considered an operation and maintenance expense, an acquisition expense, or construction expense of the eligible entity; or a project cost of an eligible project.

Gov't Code 2256.0206

Prohibited Investments

Except as provided by Government Code 2270 (prohibited investments), a district is not required to liquidate investments that were authorized investments at the time of purchase. *Gov't Code 2256.017*

Note: As an "investing entity" under Government Code 2270.0001(7)(A), a district must comply with Chapter 2270, including reporting requirements, regarding prohibited investments in scrutinized companies listed by the comptroller in accordance with Government Code 2270.0201.

Loss of Required Rating

An investment that requires a minimum rating does not qualify as an authorized investment during the period the investment does not have the minimum rating. A district shall take all prudent measures that are consistent with its investment policy to liquidate an investment that does not have the minimum rating. *Gov't Code 2256.021*

Sellers of Investments

A written copy of the investment policy shall be presented to any business organization (as defined below) offering to engage in an investment transaction with a district. The qualified representative of the business organization offering to engage in an investment transaction with a district shall execute a written instrument in a form acceptable to the district and the business organization substantially to the effect that the business organization has:

1. Received and reviewed the district investment policy; and
2. Acknowledged that the business organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the district and the organization that are not authorized by the district's investment policy, except to the extent that this authorization:
    a. Is dependent on an analysis of the makeup of the district's entire portfolio;
    b. Requires an interpretation of subjective investment standards; or
    c. Relates to investment transactions of the entity that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The investment officer of a district may not acquire or otherwise obtain any authorized investment described in the district's investment policy from a business organization that has not delivered to the district the instrument required above.

Gov't Code 2256.005(k)–(l)

Nothing in this section relieves the district of the responsibility for monitoring investments made by the district to determine that they are in compliance with the investment policy.

Business Organization

For purposes of the provisions at Sellers of Investments above, "business organization" means an investment pool or investment management firm under contract with a district to invest or manage the district's investment portfolio that has accepted authority granted by the district under the contract to exercise investment discretion in regard to the district's funds.

Gov't Code 2256.005(k)

Donations

A gift, devise, or bequest made to a district to provide college scholarships for district graduates may be invested by the board as provided in Property Code 117.004 (Uniform Prudent Investor Act),

unless otherwise specifically provided by the terms of the gift, devise, or bequest. *Education Code 45.107*

Investments donated to a district for a particular purpose or under terms of use specified by the donor are not subject to the requirements of the Public Funds Investment Act. *Gov't Code 2256.004(b)*

Electronic Funds Transfer

A district may use electronic means to transfer or invest all funds collected or controlled by the district. *Gov't Code 2256.051*

Certificate of Secretary
For the
Garland Independent School District

The undersigned hereby certifies as the duly elected and acting Secretary of the Garland Independent School District, that the following is a true and correct copy of a resolution adopted by the School Board of the Garland Independent School District to be effective on the 22nd day of June 2021 and that said resolution has not been rescinded, modified or changed:

Resolved, that the Chief Financial Officer and the Cash Manager are hereby authorized as Investment Officers for the District and empowered for and in the name of the District to do any of the following:

From time to time, change operational processing within the depository contract:

Sign by facsimile signature, checks or drafts against any account of the District, which, if by facsimile, may be relied upon, regardless of by who or what means the same may have been imprinted on said instruments, as valid, effective, conclusive and binding for all purposes upon the District as if the same had in fact been manually executed for and on behalf of the District;

Negotiate and conclude any contract or agreement which they may deem necessary, proper, or convenient for establishing and maintaining adequate banking functions.

Authorize and initiate wire transfer of funds from District accounts, and appoint and designate in writing any Officer, agent or employee of the District to authorize and initiate wire transfer of funds from District account.

In Witness Whereof, the undersigned has executed this Certificate of Secretary as of the _____ day of _____, and caused to be affixed hereto the seal of said District.

_____

Board Secretary
June 22, 2021

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Resolution of the Adoption of Committing Fund Balances

Agenda Section: Action Item

Administrator Responsible: Ms. Allison Davenport
Executive Director of Finance

Board Goal Objective:

Not Applicable

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is a resolution committing revenue sources and fund balances. Governmental Accounting Standards Board Statement No. 54 requires that special revenue funds be used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditure for specific purposes other than debt service or capital projects. The funds that have been reported as Local Special Revenue funds have specific revenue sources, but are not restricted by an outside party. Therefore, to continue to report them as Local Special Revenue funds the Board will need to commit the total fund balance of the:

- Campus Activity Funds
- Departmental Activity Funds
- Meadows Foundation Grant
- Garland Housing Finance Corporation Grant
- Project Lead the Way
- E-Rate Category 1
- Instructional Materials

The resolution also commits fund balance in the General Fund for self-insurance for underground fuel storage tanks in the amount of $1,000,000 and underground Metropolitan Area Network/Wide Area Network (MAN/WAN) in the amount of $6,000,000 for a total of $7,000,000 committed to self-insurance.

The District has underground fuel storage tanks at Transportation. The District is required by the Texas Commission on Environment Quality (TCEQ) to have liability insurance or self-insurance if a catastrophic accident occurs in the amount of $1,000,000 per occurrence and $1,000,000 annual aggregate arising from operating underground storage tanks. (30 TAC 37.815(a) and (b))

The City of Garland has required the District to either have liability insurance or establish a self-insurance fund in the amount of $6,000,000 in exchange for the right to place the District's MAN/WAN in City of Garland Right of Ways.

This resolution will be presented to the Finance Committee for review on June 15, 2021 and submitted to the Board for approval at the June 22, 2021 board meeting.

Administrative Recommendations:

Provided for your consideration.

RESOLUTION
GARLAND INDEPENDENT SCHOOL DISTRICT BOARD OF TRUSTEES

WHEREAS, the Governmental Accounting Standards Board ("GASB") has adopted Statement No. 54 ("GASB 54"), a standard for governmental fund balance reporting and governmental fund type definitions that became effective in governmental fiscal years starting after June 15, 2010, and

WHEREAS, Garland Independent School District ("GISD") elected to implement GASB 54 requirements, and to apply such requirements to its financial statements and

NOW THEREFORE BE IT RESOLVED that GISD Board of Trustees commits the following portions of its June 22, 2021, General Fund Balance as follows:

$7,000,000 for Self Insurance

BE IT RESOLVED that GISD Board of Trustees commits proceeds of the revenue sources and fund balances of the following funds for the specified purposes reported in the local Special Revenue Fund:

Campus Activity Funds
Departmental Activity Funds
Meadows Foundation Grant
Garland Housing Finance Corporation Grant
Project lead the Way
E-Rate Category 1
Instructional Materials

The above Resolution is adopted this_____day of June, 2021.

_____ _____

Board President Board Secretary

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Increase Amount and Modification of Scope to the HVAC Energy Management Controls Software and Hardware Project

Agenda Section: Action Item

Administrator Responsible: Mr. Paul Gonzales
Executive Director of Facilities and Maintenance

Mr. Javier Fernandez
Director of Facilities Planning and Construction Services

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

On March 24, 2020 the Board approved the upgrade to the HVAC Energy Management Systems Control software from the R2 Tridium Platform to an N4 Tridium with the required hardware. Due to the original awarded vendor's inability to complete the contract, the district modified the award and separated from the vendor on December 20, 2020.

It is staff's recommendation that the remaining scope of work be completed and that Shugart Professional Development Center (PDC) and the Warren School be added to the project.

Original Project Amount: (March 24, 2020)	$ 96,220
Spend To-Date Amount:	$ 43,979
Increase Amount:	$124,738

The estimated total amount of the project is not to exceed $168,717. Potential funding is indicated below.

Interest Earnings from the Proceeds of the Series 2015 Bond Issue from 2014 Bond Authorization (681)

This agenda item was presented to the Facilities Committee and Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for consideration.

MEMORANDUM

DATE: May 13, 2021

TO: Mark Booker, Executive Director of Purchasing
Dr. Brent Ringo, Chief Financial Officer

FROM: Paul Gonzales, Executive Director of Facilities and Maintenance

RE: Consider Approval of Increase Amount and Modification of Scope to the HVAC Energy Management Controls Software and Hardware Project

---

On March 24, 2020, the Board approved the upgrade of the HVAC Energy Management System Controls software from the R2 Tridium Platform to the N4 Tridium Platform with the required hardware. The cost for the scope of work completed at three facilities was $37,002 and the cost of partial work on two facilities was $6,977 for a total of $43,979 of the estimated total project cost of $96,220. Due to the original awarded vendor's inability to complete the contract, the district separated from the vendor.

I am in agreement to complete the original scope of work and to add Shugart Professional Development Center (PDC) and the Warren School to the project at a not to exceed cost of $168,717.

Previous Vendor Award	*$ 96,220*	
Completed facilities:		
• Harris Hill Administration Building	$ 21,667	
• HBJ Stadium	$ 6,056	
• Williams Stadium	$ 9,279	
Subtotal Invoiced and Paid	$ 37,002	
Partially completed facilities:		
• Memorial Pathway Academy	$ 4,487	
• Tax Office	$ 2,490	
Subtotal Invoiced and Paid	$ 6,977	
Total Invoiced and Paid	*$ 43,979*	*($52,241 Returned to fund)*
Current Vendor Quote	*$124,738*	

The remaining list of facilities are as follows:

- Dr. Marvin D. Roden Technology Center
- Maria and Manuel Valle Services Center
- Marvin Padgett Auxiliary Services Center
- Transportation Building

Complete partially completed facilities:

- Memorial Pathway Academy
- Tax Office

Additional facilities to be added:

- Shugart Professional Development Center
- Warren School

Total Project Amount *$168,717*

This project was not part of the 2014 Bond Project scope of work. I am in agreement that the funding source should be from Interest earnings from the proceeds of the Series 2015 bond issue from 2014 Bond Authorization (Fund 681).

cc: Jimmy Beach
Javier Fernandez

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Williams Stadium Grandstands Repairs

Agenda Section: Action Item

Administrator Responsible: Mr. Javier Fernandez
Director of Facilities Planning and Construction Services

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Due to the findings from the visual observation/inspection of the home and visitor grandstands, it is staff's recommendation that repairs be made to grandstands at Williams Stadium.

The estimated total amount of the project is not to exceed $220,087. Potential funding is indicated below.

Education Stabilization Fund (651)

This agenda item was presented to the Facilities Committee and Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for consideration.

913 Williams Stadium			Grandstands Repair
Description			**Budget Estimate**
Construction			
Observation Items 1, 4, 5, 6, 7, & 9		$	183,788
Permit	2%	$	3,676
Total Construction		$	187,464
Construction Contingency	5%	$	9,373
Total Construction and Contingency	89.44%	**$**	**196,837**
Design			
Architect and Engineering Fee		$	12,750
Reimburseable		$	2,500
Total Design	6.93%	**$**	**15,250**
Testing			
Construction Materials Testing		$	8,000
Total Testing	3.63%	**$**	**8,000**
TOTAL		**$**	**220,087**

14001 Dallas Pkwy Ste. 400
Dallas, Texas 75240
Phone: 972/233-1323
www.pbk.com

March 2, 2021

Mr. Javier Fernandez, RTSBA
Garland Independent School District
501 South Jupiter
Garland, Texas 75042

PBK
Architecture
Engineering
Planning
Technology
Facility Consulting

RE: Fee Proposal for Structural Engineering Services
Garland ISD – Williams High School Stadium – Phase II Remedial Repairs
PBK Project No. TBD

Dear Mr. Fernandez:

PBK is pleased to submit a fee proposal for the Phase II Remedial Repairs to Williams Stadium for the 1 & 2 Priority items for Garland ISD.

We understand this project to consist of the design of required repairs to Williams High School Stadium based on the Phase I Visual Observation/Inspection Report provided to us for our use. Our scope of work shall include the following items:

IDENTIFIED WORK SCOPE

1. Provide specific engineering and/or provide best practice repairs for the various items identified in the Phase I Visual Observation / Inspection Report for Williams High School Stadium. It appears that the previous Phase I Report was intended to identify structural concerns and provide a general repair strategy, but not so specific that the repair could be bid. Our scope of work would take those repairs to a level that they can be bid and constructed. The below observation items will be covered within the scope of work:

    - Observation Item 1)
    - Observation Item 4)
    - Observation Item 5)
    - Observation Item 6)
    - Observation Item 7)
    - Observation Item 9)

2. Aid owner / architect to oversee the implementation of the repairs by the GC during construction. Assume 3 site visits total.

3. Provide a follow-up report indicating which repairs were completed and which repairs are remaining.

4. Identify and address any items that come up during construction and determine if they need an immediate repair / fix as part of this repair package.

STAGES OF DESIGN

A brief description of the stages of the design and the amount of the technology fee to be invoiced is as follows:

1. **Bid Documents stage**: shall include the preparation of engineered repair drawings and specifications suitable for bid purposes.

2. **Bid Negotiations stage**: shall include answering all contractor questions and assisting the Owner in making value engineering recommendations on proposals submitted by the contractors.

3. **Construction Administration stage**: shall include the review of all required shop drawings and product data submittals.

4. **On-site Construction Observation stage**: shall include periodic job site visits as needed to oversee the installation of the specified repairs. Although more visits may be required, the following project milestones have been identified as being official site visits that may affect project construction schedules:

    a. Initial site walk with the GC to ensure they understand the scope of work.
    b. Post demo observation prior to repair material install.
    c. Final observation immediately prior to project completion.

    We will provide documentation of all construction job site visits.

EXCLUDED SERVICES

1. We have not included any man hours for the preparation of "as-built" documents. The contract documents will require the contractor to prepare and submit the "as-built" documents as part of the project close out procedure.

    If we have to prepare "as-built" documents, we will invoice the man hours required as additional services.

2. We have a historical database of typical concrete repair project costs, and are prepared to offer our assistance in determining the probable construction cost of the remedial concrete repairs based on our experience. Our estimates are approximate only, and can be used only as an opinion of probable cost of the planned scope of work.

    We cannot be held liable for, nor do we offer any guarantee that the project will be bid at the estimated cost we provide.

DESIGN FEE AND BILLING INFORMATION

1. Compensation for all the services described above will be a lump sum fee of $12,865.00.

2. All billing shall be done in accordance with our standard office billing procedure with invoices delivered to your office on or about the first day of each month. We will invoice you for percentage completed on the project, with payment due upon receipt of our

invoice.

3. Should the construction of this project be abandoned or delayed, we will invoice you for the man hours of Engineering completed at that time. The invoices will be due and payable as stated above.

4. Although this project shall be billed as a percentage of construction fee, if additional design services are required the following hourly rates are described as follows:

Senior Principal Engineer	$325.00/hour
Principal Engineer	$295.00/hour
Project Engineer	$250.00/hour
Staff/Technician	$140.00/hour

PROPOSAL APPROVAL

If this proposal meets your approval, please indicate your acceptance by the proper authorized signature in the space provided below and returning the signed original to our office. We will proceed with the work upon receipt of the executed proposal.

Please feel free to call if you have any questions concerning our proposal or the terms of our agreement. Thank you for considering PBK for these consulting services.

ACCEPTED:

By: _____

Date: _____

SUMMARY AND CONCLUSION

PBK is very pleased that you would consider our firm for this project. We are looking forward to working with you. Please contact us if we can be of any further assistance or if you require further information.

Sincerely,

John Kubala P.E.
Principal
PBK

cc: Rick Blan, PBK
Betty Chapman, PBK
File

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Increase Amount and Modification of Scope to the HVAC Energy Management Controls Software and Hardware Project

Agenda Section: Action Item

Administrator Responsible: Mr. Paul Gonzales
Executive Director of Facilities and Maintenance

Mr. Javier Fernandez
Director of Facilities Planning and Construction Services

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

On March 24, 2020 the Board approved the upgrade to the HVAC Energy Management Systems Control software from the R2 Tridium Platform to an N4 Tridium with the required hardware. Due to the original awarded vendor's inability to complete the contract, the district modified the award and separated from the vendor on December 20, 2020.

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Interest Earnings from the Proceeds of the Series 2015 Bond Issue from 2014 Bond Authorization (681)

This agenda item was presented to the Facilities Committee and Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for consideration.

MEMORANDUM

DATE: May 13, 2021

TO: Mark Booker, Executive Director of Purchasing
Dr. Brent Ringo, Chief Financial Officer

FROM: Paul Gonzales, Executive Director of Facilities and Maintenance

RE: Consider Approval of Increase Amount and Modification of Scope to the HVAC Energy Management Controls Software and Hardware Project

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cc: Jimmy Beach
Javier Fernandez

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Williams Stadium Grandstands Repairs

Agenda Section: Action Item

Administrator Responsible: Mr. Javier Fernandez
Director of Facilities Planning and Construction Services

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Due to the findings from the visual observation/inspection of the home and visitor grandstands, it is staff's recommendation that repairs be made to grandstands at Williams Stadium.

The estimated total amount of the project is not to exceed $220,087. Potential funding is indicated below.

Education Stabilization Fund (651)

This agenda item was presented to the Facilities Committee and Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for consideration.

913 Williams Stadium			Grandstands Repair
Description			**Budget Estimate**
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March 2, 2021

Mr. Javier Fernandez, RTSBA
Garland Independent School District
501 South Jupiter
Garland, Texas 75042

PBK
Architecture
Engineering
Planning
Technology
Facility Consulting

RE: Fee Proposal for Structural Engineering Services
Garland ISD – Williams High School Stadium – Phase II Remedial Repairs
PBK Project No. TBD

Dear Mr. Fernandez:

PBK is pleased to submit a fee proposal for the Phase II Remedial Repairs to Williams Stadium for the 1 & 2 Priority items for Garland ISD.

We understand this project to consist of the design of required repairs to Williams High School Stadium based on the Phase I Visual Observation/Inspection Report provided to us for our use. Our scope of work shall include the following items:

IDENTIFIED WORK SCOPE

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STAGES OF DESIGN

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    We will provide documentation of all construction job site visits.

EXCLUDED SERVICES

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    We cannot be held liable for, nor do we offer any guarantee that the project will be bid at the estimated cost we provide.

DESIGN FEE AND BILLING INFORMATION

1. Compensation for all the services described above will be a lump sum fee of $12,865.00.

2. All billing shall be done in accordance with our standard office billing procedure with invoices delivered to your office on or about the first day of each month. We will invoice you for percentage completed on the project, with payment due upon receipt of our

invoice.

3. Should the construction of this project be abandoned or delayed, we will invoice you for the man hours of Engineering completed at that time. The invoices will be due and payable as stated above.

4. Although this project shall be billed as a percentage of construction fee, if additional design services are required the following hourly rates are described as follows:

Senior Principal Engineer	$325.00/hour
Principal Engineer	$295.00/hour
Project Engineer	$250.00/hour
Staff/Technician	$140.00/hour

PROPOSAL APPROVAL

If this proposal meets your approval, please indicate your acceptance by the proper authorized signature in the space provided below and returning the signed original to our office. We will proceed with the work upon receipt of the executed proposal.

Please feel free to call if you have any questions concerning our proposal or the terms of our agreement. Thank you for considering PBK for these consulting services.

ACCEPTED:

By: _____

Date: _____

SUMMARY AND CONCLUSION

PBK is very pleased that you would consider our firm for this project. We are looking forward to working with you. Please contact us if we can be of any further assistance or if you require further information.

Sincerely,

John Kubala P.E.
Principal
PBK

cc: Rick Blan, PBK
Betty Chapman, PBK
File

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Running Tracks Resurfacing and Repairs Project at Lakeview Centennial High School, Naaman Forest High School, Rowlett High School and Sachse High School

Agenda Section: Action Item

Administrator Responsible: Mr. Javier Fernandez
Director of Facilities Planning and Construction Services

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Due to the existing condition of the district's high school tracks, it is staff's recommendation that the running tracks at Lakeview Centennial High School, Naaman Forest High School, Rowlett High School and Sachse High School be resurfaced and repaired. District will utilize Cooperative Purchase Contract Buyboard #206-21.

The estimated total amount of the project is not to exceed $811,175. Potential funding is Runindicated below.

Education Stabilization Fund (651)

This agenda item was presented to the Facilities Committee and Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for consideration.

Garland Independent School District
Flooring Indoor/Outdoor and Sports Surfaces
Contract #206-21

May 21, 2021

Running Tracks Resurfacing and Repairs Project			Proposal Price
Lakeview Centennial High School - Synthetic Track Surfacing			
	Base Proposal	$104,620.00	
	Owners Allowance	$25,000.00	
			$ 129,620
Naaman Forest High School - Synthetic Track Surfacing			
	Base Proposal	$238,300.00	
	Owners Allowance	$25,000.00	
			$ 263,300
Rowlett High School - Synthetic Track Surfacing			
	Base Proposal and Allowance	$208,235.00	
	Owners Allowance	$0.00	
			$ 208,235
Sachse High School - Synthetic Track Surfacing			
	Base Proposal	$185,020.00	
	Owners Allowance	$25,000.00	
			$ 210,020
Project Grand Total			
	Estimated Total Project Cost		$ 811,175.00

May 10, 2021

Tom O'Leary
Garland ISD
PO Box 469026
Garland, TX 75046
(972) 487-4159
gtoleary@garlandisd.net

RE: Lakeview High School – Synthetic Track Surfacing Proposal

Hellas Construction, Inc. is pleased to provide you with this proposal. Pricing is based on Hellas' current cooperative contract entitled Buyboard Contract No. 560-18. Through this contract, Hellas' products have been competitively and lawfully bid providing member schools and agencies with quality and preferential pre-priced products and services.

General Conditions

Hellas will:

1. Provide project Insurance, Supervision and Mobilization.
2. Provide construction surveying, layout, and staking.
3. Provide performance and payment bonds.
4. Provide, prior to construction, all required submittals.
5. Provide final punch-out and clean-up of the completed project.

BASE PROPOSAL

Synthetic Running Track Surface

Hellas scope of work:

1. Provide and install approximately 4,567 SY of ***epiQ*** Tracks® **S200 Re-Top** (Red) structural spray polyurethane surfacing system on the track oval, high jump pad, and long/triple jump runways.
2. Stripe per local requirements. *No lettering, logos, or distance tick marks are included in proposal amount.*
3. $1,500.00 allowance included for repairs.

Lakeview High School Base Proposal Price	***$104,620.00***

OWNERS ALLOWANCE

1. Add allowance for full depth track surfacing repairs, not to exceed 850 SF. *No concrete curb or asphalt pavement repair is included in the price provided.*
   Add to base proposal price. $25,000.00

EXCLUSIONS

1. **Any item of work not specifically listed above.**
2. Any form of subgrade stabilization.
3. Subgrade stabilization.
4. Aggregate base repairs.
5. Existing drainage system repairs.
6. Chemical, mechanical or removal and replacement subgrade stabilization.
7. Poor subgrade soils – Hellas will proof roll subgrade to check for subgrade soil stability. Any failing subgrade remediation will be negotiated between owner and contractor. ***Hellas requires the owner to contract with a Geotechnical Engineer to perform a Geotechnical investigation of the site to determine the nature of the existing subgrade soils and make recommendations for any subgrade stabilization requirements.***
8. Geotechnical Investigation.
9. Rock excavation or haul off.
10. Any embankment or processing of imported soils.
11. SWPPP/Erosion control.
12. Any concrete work outside the scope of this proposal.
13. Any asphalt paving outside the scope of this proposal.
14. Any electrical work.
15. Any fence work.
16. Engineering.
17. Construction materials inspection and testing.
18. Supply or installation of perimeter safety or construction fencing.
19. Site security.
20. Taxes.
21. Union Wages.
22. Any permits or fees, including any utility impact fees generated by construction improvements.
23. Owner shall provide ingress/egress for ALL personnel, equipment, and materials; typical construction traffic shall be expected for the duration of this contract. Contractor NOT responsible for damage due to typical construction traffic ingress/egress to the construction site.
24. Owner to supply secure laydown area for Hellas materials.

Notwithstanding anything to the contrary in any of the Contract documents, under no circumstances shall the Performance bonds, maintenance bonds or the obligations of the Surety be liable for any warranty obligations that exceed 1 year from the date of substantial completion as defined in the Contract documents.

Hellas Construction, Inc. looks forward to the award of this project, and is eager to work with you.

Sincerely,

Alexia Brahos

Alexia Brahos
Estimator
Hellas Construction, Inc.
abrahos@hellasconstruction.com

Pricing valid for 60 days from date of this proposal

May 10, 2021

Tom O'Leary
Garland ISD
PO Box 469026
Garland, TX 75046
(972) 487-4159
gtoleary@garlandisd.net

RE: Naaman Forest High School – Synthetic Track Surfacing Proposal

Hellas Construction, Inc. is pleased to provide you with this proposal. Pricing is based on Hellas' current cooperative contract entitled Buyboard Contract No. 560-18. Through this contract, Hellas' products have been competitively and lawfully bid providing member schools and agencies with quality and preferential pre-priced products and services.

General Conditions

Hellas will:

1. Provide project Insurance, Supervision and Mobilization.
2. Provide construction surveying, layout, and staking.
3. Provide performance and payment bonds.
4. Provide, prior to construction, all required submittals.
5. Provide final punch-out and clean-up of the completed project.

BASE PROPOSAL

Existing Conditions or Sitework

Hellas scope of work:

1. Remove 150 SY of the existing track surface and asphalt; dispose offsite.
2. Remove 225 LF of the existing curb and dispose offsite.

Concrete

Hellas scope of work:

1. *Concrete Curb* - Construct ±225 lineal feet of concrete curb (12" x 6") reinforced with two (2) #4 rebar continuous.

Track Asphalt

Hellas scope of work:

1. *Asphaltic Concrete Pavement* – Repair 150 SY of asphalt at area of concern.

Synthetic Running Track Surface

Hellas scope of work:

1. Remove existing track surfacing form the track oval, high jump pad, pole vault runway and long/triple jump runways, and dispose offsite; **Hellas** will address with Owner any asphalt pavement cracks and surface undulations prior to commencement of surfacing operations *(no concrete curb or asphalt pavement repair is included in the price provided).*
2. Provide and install approximately 4,753 SY of ***epiQ*** Tracks® **S200** (Red) 13mm base mat and structural spray polyurethane surfacing system on the track oval, high jump pad, pole vault runway, and long/triple jump runways.
3. Stripe per local requirements. *No lettering, logos, or distance tick marks are included in proposal amount.*

Naaman Forest High School Base Proposal Price ***$238,300.00***

OWNERS ALLOWANCE

1. Add allowance for full depth track surfacing repairs, not to exceed 850 SF. *No concrete curb or asphalt pavement repair is included in the price provided.*
   Add to base proposal price. $25,000.00

EXCLUSIONS

1. **Any item of work not specifically listed above.**
2. Any form of subgrade stabilization.
3. Subgrade stabilization.
4. Aggregate base repairs.
5. Existing drainage system repairs.
6. Chemical, mechanical or removal and replacement subgrade stabilization.
7. Poor subgrade soils – Hellas will proof roll subgrade to check for subgrade soil stability. Any failing subgrade remediation will be negotiated between owner and contractor. ***Hellas requires the owner to contract with a Geotechnical Engineer to perform a Geotechnical investigation of the site to determine the nature of the existing subgrade soils and make recommendations for any subgrade stabilization requirements.***
8. Geotechnical Investigation.
9. Rock excavation or haul off.
10. Any embankment or processing of imported soils.
11. SWPPP/Erosion control.
12. Any concrete work outside the scope of this proposal.
13. Any asphalt paving outside the scope of this proposal.
14. Any electrical work.
15. Any fence work.

16. Engineering.
17. Construction materials inspection and testing.
18. Supply or installation of perimeter safety or construction fencing.
19. Site security.
20. Taxes.
21. Union Wages.
22. Any permits or fees, including any utility impact fees generated by construction improvements.
23. Owner shall provide ingress/egress for ALL personnel, equipment and materials; typical construction traffic shall be expected for the duration of this contract. Contractor NOT responsible for damage due to typical construction traffic ingress/egress to the construction site.
24. Owner to supply secure laydown area for Hellas materials.

Notwithstanding anything to the contrary in any of the Contract documents, under no circumstances shall the Performance bonds, maintenance bonds or the obligations of the Surety be liable for any warranty obligations that exceed 1 year from the date of substantial completion as defined in the Contract documents.

Hellas Construction, Inc. looks forward to the award of this project, and is eager to work with you.

Sincerely,

Alexia Brahos

Alexia Brahos
Estimator
Hellas Construction, Inc.
abrahos@hellasconstruction.com

Pricing valid for 60 days from date of this proposal

May 10, 2021

Tom O'Leary
Garland ISD
PO Box 469026
Garland, TX 75046
(972) 487-4159
gtoleary@garlandisd.net

RE: Rowlett High School – Synthetic Track Surfacing Proposal

Hellas Construction, Inc. is pleased to provide you with this proposal. Pricing is based on Hellas' current cooperative contract entitled Buyboard Contract No. 560-18. Through this contract, Hellas' products have been competitively and lawfully bid providing member schools and agencies with quality and preferential pre-priced products and services.

General Conditions

Hellas will:

1. Provide project Insurance, Supervision and Mobilization.
2. Provide construction surveying, layout, and staking.
3. Provide performance and payment bonds.
4. Provide, prior to construction, all required submittals.
5. Provide final punch-out and clean-up of the completed project.

ROWLETT HIGH SCHOOL

Synthetic Running Track Surface

Hellas scope of work:

1. Remove existing track surfacing form the track oval, high jump pad, pole vault runway and long/triple jump runways, and dispose offsite; **Hellas** will address with Owner any asphalt pavement cracks and surface undulations prior to commencement of surfacing operations *(no concrete curb or asphalt pavement repair is included in the price provided).*
2. Provide and install approximately 5,792 SY of ***epiQ*** Tracks® **S200** (Red) 13mm base mat and structural spray polyurethane surfacing system on the track oval, high jump pad, and long/triple jump runways.
3. Stripe per local requirements. *No lettering, logos, or distance tick marks are included in proposal amount.*
4. $15,000.00 allowance included for repairs.

Rowlett High School Proposal Price	***$208,235.00***

EXCLUSIONS

1. **Any item of work not specifically listed above.**
2. Any form of subgrade stabilization.
3. Existing drainage system repairs.
4. Chemical, mechanical or removal and replacement subgrade stabilization.
5. Poor subgrade soils – Hellas will proof roll subgrade to check for subgrade soil stability. Any failing subgrade remediation will be negotiated between owner and contractor. ***Hellas requires the owner to contract with a Geotechnical Engineer to perform a Geotechnical investigation of the site to determine the nature of the existing subgrade soils and make recommendations for any subgrade stabilization requirements.***
6. Geotechnical Investigation.
7. Rock excavation or haul off.
8. Any embankment or processing of imported soils.
9. SWPPP/Erosion control.
10. Any concrete work outside of the allowance.
11. Any asphalt paving outside of the allowance.
12. Any electrical work.
13. Any fence work.
14. Engineering.
15. Construction materials inspection and testing.
16. Supply or installation of perimeter safety or construction fencing.
17. Site security.
18. Taxes.
19. Union Wages.
20. Any permits or fees, including any utility impact fees generated by construction improvements.
21. Owner shall provide ingress/egress for ALL personnel, equipment, and materials; typical construction traffic shall be expected for the duration of this contract. Contractor NOT responsible for damage due to typical construction traffic ingress/egress to the construction site.
22. Owner to supply secure laydown area for Hellas materials.

Notwithstanding anything to the contrary in any of the Contract documents, under no circumstances shall the Performance bonds, maintenance bonds or the obligations of the Surety be liable for any warranty obligations that exceed 1 year from the date of substantial completion as defined in the Contract documents.

Hellas Construction, Inc. looks forward to the award of this project, and is eager to work with you.

Sincerely,

Alexia Brahos

Alexia Brahos
Estimator
Hellas Construction, Inc.
abrahos@hellasconstruction.com

Pricing valid for 60 days from date of this proposal

May 10, 2021

Tom O'Leary
Garland ISD
PO Box 469026
Garland, TX 75046
(972) 487-4159
gtoleary@garlandisd.net

RE: Sachse High School – Synthetic Track Surfacing Proposal

Hellas Construction, Inc. is pleased to provide you with this proposal. Pricing is based on Hellas' current cooperative contract entitled Buyboard Contract No. 560-18. Through this contract, Hellas' products have been competitively and lawfully bid providing member schools and agencies with quality and preferential pre-priced products and services.

General Conditions

Hellas will:

1. Provide project Insurance, Supervision and Mobilization.
2. Provide construction surveying, layout, and staking.
3. Provide performance and payment bonds.
4. Provide, prior to construction, all required submittals.
5. Provide final punch-out and clean-up of the completed project.

BASE PROPOSAL

Existing Conditions or Sitework

Hellas scope of work:

1. Construct one construction entrance.
2. Remove 25 SY of the existing track surface and asphalt; dispose offsite.
3. Remove 150 LF of the existing curb and dispose offsite.

Concrete

Hellas scope of work:

1. *Concrete Curb* - Construct ±150 lineal feet of concrete curb (12" x 6") reinforced with two (2) #4 rebar continuous.

Track Asphalt

Hellas scope of work:

1. *Asphaltic Concrete Pavement* – Patch 25 SY of asphalt at areas of concern.

Synthetic Running Track Surface

Hellas scope of work:

1. Provide and install approximately 5,294 SY of ***epiQ*** Tracks® **S200 Re-Top** (Red) structural spray polyurethane surfacing system on the track oval, high jump pad, pole vault runway, and long/triple jump runways.
2. Remove the existing track surface and dispose offsite. ~333 SY
3. Provide and install approximately 333 SY of ***epiQ*** Tracks® **S200** (Red) 13mm base mat and structural spray polyurethane surfacing system on the track oval (area of concern).
4. Stripe per local requirements. *No lettering, logos, or distance tick marks are included in proposal amount.*
5. $5,000.00 allowance included for repairs.

Sachse High School Proposal Price ***$185,020.00***

OWNERS ALLOWANCE

1. Add allowance for full depth track surfacing repairs, not to exceed 850 SF. *No concrete curb or asphalt pavement repair is included in the price provided.*
   Add to base proposal price. $25,000.00

EXCLUSIONS

1. **Any item of work not specifically listed above.**
2. Any form of subgrade stabilization.
3. Existing drainage system repairs.
4. Chemical, mechanical or removal and replacement subgrade stabilization.
5. Poor subgrade soils – Hellas will proof roll subgrade to check for subgrade soil stability. Any failing subgrade remediation will be negotiated between owner and contractor. ***Hellas requires the owner to contract with a Geotechnical Engineer to perform a Geotechnical investigation of the site to determine the nature of the existing subgrade soils and make recommendations for any subgrade stabilization requirements.***
6. Geotechnical Investigation.
7. Rock excavation or haul off.
8. Any embankment or processing of imported soils.
9. SWPPP/Erosion control.
10. Any concrete work outside the scope of this proposal.

11. Any asphalt paving outside the scope of this proposal.
12. Any electrical work.
13. Any fence work.
14. Engineering.
15. Construction materials inspection and testing.
16. Supply or installation of perimeter safety or construction fencing.
17. Site security.
18. Taxes.
19. Union Wages.
20. Any permits or fees, including any utility impact fees generated by construction improvements.
21. Owner shall provide ingress/egress for ALL personnel, equipment, and materials; typical construction traffic shall be expected for the duration of this contract. Contractor NOT responsible for damage due to typical construction traffic ingress/egress to the construction site.
22. Owner to supply secure laydown area for Hellas materials.

Notwithstanding anything to the contrary in any of the Contract documents, under no circumstances shall the Performance bonds, maintenance bonds or the obligations of the Surety be liable for any warranty obligations that exceed 1 year from the date of substantial completion as defined in the Contract documents.

Hellas Construction, Inc. looks forward to the award of this project, and is eager to work with you.

Sincerely,

Alexia Brahos

Alexia Brahos
Estimator
Hellas Construction, Inc.
abrahos@hellasconstruction.com

Pricing valid for 60 days from date of this proposal

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Computers, Laptops and Related Items
One (1) Year with One (1) Annual Renewal Option

Agenda Section: Action Item

Administrator Responsible: Mr. Matt Yeager
Executive Technology Officer

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for computers, laptops and related items for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

Lenovo United States Inc

The estimated total amount of the bid is not to exceed $1,200,000. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Computers, Laptops and Related Items** from the company or companies listed below provides the best value to the Garland Independent School District.

Lenovo United States Inc

NOT TO EXCEED AMOUNT: **$1,200,000**

Procurement Method:	Cooperative Purchase Contract TIPS USA
Contract Number:	240-21
Contract Term:	One (1) year with one (1) annual renewal option.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Matt Yeager
Executive Technology Officer

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: May 3, 2021

TO: Don Friedel, Assistant Director of Purchasing

FROM: Matt Yeager, Executive Technology Officer

RE: Recommendation to Award Contract 240-21 Computers, Laptops and Related Items

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Action Required

New Award

Material/Service

Lenovo laptops and desktop computers

Purpose

This contract offers the entire district the ability to purchase laptops and desktop computers for campuses and departments as needed.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$ 1,200,000 – 199 General Fund

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Printers and Scanners One (1) Year with Four (4) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Mr. Matt Yeager
Executive Technology Officer

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for printers and scanners for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

Primary:	**Alternate:**
Smartgroup Systems	Dahill Office Technology Corporation

The estimated total amount of the bid is not to exceed $200,000. Bid tab sheets will be provided under separate cover. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Printers and Scanners** from the company or companies listed below provides the best value to the Garland Independent School District.

Primary
Smartgroup Systems

Alternate
Dahill Office Technology Corporation*

NOT TO EXCEED AMOUNT: **$ 200,000**

Procurement Method:	Request for Proposal
Contract Number:	248-21
Contract Term:	One (1) year with four (4) annual renewal options.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Matt Yeager
Executive Technology Officer

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

*Indicates New Award

Garland Independent School District

DATE: April 27, 2021

TO: Mark A. Booker, Executive Director of Purchasing

FROM: Matt Yeager, Executive Technology Officer

RE: Recommendation to Award RFP 248-21 Printers and Scanners

Action Required

New Award

Material/Service

Computer Hardware - Printers and Scanners

Purpose

The contract allows the entire district the ability to purchase printers and scanners for campuses and departments, as needed.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$200,000 – 199 General Fund

BID TABULATION
GARLAND INDEPENDENT SCHOOL DISTRICT

Auction Title: 248-21 PRINTERS AND SCANNERS	Bid Rfq Num:32454

***Confidential**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
1	Y		HP Color LaserJet Pro MFP M182NW Or Equal HP Part # 7KW55A HP 3-Year Next Business Day Warranty # UQ224E	50	EA	SMARTGROUP SYSTEMS	185.00	9,250.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	476.30	23,815.00
2	Y		HP Color LaserJet Pro MFP M283FDW Or Equal HP Part # 7KW75A HP 3-Year Next Business Day Warranty # UQ224E	10	EA	SMARTGROUP SYSTEMS	321.00	3,210.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	626.83	6,268.30
3	Y		HP Color LaserJet MFP M479FDW Or Equal HP Part # W1A79A HP 3-Year Next Business Day Warranty # UB9S6E	15	EA	SMARTGROUP SYSTEMS	499.00	7,485.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	971.28	14,569.20
4	Y		HP Color LaserJet M653DN Or Equal HP Part # J8A04A HP 3-Year Next Business Day Warranty # U9NZ6E	10	EA	SMARTGROUP SYSTEMS	1,325.00	13,250.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	2,519.00	25,190.00

The District solicited 392 suppliers and received 3 responses.

BID TABULATION
GARLAND INDEPENDENT SCHOOL DISTRICT

5	Y		HP Color LaserJet CP5225DN 20PPM 11X17 Printer Or Equal HP Part # CE712A HP 3-Year Next Business Day Warranty # UQ496E	10	EA	SMARTGROUP SYSTEMS	1,433.00	14,330.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	2,419.00	24,190.00
6	Y		HP Color LaserJet M652DN Or Equal HP Part # J7Z99A HP 3-Year Next Business Day Warranty # U9NZ6E	10	EA	SMARTGROUP SYSTEMS	995.00	9,950.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	1,951.00	19,510.00
7	Y		HP Color LaserJet ENT MFP M578DN Or Equal HP Part #7ZU85A HP 3-Year Next Business Day Warranty # U8TJ0E	15	EA	SMARTGROUP SYSTEMS	1,520.00	22,800.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	3,559.00	53,385.00
8	Y		HP Color LaserJet ENT M751DN Or Equal HP Part # T3U44A HP 3-Year Next Business Day Warranty # UB5C3E	10	EA	SMARTGROUP SYSTEMS	2,185.00	21,850.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	3,986.00	39,860.00

The District solicited 392 suppliers and received 3 responses.

BID TABULATION
GARLAND INDEPENDENT SCHOOL DISTRICT

9	Y		HP Color LaserJet ENT M856X Printer Or Equal HP Part # T3U52A HP 3-Year Next Business Day Warranty # UC2U9E	5	EA	SMARTGROUP SYSTEMS	4,200.00	21,000.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	7,640.00	38,200.00
10	Y		HP Office Jet 200 Mobile Printer Or Equal HP Part # CZ993A HP 3-Year Next Business Day Warranty # UQ212E	5	EA	SMARTGROUP SYSTEMS	132.00	660.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	429.00	2,145.00
11	Y		HP Office Jet 7740 Wide Format Printer Or Equal HP Part # G5J38A HP 3-Year Next Business Day Warranty # UQ209E	10	EA	SMARTGROUP SYSTEMS	208.00	2,080.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	390.00	3,900.00
12	Y		HP LaserJet Pro M428FDN Or Equal HP Part # W1A29A HP 3-Year Next Business Day Warranty # UB9R7E	5	EA	SMARTGROUP SYSTEMS	330.00	1,650.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	720.00	3,600.00

The District solicited 392 suppliers and received 3 responses.

BID TABULATION
GARLAND INDEPENDENT SCHOOL DISTRICT

13	Y		HP LaserJet M611DN Or Equal HP Part # K0Q18A HP 3-Year Next Business Day Warranty # U9NE6E	10	EA	SMARTGROUP SYSTEMS	1,070.00	10,700.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	1,851.00	18,510.00
14	Y		HP LaserJet M507DN BW 45ppm 650 sheets Or Equal HP Part # 1PV87A HP 3-Year Next Business Day Warranty # UC1P3E	10	EA	SMARTGROUP SYSTEMS	510.00	5,100.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	1,055.00	10,550.00
15	Y		HP LaserJet M712 Or Equal HP Part # CF235A HP 3-Year Next Business Day Warranty # U6Z05E	10	EA	SMARTGROUP SYSTEMS	1,394.00	13,940.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	2,700.00	27,000.00
16	Y		HP LaserJet M806DN Or Equal HP Part # CZ244A HP 3-Year Next Business Day Warranty # U8C59E	5	EA	SMARTGROUP SYSTEMS	2,794.00	13,970.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	6,069.00	30,345.00

The District solicited 392 suppliers and received 3 responses.

BID TABULATION
GARLAND INDEPENDENT SCHOOL DISTRICT

17	Y		HP ScanJet Pro 2500 Flatbed Scanner Or Equal HP Part # L2747A HP 3-Year Next Business Day Warranty # U8TG7E	10	EA	SMARTGROUP SYSTEMS	189.00	1,890.00
	Alternate					*DAHILL OFFICE TECHNOLOGY CORPORATION		
						LAKSH CORPORATION	399.00	3,990.00

The District solicited 392 suppliers and received 3 responses.

RFP 248-21 Printers and Scanners

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Network Equipment and Services
One (1) Year with One (1) Annual Renewal Option

Agenda Section: Action Item

Administrator Responsible: Mr. Matt Yeager
Executive Technology Officer

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for network equipment and services for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

DISYS Solutions Incorporated

The estimated total amount of the bid is not to exceed $1,800,000. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Network Equipment and Services** from the company or companies listed below provides the best value to the Garland Independent School District.

DISYS Solutions Incorporated

NOT TO EXCEED AMOUNT: **$ 1,800,000**

Procurement Method:	Cooperative Purchase Contract DIR
Contract Number:	288-21
Contract Term:	One (1) year with one (1) annual renewal option.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Matt Yeager
Executive Technology Officer

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: April 8, 2021

TO: Mark A. Booker, Executive Director of Purchasing

FROM: Matt Yeager, Executive Technology Officer

RE: Recommendation to Award Contract 288-21 Network Equipment and Services

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Action Required

New Award

Material/Service

Cisco Network Equipment and Services

Purpose

This contract offers Technology department the ability to purchase Cisco equipment, support and service for campuses and departments as needed.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$1,800,000 – 199 General Fund

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of English Language Arts Materials
One (1) Year with Four (4) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Dr. Jovan Grant-Wells
Chief Academic Officer

Board Goal Objective:

OBJECTIVE A: EARLY LITERACY (Reading)
Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)
Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION
Percent of ELL students demonstrating English language acquisition, as measured by Yearly progress indicator on the Texas English Language Proficiency Assessment System (TELPAS).

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Summary/Background Information:

Shown is the recommendation of the bids for English language arts materials for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

Abecedarian ABC, Inc.

The estimated total amount of the bid is not to exceed $160,000. Potential funding is indicated below.

ESEA Title I Part A – Improving Basic Programs (211)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **English Language Arts Materials** from the company or companies listed below provides the best value to the Garland Independent School District.

Abecedarian ABC, Inc.

NOT TO EXCEED AMOUNT: **$160,000**

Procurement Method:	Cooperative Purchase Contract Buyboard
Contract Number:	302-21-11
Contract Term:	One (1) year four (4) annual renewal options.
Potential Funding Source:	(211 ESEA Title I Part A - Improving Basic Programs)

Mark A. Booker
Executive Director of Purchasing

Jovan Grant-Wells, Ph.D.
Chief Academic Officer

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: April 19, 2021

TO: Mayte Martinez, Buyer

FROM: Cara Warren, Early Literacy Coordinator

RE: Recommendation to Award Contract 302-21-11 English Language Arts Materials

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Action Required

New Award

Material/Service

Lowercase Alphabet Strip Classroom Size; Uppercase English Letters; Lowercase English Letters; Uppercase Spanish Letters; Lowercase Spanish Letters; Uppercase English Alphabet Arc/Mat (11" x 17"); Lowercase English Alphabet Arc/Mat (11" x 17"); Uppercase Spanish Alphabet Arc/Mat (11" x 17"); Lowercase Spanish Alphabet Arc/Mat (11" x 17"); Uppercase Alphabet Strip Classroom Size

Purpose

The materials, aligned with the TEA Reading Academies, will be utilized by students in grades K-3 to apply learning related to phonics (reading and spelling) as addressed in the ELAR/SLAR TEKS.

Board Goal Objective

OBJECTIVE A: EARLY LITERACY (Reading)

Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)

Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION

Percent of ELL students demonstrating English language acquisition, as measured by yearly progress indicator on the Texas English Language Proficiency Assessment System TELPAS.

Superintendent's Goal

Superintendent Goal #1 – Student Results

Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Recommended Amount

$160,000 – 211 ESEA Title I Part A- Improving Basic Programs

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Professional Staff Development, Training and Coaching
One (1) Year with Four (4) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Dr. Jovan Grant-Wells
Chief Academic Officer

Board Goal Objective:

OBJECTIVE A: EARLY LITERACY (Reading)
Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)
Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION
Percent of ELL students demonstrating English language acquisition, as measured by Yearly progress indicator on the Texas English Language Proficiency Assessment System (TELPAS).

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Summary/Background Information:

Shown is the recommendation of the bids for professional staff development, training and coaching for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

Lead4Ward, LLC

The estimated total amount of the bid is not to exceed $160,000. Potential funding is indicated below.

ESEA Title II Part A – Teacher & Principal Training & Recruiting (255)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Professional Staff Development, Training and Coaching** from the company or companies listed below provides the best value to the Garland Independent School District.

Lead4Ward, LLC

NOT TO EXCEED AMOUNT: **$160,000**

Procurement Method:	Interlocal Contract EPCNT
Contract Number:	310-21-08
Contract Term:	One (1) year with four (4) annual renewal options.
Potential Funding Source:	(255 ESEA Title II Part A - Teacher & Principal Training & Recruiting)

Mark A. Booker
Executive Director of Purchasing

Jovan Grant-Wells, Ph.D.
Chief Academic Officer

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: March 12, 2021

TO: Misty Roberts, Buyer

FROM: Dr. Melissa Hill, Director Teaching & Learning Development

RE: Recommendation to Award Contract 310-21-08 Professional Staff Development, Training and Coaching

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Action Required

New Award

Material/Service

Lead4Ward training and professional development services

Purpose

Lead4ward provides data driven instructional coaching and training for campus teachers and principals. These sessions are directly connected to improving student achievement outcomes in 3rd-12th grade classrooms. The learning series focuses on unpacking state standards, planning for instruction and disaggregating data.

Board Goal Objective

OBJECTIVE A: EARLY LITERACY (Reading)

Percent of students in grade 3 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Reading.

OBJECTIVE B: EARLY LITERACY (Writing)

Percent of students in grade 4 demonstrating early literacy as measured by Meets Grade Level performance on STAAR Writing.

OBJECTIVE C: ENGLISH LANGUAGE ACQUISITION

Percent of ELL students demonstrating English language acquisition, as measured by yearly progress indicator on the Texas English Language Proficiency Assessment System TELPAS.

Superintendent's Goal

Superintendent Goal #1 – Student Results

Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Recommended Amount

$160,000 – 255 ESEA Title II Part A – Teacher & Principal Training & Recruiting

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Special Education – Large & Small Equipment
One (1) Year with Four (4) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Dr. Jovan Grant-Wells
Chief Academic Officer

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Summary/Background Information:

Shown is the recommendation of the bids for special education – large & small equipment for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

See Attached List.

The estimated total amount of the bid is not to exceed $125,000. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Special Education – Large & Small Equipment** from the company or companies listed below provides the best value to the Garland Independent School District.

See Attached List

NOT TO EXCEED AMOUNT: **$ 125,000**

Procurement Method:	Request for Proposal
Contract Number:	394-20-04
Contract Term:	One (1) year with four (4) annual renewal options.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Jovan Grant-Wells, Ph.D.
Chief Academic Officer

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: May 13, 2021

TO: Misty Roberts, Buyer

FROM: Dr. Bentley L. Parker, Coordinator Special Education

RE: Recommendation to Award RFP 394-20-04 Special Education - Large & Small Equipment

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Action Required

New Award

Material/Service

The Special Education Department recommends awarding all 6 suppliers that have submitted solicitations. The materials in this bid include large positioning equipment including transfer lifts, changing tables, adaptive seating required by special needs students to access the school environment and receive Free Appropriate Public Education (FAPE). Small equipment includes sensory materials, toileting aids, feeding utensils, scissors and other fine motor materials needed to address Individualized Education Plan goals and objectives and provide FAPE to Special Education students.

Purpose

Large and small equipment is used in school-based therapy, which is provided to give students with disabilities and delays access to education and to help students reach their educational potential.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent's Goal #1 – Student Results

Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Recommended Amount

$125,000 - 199 General Fund

RFP 394-20-04 Special Education - Large & Small Equipment
Awarded Suppliers

ARJO, Inc.
GN Hearing Care Corporation
Humanware
Independent Living Aids LLC.
Prentke Romich Company
United Seating and Mobility LLC.

The District Solicited 278 suppliers and received 6 responses.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Online Professional Development
One (1) Year with One (1) Annual Renewal Option

Agenda Section: Action Item

Administrator Responsible: Dr. Jovan Grant-Wells
Chief Academic Officer

Board Goal Objective:

OBJECTIVE I: GRADUATION OUTCOMES
Percent of students successfully completing graduation and College, Career, Military Ready (CCM-R) requirements.

Superintendent's Goal:

Superintendent Goal #1 – Student Results
Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Superintendent Goal #4 – Educational Leadership
The superintendent provides leadership and direction for an educational system that is based on desired student achievement.

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for online professional development for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

Infobase Holdings LLC

The estimated total amount of the bid is not to exceed $88,400. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Online Professional Development** from the company or companies listed below provides the best value to the Garland Independent School District.

Infobase Holdings LLC

NOT TO EXCEED AMOUNT: **$88,400**

Procurement Method:	Interlocal Contract TIPS USA
Contract Number:	397-21-07
Contract Term:	One (1) year with one (1) annual renewal option.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Jovan Grant-Wells, Ph.D.
Chief Academic Officer

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: March 5, 2021

TO: Misty Roberts, Buyer

FROM: Angie Cheatham, Coordinator of Digital Learning

RE: Recommendation to Award Contract 397-21-07 Online Professional Development

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Action Required

Award

Material/Service

Services: Infobase Professional Learning Online Curriculum Delivery System

Purpose

Infobase Professional Learning Online Curriculum Delivery System provide the following:

- On-Demand 24/7 Library Access (over 1,500 professional learning courses)
    - Topics include instructional strategies, assessment and evaluation, planning, technology integration, student resources, learning environments, special populations and accessibility, professional responsibilities, and software & technology
- Learning Management System
    - Pedagogy content paired with technical training delivered in a framework that enhances and personalizes professional learning
- Customizable Assignments, Recommendations, Assessments to Users
- Usage Reports and Certificates of Completion

Board Goal Objective

OBJECTIVE I: GRADUATION OUTCOMES

Percent of students successfully completing graduation and College, Career, Military Ready (CCM-R) requirements and Military ready.

Superintendent's Goal

Superintendent Goal #1 – Student Results

Garland ISD will ensure ALL students graduate prepared for college, careers and life by increasing student performance measures, postsecondary readiness, and graduation rates and decreasing student management incidences.

Superintendent Goal #4 – Educational Leadership

The superintendent provides leadership and direction for an educational system that is based on desired student achievement.

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$88,400 – 199 General Fund

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Athletic Training Supplies - Catalog
One (1) Year with Two (2) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Mr. Cliff Odenwald
Executive Director of Athletics

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for athletic training supplies - catalog for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

See Attached List.

The estimated total amount of the bid is not to exceed $150,000. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Athletic Training Supplies- Catalog** from the company or companies listed below provides the best value to the Garland Independent School District.

See Attached List

NOT TO EXCEED AMOUNT: **$ 150,000**

Procurement Method:	Request for Bid
Contract Number:	320-21
Contract Term:	One (1) year with two (2) annual renewal options.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Cliff Odenwald
Executive Director of Athletics

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: May 20, 2021

TO: Diane Fields, Buyer

FROM: Dr. Quentin Oliphant, Coordinator Athletics

RE: Recommendation to Award RFB 320-21 Athletic Training Supplies- Catalog

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Action Required

New Award

Material/Service

Athletic Training Supplies

Purpose

To assist our Athletic Trainers with prevention, immediate care, treatment and rehabilitation of our student athletes.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent's Goal #5 - District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$150,000- 199 General Fund

320-21 Athletic Training Supplies- Catalog
Awarded Suppliers

DJO Global Incorporated

Henry Schein

Medco Supply Co Inc

School Health Corp

Varsity Brands Holdings Co Inc

BID TABULATION
GARLAND INDEPENDENT SCHOOL DISTRICT

Auction Title:320-21 Athletic Training Supplies Catalog	Bid Rfq Num:32461

4NS - Not to Specifications

***No Award At This Time - Lines 215-219 are all tie bids and will be awarded by Casting of Lots.**

Ln #	Award (Y/N)	Reason	Item Description	Quantity	UOM	Supplier	Price	Extended Price
1	Y		Cramer, Active Ankle T1 Trainer's Model, (will specify sizes and colors when ordered)	100	EA	MEDCO SUPPLY CO INC	32.72	3,272.00
						DAN CAREYS SPORTING GOODS LTD	34.73	3,473.00
2	Y		Cramer, Sam Splint, 4.5" x 36"	28	EA	HENRY SCHEIN	6.86	192.08
						MEDCO SUPPLY CO INC	7.77	217.56
						SCHOOL HEALTH CORP	13.58	380.24
3	Y		McDavid, 429 PSII hinged knee brace, (will specify size when ordered)	50	EA	HENRY SCHEIN	35.78	1,789.00
						SCHOOL HEALTH CORP	42.86	2,143.00
						DAN CAREYS SPORTING GOODS LTD	44.50	2,225.00
						MEDCO SUPPLY CO INC	45.09	2,254.50
4	Y		Mueller, E297 Hinge 2100	28	EA	HENRY SCHEIN	30.19	845.32
						MEDCO SUPPLY CO INC	35.81	1,002.68
						DAN CAREYS SPORTING GOODS LTD	42.00	1,176.00
5	Y		Mueller, Jumpers Knee Strap, (will specify color when ordered)	70	EA	HENRY SCHEIN	6.48	453.60
						MEDCO SUPPLY CO INC	7.25	507.50
						DAN CAREYS SPORTING GOODS LTD	8.49	594.30
6	Y		Pro Care, Comfort Form Wrist/Thumb Brace, (will specify right/left and size when ordered)	50	EA	MEDCO SUPPLY CO INC	12.02	601.00
						DJO GLOBAL INCORPORATED	20.07	1,003.50
						HENRY SCHEIN	20.64	1,032.00
7	Y		Pro Care, Comfort Form Wrist Brace, (will specify right/left and size when ordered)	15	EA	HENRY SCHEIN	9.03	135.45
						DJO GLOBAL INCORPORATED	11.56	173.40
						MEDCO SUPPLY CO INC	12.02	180.30
8	Y		Pro Care, Thumb Spica Splint, (will specify right/left and size when ordered)	15	EA	HENRY SCHEIN	14.25	213.75
						DJO GLOBAL INCORPORATED	16.51	247.65
						MEDCO SUPPLY CO INC	22.60	339.00
9	Y		Sully, Shoulder Stablilizer, large	14	EA	DJO GLOBAL INCORPORATED	102.73	1,438.22
						MEDCO SUPPLY CO INC	129.48	1,812.72
						SCHOOL HEALTH CORP	152.99	2,141.86
						HENRY SCHEIN	158.59	2,220.26
10	Y		Sully, Shoulder Stablilizer, medium	14	EA	DJO GLOBAL INCORPORATED	112.73	1,578.22
						MEDCO SUPPLY CO INC	129.48	1,812.72
						SCHOOL HEALTH CORP	152.99	2,141.86
						HENRY SCHEIN	158.59	2,220.26
11	Y		Swedo, Trimlok Lace-up Ankle Brace, large (will specify color and size when ordered)	200	EA	HENRY SCHEIN	12.67	2,534.00
						MEDCO SUPPLY CO INC	15.18	3,036.00
12	NA		Alcohol, gallon	14	GL	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	12.61	176.54
						DAN CAREYS SPORTING GOODS LTD	58.00	812.00
13	Y		Cotton Tip Applicators, 6", 1000/box	14	BX	MEDCO SUPPLY CO INC	4.34	60.76
						SCHOOL HEALTH CORP	5.29	74.06
						HENRY SCHEIN	5.97	83.58
14	Y		Cramer, Flexi Wrap w/handle, 6 rolls/case	35	CS	HENRY SCHEIN	34.73	1,215.55
						MEDCO SUPPLY CO INC	38.24	1,338.40
						SCHOOL HEALTH CORP	38.58	1,350.30

The District solicited 233 suppliers and received 6 responses.

						VARSITY BRANDS HOLDINGS CO INC	43.49	1,522.15
						DAN CAREYS SPORTING GOODS LTD	49.00	1,715.00
15	Y		Cramer, Ice Bags, 1500/roll	35	RL	HENRY SCHEIN	74.01	2,590.35
						SCHOOL HEALTH CORP	77.36	2,707.60
						MEDCO SUPPLY CO INC	77.81	2,723.35
						VARSITY BRANDS HOLDINGS CO INC	77.98	2,729.30
						DAN CAREYS SPORTING GOODS LTD	105.00	3,675.00
16	Y		Crutches, Adult Aluminum Quick Fit, 510"-66"	28	PR	MEDCO SUPPLY CO INC	9.11	255.08
						HENRY SCHEIN	13.35	373.80
						SCHOOL HEALTH CORP	16.25	455.00
17	Y		Crutches, Adult Aluminum Quick Fit, 52"-510"	56	PR	MEDCO SUPPLY CO INC	8.66	484.96
						HENRY SCHEIN	13.35	747.60
						SCHOOL HEALTH CORP	16.25	910.00
18	4NS	Does not meet 400 lb. capacity	Health-O-Meter, Pro Series, Large Dial, Large Platform Scale, 400 lb. capacity, model 160LB	7	EA	VARSITY BRANDS HOLDINGS CO INC	69.98	489.86
	Y					HENRY SCHEIN	95.51	668.57
						MEDCO SUPPLY CO INC	102.05	714.35
19	Y		Hydrocullator hot pack, standard	70	EA	MEDCO SUPPLY CO INC	5.82	407.40
						HENRY SCHEIN	7.12	498.40
						SCHOOL HEALTH CORP	8.32	582.40
20	Y		Lister, Tape & Bandage Scissors, double ring, 7 1/4"	140	EA	SCHOOL HEALTH CORP	2.10	294.00
						MEDCO SUPPLY CO INC	3.58	501.20
						HENRY SCHEIN	6.94	971.60
21	Y		Mueller, Whizzer disenfectant, gallon	14	GL	SCHOOL HEALTH CORP	43.53	609.42
						MEDCO SUPPLY CO INC	48.06	672.84
						VARSITY BRANDS HOLDINGS CO INC	48.49	678.86
						HENRY SCHEIN	50.31	704.34
						DAN CAREYS SPORTING GOODS LTD	61.82	865.48
22	NA		Omron, Automatic Blood Pressure Monitor w/ adult cuff, Model HEM-739AC	7	EA	MEDCO SUPPLY CO INC	NB	NB
23	Y		Pen Lights (disposable) with pupil gauge, 6/pack	20	EA	HENRY SCHEIN	3.96	79.20
						MEDCO SUPPLY CO INC	4.33	86.60
						SCHOOL HEALTH CORP	9.67	193.40
24	Y		Sphygmomanoter w/large cuff	7	EA	MEDCO SUPPLY CO INC	10.71	74.97
						HENRY SCHEIN	18.05	126.35
						SCHOOL HEALTH CORP	24.48	171.36
25	Y		Super Pro Shears	14	EA	SCHOOL HEALTH CORP	29.05	406.70
						MEDCO SUPPLY CO INC	30.99	433.86
						HENRY SCHEIN	32.20	450.80
26	Y		Tongue Depressors, 500/box	7	BX	MEDCO SUPPLY CO INC	5.09	35.63
						SCHOOL HEALTH CORP	5.52	38.64
						HENRY SCHEIN	5.80	40.60
27	Y		Welch Allyn, Sure Temp Model 679	7	EA	HENRY SCHEIN	270.00	1,890.00
						MEDCO SUPPLY CO INC	289.66	2,027.62
28	Y		Gott, Water Cooler, 10 gallon	14	EA	VARSITY BRANDS HOLDINGS CO INC	68.91	964.74
						MEDCO SUPPLY CO INC	83.10	1,163.40
29	Y		Gott, Water Cooler, 5 gallon	7	EA	VARSITY BRANDS HOLDINGS CO INC	45.26	316.82
						MEDCO SUPPLY CO INC	55.75	390.25
30	Y		Igloo, Ice Chest, 60 quart	7	EA	MEDCO SUPPLY CO INC	94.04	658.28
31	Y		Igloo, Ice Cube, 60 quart w/ ultra rollers	10	EA	MEDCO SUPPLY CO INC	94.04	940.40

The District solicited 233 suppliers and received 6 responses.

						VARSITY BRANDS HOLDINGS CO INC	94.98	949.80
32	Y		Waterboy, Levers for HPM-T, 6/set	9	SET	MEDCO SUPPLY CO INC	24.74	222.66
33	Y		Waterboy, PN-1 nozzle	14	EA	HENRY SCHEIN	15.11	211.54
						MEDCO SUPPLY CO INC	17.00	238.00
						SCHOOL HEALTH CORP	20.07	280.98
34	Y		Gloves (latex free), examination, 100/box, (will specify sizes when ordered)	100	BX	SCHOOL HEALTH CORP	8.49	849.00
						MEDCO SUPPLY CO INC	18.64	1,864.00
35	Y		Gloves (latex), examination, 100/box, (will specify sizes when ordered)	100	BX	MEDCO SUPPLY CO INC	18.64	1,864.00
36	NA		GymWipes Antibacterial, 10 lb bucket	14	BU	MEDCO SUPPLY CO INC	NB	NB
	Y					VARSITY BRANDS HOLDINGS CO INC	45.98	643.72
37	Y		Lysol, Disinfectant Spray, 18 oz	35	CN	MEDCO SUPPLY CO INC	8.13	284.55
						SCHOOL HEALTH CORP	9.10	318.50
						HENRY SCHEIN	14.74	515.90
38	Y		MDI Microdhield CPR Mask w/pocket carrying case	28	EA	SCHOOL HEALTH CORP	4.88	136.64
						MEDCO SUPPLY CO INC	5.08	142.24
39	NA		Purell, Instant Hand Sanitizer, .5 oz bottle, 60 btls/container	14	CT	MEDCO SUPPLY CO INC	NB	NB
40	NA		Sani-Cloth Plus Germicidal Disposable Cloth, large 6"x 6 3/4", pop-up dispensor of 160	28	CT	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	4.91	137.48
41	Y		Chattanooga, Dura-Stick II Self Adhesive Electrodes, 2" x 3.5" retangle, 4/pack	50	PK	SCHOOL HEALTH CORP	4.22	211.00
						MEDCO SUPPLY CO INC	4.86	243.00
						HENRY SCHEIN	5.04	252.00
						DJO GLOBAL INCORPORATED	53.69	2,684.50
42	Y		Chattanooga, Dura-Stick II Self Adhesive Electrodes, 2" x 2" square, 4/pack	50	PK	SCHOOL HEALTH CORP	3.41	170.50
						HENRY SCHEIN	3.55	177.50
						MEDCO SUPPLY CO INC	3.71	185.50
						DJO GLOBAL INCORPORATED	45.70	2,285.00
43	Y		Chattanooga, Dura-Stick II Self Adhesive Electrodes, 2"round, 4/pack	50	PK	SCHOOL HEALTH CORP	3.41	170.50
						MEDCO SUPPLY CO INC	3.71	185.50
						HENRY SCHEIN	4.84	242.00
						DJO GLOBAL INCORPORATED	10.40	520.00
44	Y		Thera-Band, Exercise Band, blue (x-heavy), 50yds/rol	7	RL	SCHOOL HEALTH CORP	79.62	557.34
						MEDCO SUPPLY CO INC	82.55	577.85
						HENRY SCHEIN	85.62	599.34
45	Y		Thera-Band, Exercise Band, green (heavy), 50yds/rol	7	RL	SCHOOL HEALTH CORP	68.22	477.54
						MEDCO SUPPLY CO INC	70.45	493.15
						HENRY SCHEIN	76.43	535.01
46	Y		Thera-Band, Exercise Band, red (medium), 50yds/roll	7	RL	SCHOOL HEALTH CORP	63.17	442.19
						MEDCO SUPPLY CO INC	65.65	459.55
47	Y		Thera-Band, Exercise Tubing, blue, 100 ft/roll	7	RL	SCHOOL HEALTH CORP	50.12	350.84
						MEDCO SUPPLY CO INC	54.82	383.74
						HENRY SCHEIN	55.30	387.10
48	Y		Thera-Band, Exercise Tubing, green, 100 ft/roll	7	RL	SCHOOL HEALTH CORP	45.20	316.40
						MEDCO SUPPLY CO INC	49.43	346.01
						HENRY SCHEIN	51.73	362.11

The District solicited 233 suppliers and received 6 responses.

49	Y		Thera-Band, Exercise Tubing, red, 100 ft/roll	7	RL	SCHOOL HEALTH CORP	41.56	290.92
						MEDCO SUPPLY CO INC	42.49	297.43
						HENRY SCHEIN	47.57	332.99
50	Y		Andover, Power Flex Cohesive Tape, 2"x 6yds, 24 rolls/case (will specify colors when ordered)	525	CS	HENRY SCHEIN	25.56	13,419.00
						MEDCO SUPPLY CO INC	27.31	14,337.75
						SCHOOL HEALTH CORP	29.52	15,498.00
51	Y		Andover, Power Flex Cohesive Tape, 3"x 6yds, 16 rolls/case (will specify colors when orderd)	35	CS	HENRY SCHEIN	25.56	894.60
						MEDCO SUPPLY CO INC	27.31	955.85
						SCHOOL HEALTH CORP	29.52	1,033.20
52	Y		Beiersdorf, Lightplast Tape, 1 1/2" x 7 1/2 yds, 32 rolls/case	8	CS	HENRY SCHEIN	46.24	369.92
						MEDCO SUPPLY CO INC	61.03	488.24
53	Y		Beiersdorf, Lightplast Tape, 2" x 7 1/2 yds, 24 rolls/case	27	CS	HENRY SCHEIN	61.04	1,648.08
						SCHOOL HEALTH CORP	66.40	1,792.80
						MEDCO SUPPLY CO INC	71.68	1,935.36
54	Y		Beiersdorf, Tensoplast Tape, 3" x 5 yds, 16 rolls/case	6	CS	HENRY SCHEIN	52.52	315.12
						SCHOOL HEALTH CORP	63.76	382.56
						MEDCO SUPPLY CO INC	64.49	386.94
55	Y		Cramer, QDA, 8oz spray	28	EA	SCHOOL HEALTH CORP	6.65	186.20
						HENRY SCHEIN	6.88	192.64
						MEDCO SUPPLY CO INC	7.07	197.96
						DAN CAREYS SPORTING GOODS LTD	13.96	390.88
56	Y		J & J, Coach Athletic Tape, 1.5" x 15yds, 32/case	350	CS	HENRY SCHEIN	64.27	22,494.50
						MEDCO SUPPLY CO INC	72.13	25,245.50
						SCHOOL HEALTH CORP	72.68	25,438.00
						VARSITY BRANDS HOLDINGS CO INC	76.98	26,943.00
57	Y		Mueller or Cramer, Under Wrap, 2 3/4" x30yds, 48/case, (will specify colors when ordered)	35	CS	SCHOOL HEALTH CORP	36.17	1,265.95
						MEDCO SUPPLY CO INC	39.44	1,380.40
						VARSITY BRANDS HOLDINGS CO INC	41.98	1,469.30
						HENRY SCHEIN	43.73	1,530.55
						DAN CAREYS SPORTING GOODS LTD	49.00	1,715.00
58	Y		Aleemed (Aleve), 100x1 ind. Paks/box, 220mg	14	BX	MEDCO SUPPLY CO INC	14.51	203.14
						HENRY SCHEIN	15.36	215.04
59	Y		Bausch & Lomb Saline Solution (sensitive eyes), 12oz. Bottle:	50	BT	HENRY SCHEIN	3.76	188.00
						MEDCO SUPPLY CO INC	3.89	194.50
						SCHOOL HEALTH CORP	4.95	247.50
60	Y		Benadryl, 60 ind. paks/box	14	BX	MEDCO SUPPLY CO INC	6.29	88.06
						HENRY SCHEIN	17.98	251.72
61	Y		Benzoin Tincture Ampules, 100 ampules/box	7	BX	HENRY SCHEIN	24.62	172.34
						MEDCO SUPPLY CO INC	26.28	183.96
62	Y		Bio-freeze, 5 gram package, 100/box	28	BX	MEDCO SUPPLY CO INC	27.56	771.68
						SCHOOL HEALTH CORP	29.30	820.40
						HENRY SCHEIN	29.90	837.20
63	Y		Bio-freeze, One gallon pump bottle	14	BT	SCHOOL HEALTH CORP	106.40	1,489.60
						MEDCO SUPPLY CO INC	111.25	1,557.50
						HENRY SCHEIN	130.37	1,825.18
64	NA		Cepacol throat lozenges, original, 648/box	7	BX	MEDCO SUPPLY CO INC	NB	NB
65	NA		Chloroseptic (menthol) 6 oz. spray	14	BT	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	5.08	71.12
						SCHOOL HEALTH CORP	7.91	110.74
66	Y		Collyrium Eye Lotion, 6 oz. bottle	14	BT	MEDCO SUPPLY CO INC	3.98	55.72
67	NA		Cramer, Iso Quinn Germicide, Gallon	14	GL	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	32.85	459.90

The District solicited 233 suppliers and received 6 responses.

						DAN CAREYS SPORTING GOODS LTD	57.20	800.80
68	Y		Decorel Forte Cold Tablets, 2 x 250 packs/box	14	BX	MEDCO SUPPLY CO INC	29.52	413.28
69	NA		Excedrin Extra Strength, 100/bottle	14	BT	MEDCO SUPPLY CO INC	NB	NB
	Y					SCHOOL HEALTH CORP	6.69	93.66
70	Y		Heat Guard, 1000 tablets/bottle	14	BT	SCHOOL HEALTH CORP	47.04	658.56
						HENRY SCHEIN	50.34	704.76
						MEDCO SUPPLY CO INC	51.52	721.28
71	Y		Hibiclens Antiseptic/Antimicrobial Skin Cleanser, 16 oz w/ pump	14	EA	HENRY SCHEIN	10.34	144.76
						MEDCO SUPPLY CO INC	11.36	159.04
						SCHOOL HEALTH CORP	14.88	208.32
72	Y		Hydrocortizone Cream 1%, 144 ind packs/box	7	BX	HENRY SCHEIN	7.44	52.08
						MEDCO SUPPLY CO INC	7.83	54.81
						SCHOOL HEALTH CORP	21.08	147.56
73	Y		Hydrogen Proxide, pint	140	BD	HENRY SCHEIN	0.52	72.80
						MEDCO SUPPLY CO INC	0.65	91.00
						SCHOOL HEALTH CORP	0.76	106.40
74	Y		Ibuprophen Tablets, 200mg., 250x2 ind. paks/box	21	BX	HENRY SCHEIN	15.42	323.82
						MEDCO SUPPLY CO INC	16.50	346.50
						SCHOOL HEALTH CORP	22.05	463.05
75	Y		Medique, Medi-Lyte, 250 paks/box	28	BD	SCHOOL HEALTH CORP	15.18	425.04
						MEDCO SUPPLY CO INC	15.24	426.72
						HENRY SCHEIN	16.11	451.08
76	Y		Medique, Pepto (Diotame) Tablets, 250 ind packs/box	14	BX	MEDCO SUPPLY CO INC	34.21	478.94
						HENRY SCHEIN	36.17	506.38
77	NA		Mission, Fosfree Tablets, 500/bottle	7	BT	MEDCO SUPPLY CO INC	NB	NB
	Y					SCHOOL HEALTH CORP	34.20	239.40
78	NA		Staphaseptic, 144 ind paks/box, Tec Labs	14	BX	MEDCO SUPPLY CO INC	NB	NB
79	NA		Theragesic, Heat Balm, 8 lb pump jug	14	EA	MEDCO SUPPLY CO INC	NB	NB
80	Y		Tiger Balm, Red Extra Strength, 6.3 oz	7	EA	MEDCO SUPPLY CO INC	5.61	39.27
81	Y		Triple Antibiotic Ointment, 144 foil pks @ .031oz / box	35	BX	HENRY SCHEIN	7.83	274.05
						MEDCO SUPPLY CO INC	7.87	275.45
						SCHOOL HEALTH CORP	19.97	698.95
82	Y		Tylenol or equivalent, 325mg, 250x2 ind. Paks/box	35	BX	MEDCO SUPPLY CO INC	9.21	322.35
						HENRY SCHEIN	10.64	372.40
						SCHOOL HEALTH CORP	11.94	417.90
83	Y		Visine, Eye Drop, 1 oz bottle	140	BT	HENRY SCHEIN	3.36	470.40
						SCHOOL HEALTH CORP	4.27	597.80
						MEDCO SUPPLY CO INC	4.44	621.60
84	Y		Beiersdorf, Elastoplast 4-wings, 50/box	105	BX	HENRY SCHEIN	8.92	936.60
						SCHOOL HEALTH CORP	10.27	1,078.35
						MEDCO SUPPLY CO INC	11.80	1,239.00
85	Y		Beiersdorf, Elastoplast Digits, large, 50/box	105	BX	HENRY SCHEIN	7.50	787.50
						MEDCO SUPPLY CO INC	8.77	920.85
						SCHOOL HEALTH CORP	9.24	970.20
86	Y		Beiersdorf, Elastoplast Digits, small, 50/box	105	BX	HENRY SCHEIN	5.81	610.05
						MEDCO SUPPLY CO INC	7.56	793.80
						SCHOOL HEALTH CORP	8.73	916.65
87	Y		Beiersdorf, Elastoplast Knuckles, 100/box	105	BX	HENRY SCHEIN	5.90	619.50
						SCHOOL HEALTH CORP	7.43	780.15
						MEDCO SUPPLY CO INC	8.02	842.10
88	Y		Beiersdorf, Elastoplast Patches, 2" x 3", 100/box	105	BX	HENRY SCHEIN	5.55	582.75
						SCHOOL HEALTH CORP	5.89	618.45
						MEDCO SUPPLY CO INC	7.56	793.80
89	Y		Beiersdorf, Elastoplast Strips, 1" x 3", 100/box	140	BX	HENRY SCHEIN	2.90	406.00
						MEDCO SUPPLY CO INC	4.14	579.60
						SCHOOL HEALTH CORP	5.31	743.40
90	Y		Beiersdorf, Steri-strip closures, 1/4"x 3", 50 pouches/box	14	BX	HENRY SCHEIN	45.74	640.36
						MEDCO SUPPLY CO INC	48.59	680.26
91	Y		Dukal, New Sponge, 3" x 3", 4000/case	7	CS	MEDCO SUPPLY CO INC	2.12	14.84
						SCHOOL HEALTH CORP	6.10	42.70
						HENRY SCHEIN	38.80	271.60

The District solicited 233 suppliers and received 6 responses.

92	Y		Elastic Wraps, 3" 10/box	14	BX	HENRY SCHEIN	2.80	39.20
						SCHOOL HEALTH CORP	3.57	49.98
						MEDCO SUPPLY CO INC	6.70	93.80
93	Y		Elastic Wraps, double length, 4" 6/box	7	BX	SCHOOL HEALTH CORP	10.56	73.92
						MEDCO SUPPLY CO INC	13.18	92.26
						HENRY SCHEIN	32.76	229.32
94	Y		Elastic Wraps, double length, 6" 6/box	7	BX	SCHOOL HEALTH CORP	10.14	70.98
						MEDCO SUPPLY CO INC	19.69	137.83
						HENRY SCHEIN	46.98	328.86
95	Y		J & J, Bioclusive Transparent Dressing, 4"x5", 50/box	14	BX	MEDCO SUPPLY CO INC	161.90	2,266.60
96	Y		Spenco, 2nd Skin, 1" squares, 100/jar	14	JA	SCHOOL HEALTH CORP	16.32	228.48
						HENRY SCHEIN	16.71	233.94
						MEDCO SUPPLY CO INC	17.42	243.88
97	Y		Spenco, 2nd Skin, 3" circles, 50/jar	14	JA	SCHOOL HEALTH CORP	24.65	345.10
						HENRY SCHEIN	25.15	352.10
						MEDCO SUPPLY CO INC	27.14	379.96
98	Y		T1 Cramer Active Ankle Trainers's Model (will specity sizes and colors when ordered)	100	EA	MEDCO SUPPLY CO INC	32.72	3,272.00
						DAN CAREYS SPORTING GOODS LTD	34.73	3,473.00
99	Y		Diphen, 200 ind. pkgs./box	24	BX	MEDCO SUPPLY CO INC	8.52	204.48
100	Y		Ace Elastic Bangade - 3' x 5 yards, 10/box	14	BX	HENRY SCHEIN	2.80	39.20
						SCHOOL HEALTH CORP	3.57	49.98
						MEDCO SUPPLY CO INC	17.46	244.44
101	Y		Ace Elastic Bandage - 4' x 5 yards, 10/box	14	BX	HENRY SCHEIN	3.75	52.50
						SCHOOL HEALTH CORP	4.39	61.46
						MEDCO SUPPLY CO INC	22.39	313.46
102	Y		Thera-Band Exercise Band, yellow 50 yards/box	14	BX	SCHOOL HEALTH CORP	61.22	857.08
						MEDCO SUPPLY CO INC	63.97	895.58
						HENRY SCHEIN	68.32	956.48
						DAN CAREYS SPORTING GOODS LTD	97.10	1,359.40
103	Y		Thera-Band Exercise Band, black 50 yards/box	14	BX	MEDCO SUPPLY CO INC	85.22	1,193.08
						SCHOOL HEALTH CORP	85.50	1,197.00
						HENRY SCHEIN	97.32	1,362.48
						DAN CAREYS SPORTING GOODS LTD	115.25	1,613.50
104	Y		Thera-Tubing Exercise Tubing, black 50 yards/box	14	BX	MEDCO SUPPLY CO INC	61.81	865.34
						HENRY SCHEIN	67.90	950.60
						DAN CAREYS SPORTING GOODS LTD	115.30	1,614.20
105	Y		Thera-Tubing Exercise Tubing, silver 50 yards/box	14	BX	MEDCO SUPPLY CO INC	78.99	1,105.86
						HENRY SCHEIN	83.99	1,175.86
						DAN CAREYS SPORTING GOODS LTD	145.50	2,037.00
106	Y		Rubbermaid Work Station Cart	7	EA	HENRY SCHEIN	290.69	2,034.83
						SCHOOL HEALTH CORP	422.58	2,958.06
						MEDCO SUPPLY CO INC	618.83	4,331.81
107	Y		Sportsmedic, Crutch Pac Plus, black	7	EA	HENRY SCHEIN	216.00	1,512.00
						MEDCO SUPPLY CO INC	234.09	1,638.63
						SCHOOL HEALTH CORP	339.14	2,373.98
108	Y		Sportsmedic, Crutch Pac Plus with wheels, black	7	EA	MEDCO SUPPLY CO INC	240.98	1,686.86
109	Y		Hydrocullator Hot Pack, neck contour	7	EA	MEDCO SUPPLY CO INC	7.62	53.34
						HENRY SCHEIN	8.32	58.24
						SCHOOL HEALTH CORP	9.67	67.69
110	Y		Biofreeze 360 degree spray, 4 oz.	14	EA	MEDCO SUPPLY CO INC	7.48	104.72
						HENRY SCHEIN	8.22	115.08
						SCHOOL HEALTH CORP	8.45	118.30
111	Y		Mueller Face Shield	14	EA	SCHOOL HEALTH CORP	34.12	477.68
						HENRY SCHEIN	37.02	518.28
						MEDCO SUPPLY CO INC	39.72	556.08
						VARSITY BRANDS HOLDINGS CO INC	39.98	559.72
						DAN CAREYS SPORTING GOODS LTD	48.46	678.44
112	Y		Biostim INF Digital Interferntial Stimulator	14	EA	MEDCO SUPPLY CO INC	126.91	1,776.74
113	Y		Thermolater Model T-6-S	7	EA	MEDCO SUPPLY CO INC	592.38	4,146.66
						HENRY SCHEIN	675.71	4,729.97
						SCHOOL HEALTH CORP	799.33	5,595.31
114	Y		Waterboy Power Pac	7	EA	HENRY SCHEIN	519.40	3,635.80
						MEDCO SUPPLY CO INC	544.50	3,811.50

The District solicited 233 suppliers and received 6 responses.

						SCHOOL HEALTH CORP	667.12	4,669.84
115	Y		Waterboy Generation 2 Horizontal Power Model	7	EA	MEDCO SUPPLY CO INC	2,220.39	15,542.73
						SCHOOL HEALTH CORP	2,853.57	19,974.99
116	Y		120V AC Adapter	7	EA	MEDCO SUPPLY CO INC	28.46	199.22
117	Y		17 Piece Deluxe Cupping Set	7	EA	SCHOOL HEALTH CORP	31.34	219.38
						MEDCO SUPPLY CO INC	35.09	245.63
						HENRY SCHEIN	61.07	427.49
118	Y		40" Nylon Kettle Paddle	7	EA	MEDCO SUPPLY CO INC	41.30	289.10
						HENRY SCHEIN	48.11	336.77
119	Y		Abreva Cold Sore and Fever Blister Treatment	8	EA	HENRY SCHEIN	21.93	175.44
						SCHOOL HEALTH CORP	23.51	188.08
						MEDCO SUPPLY CO INC	24.10	192.80
120	Y		Adams Shoulder Injury Pad, Regular 1/2"	7	EA	MEDCO SUPPLY CO INC	28.75	201.25
121	Y		Aetna Felt Turfliner Spring Steel Insoles, Half Spring, Men, 10	7	PR	HENRY SCHEIN	11.50	80.50
						SCHOOL HEALTH CORP	12.45	87.15
						MEDCO SUPPLY CO INC	15.44	108.08
122	Y		Aetna Felt Turfliner Spring Steel Insoles, Half Spring, Men, 11	7	PR	HENRY SCHEIN	11.50	80.50
						SCHOOL HEALTH CORP	12.45	87.15
						MEDCO SUPPLY CO INC	15.44	108.08
123	Y		Aetna Felt Turfliner Spring Steel Insoles, Half Spring, Men, 12	7	PR	HENRY SCHEIN	11.50	80.50
						SCHOOL HEALTH CORP	12.45	87.15
						MEDCO SUPPLY CO INC	15.44	108.08
124	Y		AFX Ankle Foot Maximizer, AFX PRO (4 bands)	7	EA	MEDCO SUPPLY CO INC	123.61	865.27
125	4NS		AIREX Balance Pad	7	EA	VARSITY BRANDS HOLDINGS CO INC	38.98	272.86
	Y					MEDCO SUPPLY CO INC	44.08	308.56
						HENRY SCHEIN	53.65	375.55
						SCHOOL HEALTH CORP	56.59	396.13
126	Y		AlumaFoam® Finger Splints, ¾" x 18" , 12 per Case	7	CS	HENRY SCHEIN	14.44	101.08
						MEDCO SUPPLY CO INC	15.13	105.91
127	Y		Ambu Res-Cue Mask, Basic System - Hard Case	7	EA	HENRY SCHEIN	4.09	28.63
						MEDCO SUPPLY CO INC	5.83	40.81
128	Y		Alcohol Prep Pads, Non-Sterile 200/PK	7	PK	MEDCO SUPPLY CO INC	1.61	11.27
						HENRY SCHEIN	1.77	12.39
						SCHOOL HEALTH CORP	2.90	20.30
129	Y		Alcohol Rubbing 70%, PT	7	EA	MEDCO SUPPLY CO INC	1.60	11.20
						HENRY SCHEIN	1.69	11.83
						SCHOOL HEALTH CORP	2.35	16.45
130	Y		Aminofen 325 mg. 500 (250/2s)	10	BX	SCHOOL HEALTH CORP	8.12	81.20
						HENRY SCHEIN	8.91	89.10
						MEDCO SUPPLY CO INC	9.21	92.10
131	Y		Andover Moleskin 2"x25 yds.	7	EA	MEDCO SUPPLY CO INC	13.56	94.92
						SCHOOL HEALTH CORP	17.71	123.97
132	Y		Andover Moleskin, 3"x25 yds.	7	EA	MEDCO SUPPLY CO INC	17.62	123.34
						SCHOOL HEALTH CORP	25.19	176.33
133	N/A		Arm Sling, Clinic, Medium	25	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	2.13	53.25
						SCHOOL HEALTH CORP	2.68	67.00
134	NA		Arm Slings, Clinic, Large	47	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	2.13	100.11
						SCHOOL HEALTH CORP	2.68	125.96
135	Y		Arm Slings, Deluxe with Pad, small	15	EA	MEDCO SUPPLY CO INC	3.66	54.90
						HENRY SCHEIN	4.50	67.50
136	Y		ASO Speed Lacer (sizes x-small, small, medium, large, x-large, xx-large) size & color specified when ordered	100	EA	MEDCO SUPPLY CO INC	27.19	2,719.00
						SCHOOL HEALTH CORP	29.66	2,966.00
137	Y		Avant Fragrance Free Hand Sanitizer, 1 gallon	10	GL	MEDCO SUPPLY CO INC	27.00	270.00
						SCHOOL HEALTH CORP	33.01	330.10
						HENRY SCHEIN	107.79	1,077.90
138	Y		Bactine Spray 5 oz.	50	EA	MEDCO SUPPLY CO INC	5.69	284.50
						SCHOOL HEALTH CORP	7.23	361.50

The District solicited 233 suppliers and received 6 responses.

139	4NS		Bausch & Lomb Eye Wash, 4 oz. bottle, Comes with eye cup	50	EA	SCHOOL HEALTH CORP	2.59	129.50
	Y					HENRY SCHEIN	3.98	199.00
						MEDCO SUPPLY CO INC	3.98	
140	Y		Benadryl Allersy, Ultratabs, 24/box	12	BX	SCHOOL HEALTH CORP	4.81	57.72
						HENRY SCHEIN	4.96	59.52
						MEDCO SUPPLY CO INC	5.34	64.08
141	Y		Betadine Solution, quart	7	QT	SCHOOL HEALTH CORP	5.37	37.59
						HENRY SCHEIN	10.89	76.23
						MEDCO SUPPLY CO INC	11.38	79.66
142	Y		Bleeding Control Kit, basic	7	EA	VARSITY BRANDS HOLDINGS CO INC	19.49	136.43
						SCHOOL HEALTH CORP	47.00	329.00
						HENRY SCHEIN	49.06	343.42
						MEDCO SUPPLY CO INC	54.97	384.79
143	Y		Blister Foam Team Pack 25/box	7	BX	SCHOOL HEALTH CORP	17.04	119.28
						MEDCO SUPPLY CO INC	18.10	126.70
						HENRY SCHEIN	18.26	127.82
144	Y		Bodyblade, Classic, black	7	EA	SCHOOL HEALTH CORP	78.15	547.05
						MEDCO SUPPLY CO INC	90.62	634.34
						HENRY SCHEIN	106.93	748.51
145	Y		Boost Oxygen Natural, 5 liters, 12/case	7	CS	SCHOOL HEALTH CORP	88.44	619.08
						MEDCO SUPPLY CO INC	88.67	620.69
146	Y		BOSU Pro Balance Trainer	7	EA	SCHOOL HEALTH CORP	113.03	791.21
						VARSITY BRANDS HOLDINGS CO INC	114.91	804.37
						MEDCO SUPPLY CO INC	116.71	816.97
						HENRY SCHEIN	163.69	1,145.83
147	Y		Brecon No-Wrap Tubular Compression Bandage, Black, 3" x 10 yd.	10	EA	HENRY SCHEIN	17.45	174.50
						MEDCO SUPPLY CO INC	27.35	273.50
148	Y		Brecon No-Wrap Tubular Compression Bandage, Black, 4" x 10 yd	10	EA	HENRY SCHEIN	23.11	231.10
						MEDCO SUPPLY CO INC	29.25	292.50
149	Y		Broken Nose Guard, regular	7	EA	MEDCO SUPPLY CO INC	25.86	181.02
						SCHOOL HEALTH CORP	26.22	183.54
150	Y		BSN Medical Cover-Roll Stretch Adhesive Bandage, 4"x10 yd.	25	EA	HENRY SCHEIN	12.90	322.50
						SCHOOL HEALTH CORP	13.36	334.00
						MEDCO SUPPLY CO INC	13.45	336.25
151	NA		Bull Frog Water Sport, 6 oz. spray, SPF50	7	EA	MEDCO SUPPLY CO INC	NB	NB
152	NA		Bull Frog LND/SPRT Quick Gel, 5 oz.	20	EA	MEDCO SUPPLY CO INC	NB	NB
153	Y		CanDo Foam Rolls, Black, 6"x36" round	20	EA	VARSITY BRANDS HOLDINGS CO INC	14.98	299.60
						HENRY SCHEIN	15.52	310.40
						MEDCO SUPPLY CO INC	16.35	327.00
154	Y		CanDo Dynamic Stretching Strap	7	EA	HENRY SCHEIN	9.99	69.93
						MEDCO SUPPLY CO INC	14.05	98.35
155	Y		CanDo Multi-Axis Platform Balance Boards	7	EA	HENRY SCHEIN	247.35	1,731.45
						MEDCO SUPPLY CO INC	288.79	2,021.53
156	Y		Chattanooga accessories, Lead Wire, Channel 1	7	EA	MEDCO SUPPLY CO INC	20.64	144.48
						HENRY SCHEIN	20.96	146.72
						SCHOOL HEALTH CORP	22.06	154.42
						DJO GLOBAL INCORPORATED	31.29	219.03
157	Y		Chattanooga accessories, Lead Wire, Channel 2	7	EA	MEDCO SUPPLY CO INC	20.51	143.57
						HENRY SCHEIN	20.96	146.72
						SCHOOL HEALTH CORP	22.06	154.42
158	Y		Chattanooga accessories, Lead Wire, Channel 3	7	EA	HENRY SCHEIN	20.96	146.72
						SCHOOL HEALTH CORP	22.06	154.42
						MEDCO SUPPLY CO INC	23.94	167.58
159	Y		Chattanooga accessories, Lead Wire, Channel 4	7	EA	MEDCO SUPPLY CO INC	20.64	144.48
						HENRY SCHEIN	20.96	146.72
						SCHOOL HEALTH CORP	22.06	154.42
160	Y		Chattanooga Hydrocollator SS-2	7	EA	MEDCO SUPPLY CO INC	970.07	6,790.49

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						HENRY SCHEIN	1,039.77	7,278.39
						DJO GLOBAL INCORPORATED	1,056.08	7,392.56
						SCHOOL HEALTH CORP	1,172.90	8,210.30
161	Y		Chloraseptic (Cherry), Spray Bottle, 6 oz.	14	EA	HENRY SCHEIN	5.21	72.94
						MEDCO SUPPLY CO INC	5.46	76.44
						SCHOOL HEALTH CORP	7.09	99.26
162	NA		Clear Gear Sports Spray, 1 gallon bottle, case of 6	24	CS	MEDCO SUPPLY CO INC	NB	NB
163	NA		Clorox Anywhere Hard Surface Spray	43	EA	MEDCO SUPPLY CO INC	NB	NB
164			Clorox Clean Up, 32 oz.	10	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					SCHOOL HEALTH CORP	6.28	62.80
165			Clorox Disinfecting Wipes, Lemon, 75 wipes/canister	25	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					SCHOOL HEALTH CORP	14.07	351.75
						HENRY SCHEIN	36.03	900.75
166			Clorox Germicidal Wipes, 100 count, bucket	10	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					SCHOOL HEALTH CORP	32.07	320.70
167	NA		Clorox Hand Sanitizer, 500 ml. bottle	30	EA	MEDCO SUPPLY CO INC	NB	NB
168	NA		Clorox Hydrogen Peroxide Disinfectant, 110 ct. wipes	42	EA	MEDCO SUPPLY CO INC	NB	NB
169	Y		Conductor Transmission Gel	7	EA	MEDCO SUPPLY CO INC	13.16	92.12
						HENRY SCHEIN	13.48	94.36
						SCHOOL HEALTH CORP	17.80	124.60
170			Cooler 10 gallon, Rubbermaid	25	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					VARSITY BRANDS HOLDINGS CO INC	68.91	1,722.75
171	Y		Connon 3-ply Basic Mask w/earloop white, blue 50/pack	10	PK	MEDCO SUPPLY CO INC	18.95	189.50
						VARSITY BRANDS HOLDINGS CO INC	130.50	1,305.00
172	Y		Coverlet Cabinet, unfilled	7	EA	SCHOOL HEALTH CORP	32.09	224.63
						MEDCO SUPPLY CO INC	48.40	338.80
						HENRY SCHEIN	89.02	623.14
173			Coverlet Eye Occlusors, regualar, 2"x3"	7	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					SCHOOL HEALTH CORP	10.36	72.52
174	Y		Cramer Actice Ankle AS1 Pro (will specify sizes and color when order is placed)	100	EA	HENRY SCHEIN	22.41	2,241.00
						MEDCO SUPPLY CO INC	23.12	2,312.00
						DAN CAREYS SPORTING GOODS LTD	34.73	3,473.00
175	Y		Cramer Adhesive Foam Kit 1/4"	7	EA	MEDCO SUPPLY CO INC	20.59	144.13
176	Y		Cramer Collapsable Bottle Carrier with bottles	20	EA	VARSITY BRANDS HOLDINGS CO INC	18.98	379.60
						MEDCO SUPPLY CO INC	27.20	544.00
						HENRY SCHEIN	28.12	562.40
						DAN CAREYS SPORTING GOODS LTD	32.50	650.00
177	Y		Cramer Cryocaps Digit Covers	7	EA	HENRY SCHEIN	10.25	71.75
						MEDCO SUPPLY CO INC	10.42	72.94
						SCHOOL HEALTH CORP	15.37	107.59
178	Y		Cramer Groin Strain Brace	7	EA	SCHOOL HEALTH CORP	20.19	141.33
						HENRY SCHEIN	20.96	146.72
						MEDCO SUPPLY CO INC	24.13	168.91
179	Y		Cramer Heel & Lace Pads, 2,000/pack	15	PK	SCHOOL HEALTH CORP	17.59	263.85

The District solicited 233 suppliers and received 6 responses.

						HENRY SCHEIN	18.26	273.90
						MEDCO SUPPLY CO INC	19.26	288.90
						VARSITY BRANDS HOLDINGS CO INC	21.91	328.65
						DAN CAREYS SPORTING GOODS LTD	35.42	531.30
180	Y		Cramer High Density Foam Kit	10	EA	HENRY SCHEIN	14.56	145.60
						MEDCO SUPPLY CO INC	14.82	148.20
						SCHOOL HEALTH CORP	21.36	213.60
181	Y		Cramer High Performance Gear - AT Backpack	10	EA	SCHOOL HEALTH CORP	267.76	2,677.60
						MEDCO SUPPLY CO INC	271.23	2,712.30
						HENRY SCHEIN	286.64	2,866.40
182	Y		Cramer Low Density Foam Kit	7	EA	SCHOOL HEALTH CORP	14.75	103.25
						HENRY SCHEIN	15.32	107.24
						MEDCO SUPPLY CO INC	16.08	112.56
183	Y		Cramer Lumbar Support, large-x-large	10	EA	MEDCO SUPPLY CO INC	20.65	206.50
						HENRY SCHEIN	20.83	208.30
184	Y		Cramer Neoprene Deluxe Back Stabilizer, large	5	EA	MEDCO SUPPLY CO INC	29.80	149.00
						SCHOOL HEALTH CORP	36.80	184.00
185	Y		Cramer Neoprene Deluxe Back Stabilizer, medium		EA	MEDCO SUPPLY CO INC	29.80	No Quantity listed
						SCHOOL HEALTH CORP	36.80	No Quantity listed
186	Y		Cramer Neoprene Deluxe Back Stabilizer, small	5	EA	MEDCO SUPPLY CO INC	29.80	149.00
						SCHOOL HEALTH CORP	36.80	184.00
187	Y		Cramer Rapid Foam Vacuum Splints, 2 piece kit	7	EA	SCHOOL HEALTH CORP	341.87	2,393.09
						HENRY SCHEIN	352.59	2,468.13
						MEDCO SUPPLY CO INC	412.07	2,884.49
188	Y		Cramer Skin Lube, 1 lb. jar	7	EA	SCHOOL HEALTH CORP	5.44	38.08
						MEDCO SUPPLY CO INC	5.77	40.39
						HENRY SCHEIN	5.83	40.81
						VARSITY BRANDS HOLDINGS CO INC	9.98	69.86
						DAN CAREYS SPORTING GOODS LTD	12.75	89.25
189	Y		Cramer Skin Lube, 5 lb. jar	7	EA	SCHOOL HEALTH CORP	23.27	162.89
						HENRY SCHEIN	24.95	174.65
						MEDCO SUPPLY CO INC	25.93	181.51
						VARSITY BRANDS HOLDINGS CO INC	41.98	293.86
						DAN CAREYS SPORTING GOODS LTD	51.90	363.30
190	Y		Cryocup	7	EA	MEDCO SUPPLY CO INC	4.98	34.86
						HENRY SCHEIN	5.61	39.27
						SCHOOL HEALTH CORP	5.65	39.55
191	Y		Cups Flat Bottom, 7 oz., translucent	100	EA	MEDCO SUPPLY CO INC	2.72	272.00
						HENRY SCHEIN	47.24	4,724.00
192	Y		Curad Steile Saline Wound Wash, 7.1 oz.	30	EA	SCHOOL HEALTH CORP	5.76	172.80
						MEDCO SUPPLY CO INC	7.19	215.70
						HENRY SCHEIN	8.04	241.20
193	Y		Custom Mask, washable	50	EA	MEDCO SUPPLY CO INC	6.58	329.00
194	Y		Defender Skin Protective Tape, 4"x36"	20	EA	MEDCO SUPPLY CO INC	8.64	172.80
						SCHOOL HEALTH CORP	12.95	259.00
195	Y		Deluxe Elastic Bandage, 6"x11 yd., 6/box	15	BX	HENRY SCHEIN	46.98	704.70
						MEDCO SUPPLY CO INC	49.39	740.85
						SCHOOL HEALTH CORP	59.16	887.40
196	Y		Dermafungal, antifunngal cream, 5 grm. packets, 144/pk.	7	PK	MEDCO SUPPLY CO INC	31.88	223.16
197	Y		Digital Beam Scale	7	EA	SCHOOL HEALTH CORP	354.51	2,481.57
						VARSITY BRANDS HOLDINGS CO INC	418.98	2,932.86
						MEDCO SUPPLY CO INC	452.37	3,166.59
198	Y		Digital Timer	7	EA	VARSITY BRANDS HOLDINGS CO INC	6.98	48.86
						MEDCO SUPPLY CO INC	7.08	49.56
						HENRY SCHEIN	11.98	83.86

The District solicited 233 suppliers and received 6 responses.

						SCHOOL HEALTH CORP	12.15	85.05
199	Y		Dry Goods Original Antiseptic Spray Powder, 5.4 oz.	25	EA	MEDCO SUPPLY CO INC	10.82	270.50
200	Y		Dukal New Sponges, Sterile, 4"x4", box of 50	20	BX	HENRY SCHEIN	1.62	32.40
						MEDCO SUPPLY CO INC	2.15	43.00
201	Y		Dura-Stick Supreme Electrodes, Square, 2", 4 per pack	10	PK	HENRY SCHEIN	3.55	35.50
						MEDCO SUPPLY CO INC	5.53	55.30
						SCHOOL HEALTH CORP	7.84	78.40
202	Y		Econoline Shock Shield	7	EA	HENRY SCHEIN	51.71	361.97
						MEDCO SUPPLY CO INC	61.11	427.77
203	Y		Econoline Super Foam Sheets & Kits, 5"x21"x36"	7	EA	MEDCO SUPPLY CO INC	26.50	185.50
						SCHOOL HEALTH CORP	34.51	241.57
						HENRY SCHEIN	62.15	435.05
204	Y		Economy Cotton Rolls, bag of 2,000	7	EA	HENRY SCHEIN	9.83	68.81
						MEDCO SUPPLY CO INC	23.20	162.40
						SCHOOL HEALTH CORP	26.06	182.42
205	Y		Economy Memory Foam Sheet, 3/4"x20"x36", blue, non-adhesive	7	EA	SCHOOL HEALTH CORP	27.17	190.19
						MEDCO SUPPLY CO INC	29.62	207.34
						HENRY SCHEIN	49.68	347.76
206	NA		Exercise Roll, set of 3	7	EA	MEDCO SUPPLY CO INC	NB	NB
207	Y		EZ Read Jamar Goniometer, 12 1/2" (32cm) Standard	7	EA	MEDCO SUPPLY CO INC	10.70	74.90
						HENRY SCHEIN	23.59	165.13
208	Y		Flambeau Mobile Storage System	7	EA	MEDCO SUPPLY CO INC	106.64	746.48
						SCHOOL HEALTH CORP	107.12	749.84
209			Flonase Nasal Spray, .62 oz.	10	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	25.74	257.40
210	Y		FMxTractor 4	7	EA	MEDCO SUPPLY CO INC	407.06	2,849.42
211	Y		Foot/Ankle Model	7	EA	MEDCO SUPPLY CO INC	75.17	526.19
						HENRY SCHEIN	942.47	6,597.29
212	Y		Forearm Splint, left, Un-Pad (specify size when ordered)	7	EA	MEDCO SUPPLY CO INC	5.43	38.01
						HENRY SCHEIN	10.26	71.82
213	Y		Forearm Splint, right, Un-Pad (specify size when order is placed)	7	EA	MEDCO SUPPLY CO INC	5.61	39.27
						HENRY SCHEIN	10.26	71.82
214	Y		FormFit Back Supports (specify size when order is placed)	7	EA	MEDCO SUPPLY CO INC	27.08	189.56
						HENRY SCHEIN	35.13	245.91
215	*No Award At this Time		Game Ready Ankle Sleeve, large	7	EA	HENRY SCHEIN	24.00	168.00
						MEDCO SUPPLY CO INC	24.00	
						SCHOOL HEALTH CORP	24.00	
216	*No Award At this Time		Game Ready Hip/Groin Wrap w/ATX, left	7	EA	HENRY SCHEIN	384.00	2,688.00
						MEDCO SUPPLY CO INC	384.00	
217	*No Award At this Time		Game Ready Hip/Groin Wrap w/ATX, right	7	EA	HENRY SCHEIN	384.00	2,688.00
						MEDCO SUPPLY CO INC	384.00	
218	*No Award At this Time		Game Ready PRO (GRPRO) 2.1 Control Unit, AC Adaptr, 6' hose	7	EA	HENRY SCHEIN	2,204.00	15,428.00
						MEDCO SUPPLY CO INC	2,204.00	
						SCHOOL HEALTH CORP	2,204.00	
219	*No Award At this Time		Game Ready Straight Knee Sleeve	7	EA	SCHOOL HEALTH CORP	26.40	184.80
						HENRY SCHEIN	28.00	196.00
						MEDCO SUPPLY CO INC	28.00	
220	Y		Gatorade Endurance Gatorlytes	7	EA	SCHOOL HEALTH CORP	11.65	81.55
						HENRY SCHEIN	12.19	85.33
						MEDCO SUPPLY CO INC	16.74	117.18
221	Y		Gatorade Frost glacier Freeze, 51 oz. (6 gallon)	100	CS	SCHOOL HEALTH CORP	99.52	9,952.00
						HENRY SCHEIN	103.69	10,369.00

The District solicited 233 suppliers and received 6 responses.

						MEDCO SUPPLY CO INC	104.73	10,473.00
222	Y		Gatorade Lemon/Lime, 51 oz. (6 gallon)	100	CS	SCHOOL HEALTH CORP	99.52	9,952.00
						HENRY SCHEIN	103.69	10,369.00
						MEDCO SUPPLY CO INC	104.73	10,473.00
223	Y		Gatorade Plastic Cup Holder	7	EA	HENRY SCHEIN	27.86	195.02
						MEDCO SUPPLY CO INC	29.12	203.84
						VARSITY BRANDS HOLDINGS CO INC	29.98	209.86
						SCHOOL HEALTH CORP	35.83	250.81
224	Y		Glass Sundry Jars, labeled	7	EA	HENRY SCHEIN	32.19	225.33
						MEDCO SUPPLY CO INC	32.89	230.23
						SCHOOL HEALTH CORP	46.20	323.40
225	Y		Latex Gloves, Powder Free, Examination, box of 100 (will specify size when ordered)	100	BX	MEDCO SUPPLY CO INC	14.65	1,465.00
226	4NS		Nitrile Gloves, Powder Free, Examination, 100/box (will specify size when order is placed)	100	BX	SCHOOL HEALTH CORP	12.23	1,223.00
	Y					MEDCO SUPPLY CO INC	18.64	1,864.00
227	Y		Glucose Tabs, orange, 100/bottle	7	BT	MEDCO SUPPLY CO INC	3.03	21.21
						SCHOOL HEALTH CORP	5.69	39.83
228	Y		Gold Bond Medicated Foot Powder & Foot Cream, 4 oz. tube	10	EA	MEDCO SUPPLY CO INC	3.84	38.40
229	Y		Good Sense Sterile Eye Drops, 5 oz. bottle	20	EA	MEDCO SUPPLY CO INC	1.20	24.00
230	Y		GS Antacid Chew Tabs, Fruit, 72 count, Ultra Strength	12	EA	MEDCO SUPPLY CO INC	2.67	32.04
231	Y		Gym Wipes Antibacterial Force, 900 wipes/8 lb. refill	22	EA	MEDCO SUPPLY CO INC	37.79	831.38
232	Y		Gym Wipes Antibacterial Force wipes, refill	14	EA	MEDCO SUPPLY CO INC	37.79	529.06
233	NA		GymWipes Antibactrial Force Wipes, 10 lb. bucket	14	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					VARSITY BRANDS HOLDINGS CO INC	45.98	643.72
234	Y		GymWipes Antibacterial Force Wipes, bucket	22	EA	MEDCO SUPPLY CO INC	19.93	438.46
235	Y		Halls Cough Drops, Cherry, 30	10	BX	MEDCO SUPPLY CO INC	2.05	20.50
						HENRY SCHEIN	2.23	22.30
						SCHOOL HEALTH CORP	2.39	23.90
236	Y		Halls Cough Drops, Menthalyptus, 30	10	BX	MEDCO SUPPLY CO INC	2.21	22.10
						HENRY SCHEIN	2.23	22.30
						SCHOOL HEALTH CORP	2.46	24.60
237	Y		Hartmann AC-tape, 2" x 5 yd. roll, Speedpack of 24	7	BX	MEDCO SUPPLY CO INC	43.78	306.46
						HENRY SCHEIN	46.99	328.93
						SCHOOL HEALTH CORP	74.48	521.36
238	Y		Hartmann AC-tape, 3" x 5 yd. roll, Speedpack of 16	7	BX	MEDCO SUPPLY CO INC	43.78	306.46
						HENRY SCHEIN	46.99	328.93
						SCHOOL HEALTH CORP	74.48	521.36
239	Y		Hartmann Deluxe LF Bandage, 6"x11 yds.	10	EA	HENRY SCHEIN	7.83	78.30
						MEDCO SUPPLY CO INC	9.29	92.90
						SCHOOL HEALTH CORP	9.86	98.60
240	Y		Healthsmart AC Adapter	7	EA	MEDCO SUPPLY CO INC	15.83	110.81
241			Healthsmart Non-Contact Digital Forehead Thermometer	10	EA	MEDCO SUPPLY CO INC	NB	NB

The District solicited 233 suppliers and received 6 responses.

	Y					VARSITY BRANDS HOLDINGS CO INC	99.98	999.80
242	Y		Healthsmart Premium Arm BP (AC adapter purchased separately)	7	EA	MEDCO SUPPLY CO INC	59.12	413.84
243	Y		Healthsmart Select Arm BP (AC adapter purchased separately)	7	EA	MEDCO SUPPLY CO INC	48.37	338.59
244	Y		Heavy-Duty Bandage Shears	8	EA	SCHOOL HEALTH CORP	5.23	41.84
						VARSITY BRANDS HOLDINGS CO INC	7.49	59.92
						HENRY SCHEIN	9.93	79.44
						MEDCO SUPPLY CO INC	13.24	105.92
245	Y		Husky 891 Arena Disinfectant, gallon	5	EA	VARSITY BRANDS HOLDINGS CO INC	45.98	229.90
						MEDCO SUPPLY CO INC	65.26	326.30
246	Y		Hydrocullator Heating units, Mobile - Includes 8 standard HotPacs	7	EA	MEDCO SUPPLY CO INC	970.07	6,790.49
						HENRY SCHEIN	1,039.77	7,278.39
						DJO GLOBAL INCORPORATED	1,152.60	8,068.20
						SCHOOL HEALTH CORP	1,172.90	8,210.30
247	Y		Hydrocullator Terry Covers, Standard size, 19"x27"	20	EA	SCHOOL HEALTH CORP	13.46	269.20
						HENRY SCHEIN	21.21	424.20
						DJO GLOBAL INCORPORATED	21.74	434.80
						MEDCO SUPPLY CO INC	22.55	451.00
248	Y		Hyperice Venom Back	7	EA	HENRY SCHEIN	190.00	1,330.00
						MEDCO SUPPLY CO INC	249.00	1,743.00
249	Y		Hyperice Venom Leg	7	EA	HENRY SCHEIN	190.00	1,330.00
						MEDCO SUPPLY CO INC	249.00	1,743.00
250	Y		HyperVolt Carry Case	7	EA	HENRY SCHEIN	45.00	315.00
						MEDCO SUPPLY CO INC	45.00	
251	Y		HyperVolt Display Stand	7	EA	MEDCO SUPPLY CO INC	44.34	310.38
252	Y		HyperVolt plus	7	EA	MEDCO SUPPLY CO INC	249.00	1,743.00
						HENRY SCHEIN	375.00	2,625.00
253	Y		Ice Bag Dispenser	7	EA	HENRY SCHEIN	15.27	106.89
						VARSITY BRANDS HOLDINGS CO INC	17.98	125.86
						MEDCO SUPPLY CO INC	41.71	291.97
						SCHOOL HEALTH CORP	53.79	376.53
254	Y		Ice Scoop, aluminum 84.5 oz.	7	EA	MEDCO SUPPLY CO INC	12.51	87.57
						SCHOOL HEALTH CORP	21.52	150.64
						HENRY SCHEIN	57.47	402.29
255	Y		Ice Scoop, aluminum 38.5 oz.	7	EA	MEDCO SUPPLY CO INC	4.74	33.18
						SCHOOL HEALTH CORP	14.02	98.14
						HENRY SCHEIN	31.73	222.11
256	Y		Igloo Playmate Elite Cooler, 16 quart	7	EA	MEDCO SUPPLY CO INC	28.51	199.57
						HENRY SCHEIN	34.27	239.89
257	Y		Impulse 3000T Tens Unit	14	EA	MEDCO SUPPLY CO INC	24.76	346.64
258	Y		Intelect Legend XT Electrotherapy System, 4-Channel Combination & Cart	7	EA	HENRY SCHEIN	3,597.61	25,183.27
						MEDCO SUPPLY CO INC	3,750.64	26,254.48
						DJO GLOBAL INCORPORATED	3,824.13	26,768.91
						SCHOOL HEALTH CORP	4,292.39	30,046.73
259	Y		Intelect Legend XT Electrotherapy System, 4-Channel	7	EA	SCHOOL HEALTH CORP	3,093.62	21,655.34
						MEDCO SUPPLY CO INC	3,218.43	22,529.01
						DJO GLOBAL INCORPORATED	3,568.57	24,979.99
260	Y		Intelect Ultrasound Gel, 5 liter, or approved equal	5	EA	HENRY SCHEIN	11.99	59.95
						DJO GLOBAL INCORPORATED	13.35	66.75
						SCHOOL HEALTH CORP	17.27	86.35
						MEDCO SUPPLY CO INC	18.83	94.15
261			Kendall Ultrasound Gel, 8.4 oz. or approved equal	7	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	1.22	8.54
262	Y		Kinesio-Pro Stainless Steel Scissors with holster	7	EA	SCHOOL HEALTH CORP	24.07	168.49
						HENRY SCHEIN	37.55	262.85
						MEDCO SUPPLY CO INC	40.87	286.09
263	Y		Knee Model, right	7	EA	MEDCO SUPPLY CO INC	64.62	452.34
						HENRY SCHEIN	108.78	761.46

The District solicited 233 suppliers and received 6 responses.

264			Leukotape P Corrective Taping, Cover Roll Stretch, 4"x10yds., case of 12	7	CS	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	154.80	1,083.60
265			Leukotape P Corrective Taping, Cover Roll Stretch, 6"x2yds., case of 12	7	CS	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	70.08	490.56
266	Y		Leukotape P Corrective Taping, 1 1/2"x15 yds.	7	EA	HENRY SCHEIN	6.34	44.38
						SCHOOL HEALTH CORP	6.65	46.55
						MEDCO SUPPLY CO INC	6.81	47.67
267	Y		Lifesource UB-521 Wrist Blood Pressure Monitor	7	EA	MEDCO SUPPLY CO INC	55.07	385.49
268	Y		Lip Natural Herbal Lip Balm, SPF15	12	EA	MEDCO SUPPLY CO INC	35.31	423.72
269	Y		Liquid Skin, .017 oz. Pipette, bag of 10	12	BG	HENRY SCHEIN	9.93	119.16
						MEDCO SUPPLY CO INC	11.36	136.32
270	Y		Lubriderm Dry Skin Lotions, Advanced Therapy, 16 oz. pump	25	EA	HENRY SCHEIN	5.86	146.50
						MEDCO SUPPLY CO INC	7.36	184.00
271			Lysol IC Foaming Disinfectant Cleaner	20	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	5.34	106.80
272	Y		McDavid 402 Open Knee Support, small	23	EA	HENRY SCHEIN	11.10	255.30
						DAN CAREYS SPORTING GOODS LTD	12.50	287.50
						MEDCO SUPPLY CO INC	12.89	296.47
273	Y		McDavid 402 Open Knee Support, medium	20	EA	HENRY SCHEIN	11.10	222.00
						DAN CAREYS SPORTING GOODS LTD	12.50	250.00
						MEDCO SUPPLY CO INC	12.89	257.80
274	Y		McDavid 402 Open Knee Support, large	35	EA	HENRY SCHEIN	11.10	388.50
						DAN CAREYS SPORTING GOODS LTD	12.50	437.50
						MEDCO SUPPLY CO INC	12.89	451.15
275	Y		McDavid 402 Open Knee Support, x-large	21	EA	HENRY SCHEIN	11.10	233.10
						DAN CAREYS SPORTING GOODS LTD	12.50	262.50
						MEDCO SUPPLY CO INC	12.89	270.69
276	Y		McDavid 402 Open Knee Support, xx-large	20	EA	HENRY SCHEIN	11.10	222.00
						DAN CAREYS SPORTING GOODS LTD	12.50	250.00
						MEDCO SUPPLY CO INC	12.89	257.80
277	Y		McDavid 422 Dual Disk Knee Brace, black, small	6	EA	HENRY SCHEIN	33.29	199.74
						DAN CAREYS SPORTING GOODS LTD	38.85	233.10
						MEDCO SUPPLY CO INC	40.54	243.24
278	Y		McDavid 422 Dual Disk Knee Brace, black, medium	17	EA	HENRY SCHEIN	33.29	565.93
						DAN CAREYS SPORTING GOODS LTD	38.85	660.45
						MEDCO SUPPLY CO INC	40.54	689.18
279	Y		McDavid 422 Dual Disk Knee Brace, black, large	17	EA	HENRY SCHEIN	33.29	565.93
						DAN CAREYS SPORTING GOODS LTD	38.85	660.45
						MEDCO SUPPLY CO INC	40.54	689.18
280	Y		McDavid 422 Dual Disk Knee Brace, black, x-large	7	EA	HENRY SCHEIN	33.29	233.03
						MEDCO SUPPLY CO INC	36.00	252.00
						DAN CAREYS SPORTING GOODS LTD	38.85	271.95
281	Y		McDavid 422 Dual Disk Knee Brace, black, xx-large	8	EA	HENRY SCHEIN	33.29	266.32
						MEDCO SUPPLY CO INC	36.00	288.00
						DAN CAREYS SPORTING GOODS LTD	38.85	310.80
282	Y		McDavid 475 Groin Strap	12	EA	HENRY SCHEIN	11.10	133.20
						DAN CAREYS SPORTING GOODS LTD	13.20	158.40
						MEDCO SUPPLY CO INC	13.66	163.92
283	Y		McDavid 6650 HEX Skin Roll	7	EA	HENRY SCHEIN	8.55	59.85
						MEDCO SUPPLY CO INC	10.53	73.71
284	Y		MDI Econo-Vac Etremity Vacuum Splints, 7-pc. Deluxe Kit	7	KT	MEDCO SUPPLY CO INC	156.56	1,095.92
						HENRY SCHEIN	161.77	1,132.39

The District solicited 233 suppliers and received 6 responses.

285	Y		Medi-First Sinus Decongestant (pseudophedrine/Sudafed, 500/1's, or equal	7	BX	HENRY SCHEIN	18.35	128.45
						MEDCO SUPPLY CO INC	19.40	135.80
286	Y		MediKit PPE Sport ProPk, black	7	EA	HENRY SCHEIN	18.26	127.82
						MEDCO SUPPLY CO INC	18.69	130.83
287	Y		Medique Diamode ANti-Diarrhea, 100/1's, or approved equal	7	BX	MEDCO SUPPLY CO INC	2.30	16.10
288	Y		Medique Diotome Chewable Tablets, antacid and diarrhea relief solution, box os 500, 250/2's, or approved equal	15	BX	MEDCO SUPPLY CO INC	34.21	513.15
						HENRY SCHEIN	36.17	542.55
289	Y		Medique Loradamed, 50/1's, or approved equal	15	BX	HENRY SCHEIN	11.46	171.90
						MEDCO SUPPLY CO INC	11.72	175.80
290	Y		Medique Medi-Meclizine, 500/2's, or approved equal	10	BX	HENRY SCHEIN	39.91	399.10
						MEDCO SUPPLY CO INC	44.59	445.90
291	Y		Medique Medikoff Drops, Cherry, 600/jar	7	EA	HENRY SCHEIN	31.59	221.13
						MEDCO SUPPLY CO INC	32.17	225.19
292	Y		Medique Mediproxen, 100/1's	8	BX	HENRY SCHEIN	12.97	103.76
						MEDCO SUPPLY CO INC	13.24	105.92
293	Y		MedPac 4900 Rolling Bag	7	EA	HENRY SCHEIN	352.96	2,470.72
						MEDCO SUPPLY CO INC	352.99	2,470.93
294	Y		Mettler Electrotherapy Cart	7	EA	MEDCO SUPPLY CO INC	135.97	951.79
295	Y		Moleskin Turf Toe Straps, 4x7 1/2", 100/pack	10	PK	HENRY SCHEIN	25.34	253.40
						MEDCO SUPPLY CO INC	41.97	419.70
296	Y		Mucinex Cold Flu Relief Maimum Strength, Mucinex SE, 100 tablets/bottle, (guaifenesin (600 mg) and dextromethrorphan HBr (30mg.)	7	BX	MEDCO SUPPLY CO INC	51.26	358.82
297	Y		Mueller Hero Utility	7	EA	HENRY SCHEIN	78.51	549.57
						VARSITY BRANDS HOLDINGS CO INC	84.22	589.54
						MEDCO SUPPLY CO INC	94.34	660.38
						DAN CAREYS SPORTING GOODS LTD	104.99	734.93
298	Y		Mueller Hinged Wraparound Knee Brace, regular	20	EA	MEDCO SUPPLY CO INC	26.79	535.80
						DAN CAREYS SPORTING GOODS LTD	29.90	598.00
299	Y		Mueller Hinged Wraparound Knee Brace, large	20	EA	HENRY SCHEIN	22.32	446.40
						MEDCO SUPPLY CO INC	26.79	535.80
						DAN CAREYS SPORTING GOODS LTD	29.90	598.00
300	Y		Mueller Hinged Wraparound Knee Brace, x-large	20	EA	HENRY SCHEIN	22.32	446.40
						MEDCO SUPPLY CO INC	25.98	519.60
						DAN CAREYS SPORTING GOODS LTD	29.90	598.00
301	Y		Mueller Massage Lotion, 16 oz. bottle	7	BT	HENRY SCHEIN	4.79	33.53
						MEDCO SUPPLY CO INC	4.93	34.51
						VARSITY BRANDS HOLDINGS CO INC	4.98	34.86
302	Y		Mueller Massage Lotion, gallon w/pump	7	EA	MEDCO SUPPLY CO INC	24.71	172.97
						HENRY SCHEIN	24.83	173.81
						VARSITY BRANDS HOLDINGS CO INC	26.98	188.86
						DAN CAREYS SPORTING GOODS LTD	32.50	227.50
303	Y		Mueller Meret Medi Kit Omni	14	EA	HENRY SCHEIN	314.79	4,407.06
						MEDCO SUPPLY CO INC	335.57	4,697.98
						SCHOOL HEALTH CORP	360.91	5,052.74
						DAN CAREYS SPORTING GOODS LTD	408.00	5,712.00
304	Y		Mueller Neoprene Elbow Sleeve, small	20	EA	HENRY SCHEIN	6.68	133.60
						MEDCO SUPPLY CO INC	7.97	159.40
						DAN CAREYS SPORTING GOODS LTD	8.75	175.00
						VARSITY BRANDS HOLDINGS CO INC	12.78	255.60

The District solicited 233 suppliers and received 6 responses.

305	Y		Mueller Neoprene Elbow Sleeve, medium	20	EA	HENRY SCHEIN	6.68	133.60
						MEDCO SUPPLY CO INC	7.97	159.40
						DAN CAREYS SPORTING GOODS LTD	8.75	175.00
						VARSITY BRANDS HOLDINGS CO INC	12.78	255.60
306	Y		Mueller Neoprene Elbow Sleeve, large	20	EA	HENRY SCHEIN	6.68	133.60
						MEDCO SUPPLY CO INC	7.97	159.40
						DAN CAREYS SPORTING GOODS LTD	8.75	175.00
						VARSITY BRANDS HOLDINGS CO INC	12.78	255.60
307	Y		Mueller Neoprene Elbow Sleeve, x-large	20	EA	HENRY SCHEIN	6.68	133.60
						MEDCO SUPPLY CO INC	7.97	159.40
						DAN CAREYS SPORTING GOODS LTD	8.75	175.00
						VARSITY BRANDS HOLDINGS CO INC	12.78	255.60
308	Y		Mueller Neoprene Knee Sleeve, x-large	20	EA	HENRY SCHEIN	8.19	163.80
						DAN CAREYS SPORTING GOODS LTD	8.75	175.00
						VARSITY BRANDS HOLDINGS CO INC	8.98	179.60
						MEDCO SUPPLY CO INC	14.17	283.40
309	Y		Mueller Neoprene Thigh Sleeve, small	20	EA	HENRY SCHEIN	8.04	160.80
						VARSITY BRANDS HOLDINGS CO INC	8.98	179.60
						MEDCO SUPPLY CO INC	9.87	197.40
						DAN CAREYS SPORTING GOODS LTD	10.70	214.00
310	Y		Mueller Neoprene Thigh Sleeve, medium	20	EA	HENRY SCHEIN	8.04	160.80
						VARSITY BRANDS HOLDINGS CO INC	8.98	179.60
						MEDCO SUPPLY CO INC	9.92	198.40
						DAN CAREYS SPORTING GOODS LTD	10.75	215.00
311	Y		Mueller Neoprene Thigh Sleeve, large	20	EA	HENRY SCHEIN	8.04	160.80
						VARSITY BRANDS HOLDINGS CO INC	8.98	179.60
						MEDCO SUPPLY CO INC	9.92	198.40
						DAN CAREYS SPORTING GOODS LTD	10.75	215.00
312	Y		Mueller Thigh Support	50	EA	HENRY SCHEIN	8.35	417.50
						MEDCO SUPPLY CO INC	10.13	506.50
						DAN CAREYS SPORTING GOODS LTD	10.50	525.00
313			Mueller Thumb Stabilizer	10	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	10.41	104.10
						DAN CAREYS SPORTING GOODS LTD	13.20	132.00
314	Y		Mueller Titan Hero, Lightweight and customizable medical bag	7	EA	SCHOOL HEALTH CORP	397.65	2,783.55
						HENRY SCHEIN	410.57	2,873.99
						MEDCO SUPPLY CO INC	417.09	2,919.63
						DAN CAREYS SPORTING GOODS LTD	542.50	3,797.50
315	Y		Mueller Water Plastics Water Bottle Carrier, black	20	EA	HENRY SCHEIN	14.17	283.40
						VARSITY BRANDS HOLDINGS CO INC	14.91	298.20
						MEDCO SUPPLY CO INC	15.20	304.00
						DAN CAREYS SPORTING GOODS LTD	19.50	390.00
316	Y		Muscled Shoulder (right) model	7	EA	MEDCO SUPPLY CO INC	102.84	719.88
						HENRY SCHEIN	193.72	1,356.04
317	Y		NC-Germ War 16.9 oz. (500 ml.) Pump	10	EA	MEDCO SUPPLY CO INC	8.95	89.50
318	Y		Neoprene Calf Support, small	10	EA	MEDCO SUPPLY CO INC	2.79	27.90
						HENRY SCHEIN	5.39	53.90
319	Y		Neoprene Calf Support, medium	25	EA	MEDCO SUPPLY CO INC	2.82	70.50
						HENRY SCHEIN	5.39	134.75
320	Y		Neoprene Calf Support, large	25	EA	MEDCO SUPPLY CO INC	2.82	70.50
						HENRY SCHEIN	5.39	134.75
321	Y		Neoprene Calf Support, x-large	25	EA	MEDCO SUPPLY CO INC	2.82	70.50
						HENRY SCHEIN	5.39	134.75

The District solicited 233 suppliers and received 6 responses.

322	Y		New Skin Spray	25	EA	MEDCO SUPPLY CO INC	5.07	126.75
						HENRY SCHEIN	5.16	129.00
323	Y		Nylatex Wraps, 4"x36", 3/pk.	7	EA	SCHOOL HEALTH CORP	23.47	164.29
						HENRY SCHEIN	26.08	182.56
						MEDCO SUPPLY CO INC	29.61	207.27
324	Y		Nylatex Wraps, 6"x36", 3/pk.	7	EA	HENRY SCHEIN	33.92	237.44
						MEDCO SUPPLY CO INC	38.83	271.81
						SCHOOL HEALTH CORP	46.99	328.93
325	Y		Omnifix Elastic 4"x11 yds., unstretched, per roll	10	EA	HENRY SCHEIN	9.27	92.70
						MEDCO SUPPLY CO INC	9.62	96.20
326	Y		OMRON BV-7200AC 5 BPM with AC	7	EA	MEDCO SUPPLY CO INC	76.51	535.57
327	Y		On-the-Go Xtra Duty Mini Pak ice Bags, 50 bags.roll, 48 rolls/case	7	CS	MEDCO SUPPLY CO INC	74.11	518.77
						HENRY SCHEIN	82.32	576.24
328	Y		Opti-Free Replenish Multi-Purpose Solution	20	EA	MEDCO SUPPLY CO INC	15.28	305.60
329			ORA-Jel, 1/4 oz.	10	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	6.42	64.20
330	Y		Original Golden Pickle Juice, 2.5 oz. Shot Bottles	8	EA	MEDCO SUPPLY CO INC	69.63	557.04
331	Y		Original Golden Pickle Juice, 8 oz. Bottles	10	CS	MEDCO SUPPLY CO INC	30.53	305.30
332	Y		Oval 8 Kit (finger splints)	14	EA	HENRY SCHEIN	158.28	2,215.92
						MEDCO SUPPLY CO INC	184.29	2,580.06
333	Y		Ovation Walkers, Standard Non-Pneumatic, medium	13	EA	MEDCO SUPPLY CO INC	38.04	494.52
334	Y		Ovation Walkers, Standard Non-Pneumatic, large	10	EA	MEDCO SUPPLY CO INC	38.04	380.40
335	Y		Ovation Walkers, Standard Pneumatic, medium	13	EA	MEDCO SUPPLY CO INC	42.72	555.36
336	Y		Ovation Walkers, Standard Pneumatic, large	10	EA	MEDCO SUPPLY CO INC	42.72	427.20
337	Y		Pinnacle Light, Penlight	7	EA	MEDCO SUPPLY CO INC	3.01	21.07
338	Y		Plastic Ice Scoop	7	EA	MEDCO SUPPLY CO INC	6.95	48.65
						HENRY SCHEIN	10.12	70.84
339	Y		Portable Hydration Station	7	EA	MEDCO SUPPLY CO INC	799.00	5,593.00
						VARSITY BRANDS HOLDINGS CO INC	944.98	6,614.86
						HENRY SCHEIN	1,104.15	7,729.05
340	Y		Pro Scissors, Pro 11	7	EA	MEDCO SUPPLY CO INC	30.99	216.93
						HENRY SCHEIN	33.20	232.40
341	Y		Pro Scissors, Pro 21	7	EA	HENRY SCHEIN	32.20	225.40
						MEDCO SUPPLY CO INC	33.86	237.02
342	Y		Pro Scissors, Pro 21T	21	EA	HENRY SCHEIN	36.74	771.54
						MEDCO SUPPLY CO INC	36.79	772.59
343	Y		Pro Tubular Knit Compression Bandage, 7"x11 yds., black	7	EA	HENRY SCHEIN	48.05	336.35
						MEDCO SUPPLY CO INC	48.24	337.68
344	Y		Pro Tubular Knit Compression Bandage, 5"x11 yds., black	7	EA	HENRY SCHEIN	38.54	269.78
						MEDCO SUPPLY CO INC	38.59	270.13
345			Procare Pro-Step, small	7	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	26.55	185.85
						DJO GLOBAL INCORPORATED	31.62	221.34
346	Y		Procare Pro-Step, medium	7	EA	HENRY SCHEIN	26.55	185.85
						MEDCO SUPPLY CO INC	28.35	198.45
						DJO GLOBAL INCORPORATED	31.62	221.34
347	Y		Pron Pillow	7	EA	HENRY SCHEIN	77.52	542.64
						MEDCO SUPPLY CO INC	100.10	700.70
348	Y		Protex Ultra Disinfectant, 6.5"x6.0" wipes	10	PK	MEDCO SUPPLY CO INC	4.29	42.90
349			Purell Advanced Formula Hand Sanitizer Gel, 1 oz. bottle, bowl of 36	14	PK	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	32.98	461.72
350	Y		Q-Tips, 500/box	12	BX	HENRY SCHEIN	3.65	43.80
						MEDCO SUPPLY CO INC	3.73	44.76
351	Y		Renu Advanced Formula Contact Lens Solution, 4 oz. bottle	20	EA	MEDCO SUPPLY CO INC	4.42	88.40
352	Y		Robitussin Cough Chest DM, 4 oz.	7	EA	MEDCO SUPPLY CO INC	5.91	41.37
						HENRY SCHEIN	7.64	53.48
353	N/A		RockTape Edema Strips, 20/pk., black	7	PK	MEDCO SUPPLY CO INC	NB	NB
354	Y		Rolyan Gel Padding, 1/4" (6.4mm)	7	EA	MEDCO SUPPLY CO INC	11.52	80.64
355	NA		Salonpas Hot Capsicum Patch, 50/box	11	BX	MEDCO SUPPLY CO INC	NB	NB
356	Y		Sammons Preston Ankle Stabilizer, standard	7	EA	MEDCO SUPPLY CO INC	8.17	57.19

The District solicited 233 suppliers and received 6 responses.

357	Y		Sammons Preston Therapy Putty, Green, medium, 4 oz.	7	EA	MEDCO SUPPLY CO INC	2.36	16.52
						HENRY SCHEIN	4.59	32.13
358	Y		Sammons Preston Therapy Putty, Red, medium - soft, 4 oz.	7	EA	MEDCO SUPPLY CO INC	2.32	16.24
359	Y		Save-A-Tooth New & Improved	8	EA	HENRY SCHEIN	11.12	88.96
						MEDCO SUPPLY CO INC	15.89	127.12
360			Shark Pro Tape Cutter	25	EA	MEDCO SUPPLY CO INC	12.54	313.50
						HENRY SCHEIN	12.96	324.00
						DAN CAREYS SPORTING GOODS LTD	19.40	485.00
361	Y		Shark Tape Cutter Replacement Blades	15	BX	MEDCO SUPPLY CO INC	27.81	417.15
						HENRY SCHEIN	28.06	420.90
						DAN CAREYS SPORTING GOODS LTD	40.00	600.00
362	Y		Sof-Form Conforming Bandage, Non-Sterile, 3"x75", 12/bag	10	PK	MEDCO SUPPLY CO INC	1.55	15.50
363	Y		Sof-Form Conforming Bandage, Non-Sterile, 4"x75", 12/bag	10	PK	MEDCO SUPPLY CO INC	1.74	17.40
364	Y		Soft Open Cell Foam Rolls & Pads, 1/8"x4"x4"	7	EA	MEDCO SUPPLY CO INC	20.82	145.74
365	Y		Soft Sided Athletic Training Kit	14	EA	MEDCO SUPPLY CO INC	47.12	659.68
						VARSITY BRANDS HOLDINGS CO INC	116.98	1,637.72
366			Solarcaine Aloe Gel, 4.5 oz.	14	EA	MEDCO SUPPLY CO INC	NB	NB
	Y					HENRY SCHEIN	6.48	90.72
367	Y		Speed Rope, 9'	10	EA	VARSITY BRANDS HOLDINGS CO INC	0.82	8.20
						MEDCO SUPPLY CO INC	5.07	50.70
						HENRY SCHEIN	26.17	261.70
368	Y		Sports Medicine Sling Bag	14	EA	MEDCO SUPPLY CO INC	42.18	590.52
369	Y		Sports Water Bottles, quart	50	EA	VARSITY BRANDS HOLDINGS CO INC	1.47	73.50
						MEDCO SUPPLY CO INC	3.53	176.50
370	Y		Aprague Rappapart-Type Stethoscope, black	7	EA	MEDCO SUPPLY CO INC	9.52	66.64
						HENRY SCHEIN	13.02	91.14
371	Y		Squid Knee Wrap & Gel Pack	7	EA	MEDCO SUPPLY CO INC	182.30	1,276.10
						HENRY SCHEIN	750.00	5,250.00
372	NA		Squid Sequential Intermittent Compression, Back Wrap	7	EA	MEDCO SUPPLY CO INC	NB	NB
373	Y		Squid Sequential Intermittent Compression, Left Shoulder and Gel Pack	7	EA	MEDCO SUPPLY CO INC	236.54	1,655.78
						HENRY SCHEIN	821.00	5,747.00
374	Y		Squid Sequential Intermittent Compression, Right Shoulder and Gel Pack	7	EA	MEDCO SUPPLY CO INC	239.83	1,678.81
						HENRY SCHEIN	821.00	5,747.00
375	Y		Squid Sequential Intermittent Compression, Ankle Gel Pack	7	EA	MEDCO SUPPLY CO INC	49.43	346.01
						HENRY SCHEIN	56.30	394.10
376	Y		Stax Finger Splint, 30 Splint Assortment	7	EA	HENRY SCHEIN	34.23	239.61
						MEDCO SUPPLY CO INC	35.81	250.67
						SCHOOL HEALTH CORP	68.22	477.54
377	Y		Sterile Eye Drops, Original, 1/2 oz.	140	EA	MEDCO SUPPLY CO INC	1.20	168.00
						HENRY SCHEIN	1.38	193.20
378	Y		Sterile Gauze Pads, 4"x4", 100/box	7	BX	HENRY SCHEIN	5.84	40.88
						MEDCO SUPPLY CO INC	6.00	42.00
379	Y		Stik-It Skin Adherent, 100/pack	7	EA	MEDCO SUPPLY CO INC	76.11	532.77
						HENRY SCHEIN	79.76	558.32
						SCHOOL HEALTH CORP	128.24	897.68
380	Y		Supra-Grip Elastic Bandage, 3"x5 yds., 10/pack	50	BX	HENRY SCHEIN	11.79	589.50
						MEDCO SUPPLY CO INC	13.93	696.50
381	Y		Supra-Grip Elastic Bandage, 4"x5.5 yds., 10/pack	50	BX	HENRY SCHEIN	14.30	715.00
						MEDCO SUPPLY CO INC	17.23	861.50
382	Y		Supra-Grip Elastic Bandage, 6"x11 yds., 10/pack	50	BX	HENRY SCHEIN	45.36	2,268.00
						MEDCO SUPPLY CO INC	46.97	2,348.50
383	Y		Telfa Ouchless Non-adherent Dressings, 2"x3", 100/pack	50	PK	HENRY SCHEIN	9.33	466.50

The District solicited 233 suppliers and received 6 responses.

						MEDCO SUPPLY CO INC	9.88	494.00
384	NA		Telfa Ouchless Non-adherent Dressings, 32"x4", 100/pack	50	PK	MEDCO SUPPLY CO INC	NB	NB
385	Y		Telfa Ouchless Adhesive Pads, 2"x3", 100/pack	50	PK	HENRY SCHEIN	11.35	567.50
						MEDCO SUPPLY CO INC	12.89	644.50
386	Y		Telfa Ouchless Non-adherent Dressings, 3"x4", 100/pack	50	PK	HENRY SCHEIN	15.06	753.00
						MEDCO SUPPLY CO INC	15.95	797.50
387	Y		Tens 210, Tens 210T	7	EA	HENRY SCHEIN	33.49	234.43
						MEDCO SUPPLY CO INC	40.57	283.99
388	Y		Tenso-Wrap Super	7	EA	MEDCO SUPPLY CO INC	19.93	139.51
389	Y		The Grid, 13", black	7	EA	MEDCO SUPPLY CO INC	18.42	128.94
						HENRY SCHEIN	35.26	246.82
390	Y		The Grid, 13", orange	7	EA	MEDCO SUPPLY CO INC	18.42	128.94
						HENRY SCHEIN	35.26	246.82
391	Y		The Y Roller	7	EA	MEDCO SUPPLY CO INC	25.52	178.64
392	Y		Theraband CLX - Consecutive Loops, 4, Bulk, 25 yard	7	EA	SCHOOL HEALTH CORP	102.21	715.47
						MEDCO SUPPLY CO INC	105.67	739.69
393	Y		Theraband Extremity Strap	7	EA	MEDCO SUPPLY CO INC	10.73	75.11
						HENRY SCHEIN	13.85	96.95
394	Y		Theraband Kinesiology Tape, 2"x16.4', Black/Gray, roll	7	EA	MEDCO SUPPLY CO INC	7.76	54.32
						HENRY SCHEIN	9.24	64.68
395	Y		Theraband Kinesiology Tape, 2"x16.4', Beige/Beige, roll	7	EA	MEDCO SUPPLY CO INC	7.76	54.32
						HENRY SCHEIN	8.81	61.67
396	Y		Theraband Power Pump	7	EA	MEDCO SUPPLY CO INC	26.09	182.63
						HENRY SCHEIN	32.05	224.35
397	Y		Theraband Stability Trainer, Soft, blue	7	EA	MEDCO SUPPLY CO INC	26.15	183.05
						HENRY SCHEIN	31.07	217.49
398	Y		Theraband Stretch Strap	7	EA	MEDCO SUPPLY CO INC	14.24	99.68
						HENRY SCHEIN	15.11	105.77
399	Y		ThermaFlo Max Hydration Unit	14	EA	HENRY SCHEIN	1,104.15	15,458.10
						MEDCO SUPPLY CO INC	1,136.87	15,916.18
400	Y		ThumSaver CMC Short, Right Wrist, medium	7	EA	MEDCO SUPPLY CO INC	27.70	193.90
						HENRY SCHEIN	29.83	208.81
401	Y		ThumSaver CMC Short, Right Wrist, large	7	EA	MEDCO SUPPLY CO INC	27.70	193.90
						HENRY SCHEIN	29.83	208.81
402	Y		Toothsaver-EMT	14	EA	MEDCO SUPPLY CO INC	12.15	170.10
403	Y		TRX Suspension Trainer Pro Kit	7	EA	MEDCO SUPPLY CO INC	221.66	1,551.62
						HENRY SCHEIN	263.16	1,842.12
404	Y		Tulis Heel Cups, Pro Heel Cups, Large, pair	10	PR	MEDCO SUPPLY CO INC	4.71	47.10
						HENRY SCHEIN	5.42	54.20
405	Y		Tulis Heel Cups, Pro Heel Cups, Regular, pair	10	PR	MEDCO SUPPLY CO INC	4.71	47.10
						HENRY SCHEIN	5.42	54.20
406	Y		Tums Utra Strength, Assorted Fruit, 72s	10	BX	MEDCO SUPPLY CO INC	5.25	52.50
407	Y		Tuning Forks, 5 5/8", C512 no weights	7	EA	MEDCO SUPPLY CO INC	3.80	26.60
						HENRY SCHEIN	5.92	41.44
408	Y		Tweezerman Ingrown Toe Nail Clipper	7	EA	MEDCO SUPPLY CO INC	10.69	74.83
409	Y		U2 Universal Thumb Brace, 8", left	50	EA	MEDCO SUPPLY CO INC	8.75	437.50
						HENRY SCHEIN	13.91	695.50
410	Y		U2 Universal Thumb Brace, 8", right	50	EA	MEDCO SUPPLY CO INC	8.81	440.50
						HENRY SCHEIN	13.91	695.50
411	Y		U2 Universal Wrist Brace, left	50	EA	MEDCO SUPPLY CO INC	6.68	334.00
						HENRY SCHEIN	15.98	799.00
412	Y		U2 Universal Wrist Brace, right	50	EA	MEDCO SUPPLY CO INC	6.71	335.50
						HENRY SCHEIN	15.98	799.00
413	Y		Universal Arm Sling	7	EA	HENRY SCHEIN	4.70	32.90
						MEDCO SUPPLY CO INC	5.73	40.11
414	Y		Universal Knee Immobilizer 20" Long	8	EA	HENRY SCHEIN	14.64	117.12
						MEDCO SUPPLY CO INC	28.88	231.04
415	Y		Universal Knee Immobilizer 24" Long	8	EA	HENRY SCHEIN	16.77	134.16

The District solicited 233 suppliers and received 6 responses.

						MEDCO SUPPLY CO INC	30.31	242.48
416	Y		Vectra Genisys Therapy System with cart, 4 Channel Combo, with EMG	7	EA	HENRY SCHEIN	3,875.69	27,129.83
						MEDCO SUPPLY CO INC	4,328.47	30,299.29
						SCHOOL HEALTH CORP	4,511.39	31,579.73
417	Y		Venom Back	7	EA	HENRY SCHEIN	190.00	1,330.00
						MEDCO SUPPLY CO INC	249.00	1,743.00
418	Y		Venom Leg	7	EA	HENRY SCHEIN	190.00	1,330.00
						MEDCO SUPPLY CO INC	249.00	1,743.00
419	Y		Versa-O, Extra Heavy, purple	20	EA	MEDCO SUPPLY CO INC	4.15	83.00
420	Y		Vick's Dayquil Cold & Flu Liquicaps, 16/box, (Acetaminophen 650 mg. (Pain reliever/fever reducer) Dextromethorphan HBr 20 mg. (Cough suppressant) Phenylephrine HC 10 mg. (Nasal decongestant)	6	BX	MEDCO SUPPLY CO INC	7.63	45.78
						HENRY SCHEIN	8.51	51.06
421	Y		%Vick's Nyquil Cold and Flu Liquicaps, 16/box	7	BX	MEDCO SUPPLY CO INC	7.63	53.41
						HENRY SCHEIN	8.51	59.57
422	Y		Vortex Sports Wrap, with handle, 6/case	7	CS	MEDCO SUPPLY CO INC	37.85	264.95
423	Y		Water Bottle Rack	50	EA	MEDCO SUPPLY CO INC	125.29	6,264.50
424	Y		Water-Jet First Aid Sprays, Hydrogen Peroxide, 2 oz. pump	14	EA	MEDCO SUPPLY CO INC	1.70	23.80
						HENRY SCHEIN	2.76	38.64
425	Y		Waterboy 4 Stat Gravity Manifold	7	EA	HENRY SCHEIN	84.99	594.93
						MEDCO SUPPLY CO INC	92.21	645.47
426	Y		Waterboy Bottle Rack, capable of holding up to 25 bottles for drying or storage	7	EA	MEDCO SUPPLY CO INC	125.29	877.03
						SCHOOL HEALTH CORP	138.69	970.83
427	4NS	End user prefers exact unit that was requested.	Waterboy Horizontal Chiller System	7	EA	VARSITY BRANDS HOLDINGS CO INC	1,179.98	8,259.86
	Y					HENRY SCHEIN	1,687.50	11,812.50
						SCHOOL HEALTH CORP	1,901.11	13,307.77
						MEDCO SUPPLY CO INC	1,942.86	13,600.02
428	Y		Waterboy Sports Horizontal Manifold	7	EA	HENRY SCHEIN	188.87	1,322.09
						MEDCO SUPPLY CO INC	200.00	1,400.00
429	Y		Wedge Bolster, black	7	EA	MEDCO SUPPLY CO INC	75.96	531.72
						HENRY SCHEIN	113.15	792.05
430	Y		Wheelin Water Accessories, 21" Ice Funnel	7	EA	MEDCO SUPPLY CO INC	182.16	1,275.12
431	Y		Winner EVo CM4 4 Channel Combo Unit	7	EA	MEDCO SUPPLY CO INC	2,988.00	20,916.00
						SCHOOL HEALTH CORP	3,091.21	21,638.47
						HENRY SCHEIN	3,170.75	22,195.25
432	Y		Wipeplus Disinfecting Wipes, 80 wipes/pack	20	PK	MEDCO SUPPLY CO INC	12.95	259.00
433	Y		Xtra Pro Sport Fill Pak Module	14	EA	MEDCO SUPPLY CO INC	59.59	834.26

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Student Accident Insurance
One (1) Year with Four (4) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Mr. John King
Director of Risk Management

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for student accident insurance for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

Achieve Financial Group, LLC

The estimated total amount of the bid is not to exceed $262,597. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Student Accident Insurance** from the company or companies listed below provides the best value to the Garland Independent School District.

Achieve Financial Group, LLC

NOT TO EXCEED AMOUNT: **$ 262,597**

Procurement Method:	Request for Proposal
Contract Number:	357-21
Contract Term:	One (1) year with four (4) annual renewal options.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

John King
Director of Risk Management

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Rings, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: May 19, 2021

TO: Mark Booker, Executive Director of Purchasing

FROM: Nancy Nunez, Construction Bond Specialist

RE: Recommendation to Award RFP 357-21 Student Accident Insurance

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Action Required

New Award

Material/Service

Student Accident Insurance

Purpose

Student Accident Insurance which covers sports related injuries and other District related accidental injuries to students as excess above other available insurance. Included in the proposal was a quote for catastrophic accident insurance and a voluntary accident plan for students. Seven vendors responded to the RFP with nine (9) quotes for various levels of insurance at various prices.

Coverage selected: Achieve Financial Group is recommended for award as the top ranked firm with a quote for student accident, catastrophic, and voluntary accident managed by Monarch Management Corporation. Their quote for the base accident plan with a $25k limit is $249,414 and the catastrophic plan premium is $13,183. There is no additional charge to the District for the voluntary accident plan paid directly by the interested student.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$262,597- 199 General Fund

BID TABULATION
GARLAND INDEPENDENT SCHOOL DISTRICT

Auction Title: 357-21 STUDENT ACCIDENT INSURANCE

EVALUATION CRITERIA		The Brokerage Store Option # 1 Budget	The Brokerage Store Option # 2 Star Plan	CBIZ Benefits & Ins Services, Inc. (Borden Perlman - Hartford)	CBIZ Benefits & Ins Services, Inc. (Borden Perlman - AIG)	HSR, Inc./S Alderman Mgmt LLC--TX Student Resources Sarah Alderman	Texas Student Resources Kent Holbert	Student Insurance Plans	**Achieve Financial Group, LLC**	Gentry Financial Group
Parameters:	**Max Points**									
Proposed Price		$214,024	$249,799	$275,903	$264,743	$274,250	$251,459	$269,903	$262,597	$256,000
The purchase price;	40	40	34	31	32	31	34	32	33	33
The reputation of the vendor and of the vendor's goods or services;	10	10	10	10	10	10	10	10	10	10
The quality of the vendor's goods or services	10	10	10	10	10	10	10	10	10	10
The extent to which the goods or services meet the district's needs in comparison to other quotes.	30	15	30	10	10	25	25	30	30	10
The vendor's past relationship with the district; (must not exceed 3 points)	3	0	0	0	0	0	0	3	3	0
The total long-term cost to the district to acquire the vendor's goods and services;	7	7	7	7	7	7	7	7	7	7
Rank		**6**	**3**	**8**	**7**	**5**	**4**	**2**	**1**	**7**
Total Points	**100**	**82**	**91**	**68**	**69**	**83**	**86**	**92**	**93**	**70**

The District solicited 52 suppliers and received 7 responses.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Charter Transportation Services
One (1) Year with Two (2) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Mr. Mark A. Booker
Executive Director of Purchasing

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for charter transportation services for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

See Attached List.

The estimated total amount of the bid is not to exceed $2,000,000. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Charter Transportation Services** from the company or companies listed below that provides the best value to the Garland Independent School District.

See Attached List

NOT TO EXCEED AMOUNT: **$ 2,000,000**

Procurement Method:	Request for Proposal
Contract Number:	68-21
Contract Term:	One (1) year with two (2) annual renewal options.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: May 13, 2021

TO: Mark A. Booker, Executive Director of Purchasing

FROM: Diane Fields, Buyer

RE: Recommendation to Award RFP 68-21 Charter Transportation Services

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Action Required

New Award

Material/Service

Charter Transportation Services

Purpose

Provide transportation services Districtwide and all EPCNT participants who choose to participate.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$2,000,000 – 199 General Fund

RFP 68-21 Charter Transportation Services

Awarded Suppliers

A2Z Limos 4 U Inc.

Accent Johnston Limousine Inc.

Cowtown Bus Charters, Inc.

Echo Tours and Charter LP

Game Time Transportation, LLC

Lone Star Coaches, Inc.

Roadrunner Charters, Inc.

Simon Executive Car Service DBA ECS Transportation

Wynne Transportation Inc.

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Purchase of Laminating and Office Machines, Supplies and Service
One (1) Year with Four (4) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Mr. Mark A. Booker
Executive Director of Purchasing

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the bids for laminating and office machines, supplies and service for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be awarded as indicated below.

ACCO Brands USA LLC
Precision Business Machines

The estimated total amount of the bid is not to exceed $175,000. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Laminating and Office Machines, Supplies and Service** from the company or companies listed below provides the best value to the Garland Independent School District.

ACCO Brands USA LLC
Precision Business Machines

NOT TO EXCEED AMOUNT: **$ 175,000**

Procurement Method:	Cooperative Purchase Contract Buyboard
Contract Number:	269-21
Contract Term:	One (1) year with four (4) annual renewal options.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: May 13, 2021

TO: Mark A. Booker, Executive Director of Purchasing

FROM: Janet Curtis-Fuller, Buyer

RE: Recommendation to Award Contract 269-21 Laminating and Office Machines, Supplies and Service

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Action Required

New Award

Material/Service

Variety of office machines, supplies and service to include annual maintenance agreements and repair.

Purpose

District-wide use

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$175,000 – 199 General Fund

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Increase in Awarded Amount for Internal Audit Services
First of Four (4) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Mr. Mark A. Booker
Executive Director of Purchasing

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #3 – Board Relations
The superintendent maintains a positive and productive working relationship with the board of trustees and the community.

Superintendent Goal #5 – District Management
The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

Shown is the recommendation of the increase in awarded amount for internal audit services for the District, discussed in the June 15, 2021 Finance Committee Meeting. It is staff's recommendation that the bid be increased as indicated below.

Gibson Consulting Group, Inc.

Original Award Amount: (January 26, 2021)	$ 138,500
Increase Amount:	$ 137,600

The estimated total amount of the bid is not to exceed $276,100. Potential funding is indicated below.

General Fund (199)

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Internal Audit Services** from the company or companies listed below provides the best value to the Garland Independent School District.

Gibson Consulting Group, Inc.

ORIGINAL AMOUNT: **$138,500**
(January 26, 2021)

INCREASE AMOUNT: **$137,600**

NOT TO EXCEED AMOUNT: **$276,100**

Procurement Method:	Request for Qualifications
Contract Number:	318-19
Contract Term:	First of four (4) annual renewal options.
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

Garland Independent School District

DATE: June 2, 2021

TO: Mark A. Booker, Executive Director of Purchasing

FROM: Dr. Brent Ringo, Chief Financial Officer

RE: Recommendation to Increase Contract 318-19 Internal Audit Services

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Action Required

Increase

Material/Service

Provide internal audit services to the Garland Independent School District.

Purpose

Perform ongoing internal audit program management to include auditing the Student Information System/PEIMS and Family and Community Engagement programs management services for the school district.

Board Goal Objective

Not Applicable

Superintendent's Goal

Superintendent Goal #3 – Board Relations

The superintendent maintains a positive and productive working relationship with the board of trustees and the community.

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Recommended Amount

$137,600 – 199 General Fund

GIBSON

AN EDUCATION CONSULTING & RESEARCH GROUP

June 4, 2021

Ms. Linda Griffin
Board Internal Audit Advisory Group Chair
Garland Independent School District
Harris Hill Administration Building
501 South Jupiter Road
Garland, Texas 75042

Dear Ms. Griffin:

Gibson Consulting Group, Inc. (Gibson) appreciates the opportunity to present this cost proposal to provide internal audit services to the Garland Independent School District (Garland ISD) Board of Trustees in Fiscal Year 2022 under our existing contract. The requested services include the following:

- Student Information System (SIS) / PEIMS Audit
- Family and Community Engagement Audit
- Ongoing Internal Audit Program Management

The remainder of this letter outlines our understanding of the scope of work, our approach, and our time and fee estimates for each of the above services.

Requested Internal Audit Services

SIS / PEIMS Audit

The data submitted through the Public Education Information Management System (PEIMS) drives funding at the district- and program-level. Student attendance drives state funding, and other student sub-group counts drive categorical funding for many special programs. A Student Information System (SIS) is used to capture the data that is eventually submitted to PEIMS. The SIS is a complex system that should be configured and controlled to allow for efficient and accurate processing of student data. School districts benefit from internal audits of PEIMS and SIS for the following primary reasons:

- The responsibility for entering PEIMS data into the SIS involves numerous positions across campuses and central departments. This increases the likelihood of process breakdowns and inconsistencies.
- The rules governing the capturing and reporting of student information are complex. Texas school districts must comply with a myriad of regulatory and procedural guidance documents developed by the Texas Education Agency (TEA), including detailed attendance reporting requirements and student account coding specifications.

- Other than periodic audits that may be conducted by TEA, there are generally few external compensating controls to ensure data accuracy and process compliance. This notwithstanding, the superintendent must sign his or her name to PEIMS submissions, attesting to the accuracy of the information.

The scope of this internal audit project is to assess the existence and adequacy of controls, processes, and procedures in place within the SIS and selected PEIMS functions to ensure that data generated by both functions are accurate and compliant with state standards set by the Texas Education Agency (TEA). We will use documents published by TEA, such as the Student Attendance Accounting Handbook (SAAH), the Texas State Data System (TSDS) PEIMS Data Standards, and relevant PEIMS coding tables, as guidelines and references for minimum requirements the District must meet.

SIS Audit

For the SIS audit, we will review the computer system controls and system access levels so that the right people have access to the right information. We will also review data integration processes with key third-party Districtwide systems to ensure that data exchange among systems are accurate and data are protected at all times.

We will also analyze information systems to ensure that student data is secure and routinely backed up, that student information system access is properly controlled through authorized security levels and passwords; that student data entry has proper screen and field controls to improve data reliability; that student data are validated through system and reasonableness testing; and that a disaster recovery plan has been established, documented, and tested.

In doing so, we will answer the following questions:

- Are the District's policies regarding the collection and reporting of student information aligned with applicable federal and state laws and regulations?
- Have adequate internal controls, processes, and procedures been established for collecting, maintaining, monitoring, validating, and reporting student information?
- Are periodic reports, including submissions to TEA through PEIMS, reliable and adequately supported by documentation?
- Are key District employees involved in the collection and reporting of student information knowledgeable regarding state rules and regulations, and does the District provide adequate and timely training to these employees?
- Have prior reviews of student information management systems been conducted, and, if so, have any noted deficiencies been corrected?
- Are adequate internal controls in place, including access controls over student information system used to manage student data?

PEIMS Audit

The PEIMS audit will evaluate data entry and processing practices and test the accuracy of reported data through sampling, as well as testing the implementation status of our recommendations from the previous PEIMS limited-scope audit. We will audit the following major PEIMS processes: attendance, leavers, and special program reporting, and college, career, and military readiness indicators. Each of these are discussed in more detail below.

Attendance

Attendance is one of the most critical data elements reported through PEIMS because it significantly affects district funding. Our attendance audit will include interviews with PEIMS staff and focus group interviews with attendance clerks from elementary and secondary campuses. These meetings will reveal not only the training level of staff and their familiarity with attendance accounting rules contained in the Student Attendance Accounting Handbook (SAAH), but will also allow us to capture the processes through which staff collect attendance data. Interviews and focus group discussions with staff from multiple campuses gives us the ability to assess attendance data collection process consistency across the District. In addition to the typical attendance data collection process, we will also review and audit the first day of school attendance and substitute teacher attendance processes. Audit testing and data analyses will be performed to test the accuracy and completeness of attendance data reported by the District to the State.

Assuming the District's student information system can generate the necessary data, we will perform detail analyses of daily attendance by school. It is important to note that in school year 2020-21, TEA added remote synchronous and asynchronous attendance taking. Additionally, TEA substantially changed attendance taking requirements and provided hold harmless clauses for districts, so they cannot be penalized for the changing instructional environment due to the COVID-19 pandemic. Since TEA anticipates school districts will go back to more traditional in-person attendance taking in 2021-22, we propose conducting this audit in Spring 2022, allowing us to perform attendance data analysis with the first 5 months of the 2021-22 school year.

Leavers

TEA, through the SAAH, requires a district to transfer student records through the Texas Records Exchange (TREx) within ten working days of the student leaving the district. PEIMS Data Standards Appendix D outlines documentation that must be maintained for leavers. We will review the District's processes for capturing and reporting leavers across various campuses through interviews and focus groups with involved individuals. Audit testing will be performed on leaver data by selecting exiting student files and comparing their leaver codes to their supporting documentation. This will provide evidence that proper documentation is maintained and that the correct leaver code is assigned.

Special Programs

We will review the PEIMS coding for Special Education, Gifted and Talented, English Language Learners (ELL), At-Risk, and Career and Technical Education areas, and will perform follow-up procedures in the areas with exceptions.

Students who are receiving other special programs and services must be coded properly to ensure that the district is receiving the appropriate state categorical funding. The SAAH details the exact eligibility and coding requirements for students receiving Pre-Kindergarten (Pre-K), pregnancy related services (PRS), homeless services, and dual credit.

We will interview PEIMS staff to document their understanding of how the student coding processes for each population (Pre-K, PRS, homeless, dual credit) work centrally and at the campus level. We will also interview campus and department level staff involved with the student coding to document the coding processes. Our interview with campus personnel will include individuals from a sample of campuses, thereby giving us an ability to assess cross-campus coding process consistency.

We will perform audit testing of each population, selecting a sample of students and obtaining evidence, as required by the SAAH, supporting the applied codes. Audit testing for each population will vary in time and effort requirements, as the sample sizes will likely differ across the testing populations.

College, Career, and Military Readiness

In recent years, the State of Texas has emphasized the importance of students being ready for college, a career, or the military after graduation. Indicators were created in the accountability system to measure a district's success in post-secondary readiness/College, Career, and Military Readiness (CCMR). CCMR indicators account for 40 percent of a high school's "Student Achievement" domain, which is one of three domains within the Texas A-F accountability system. The TEA Accountability Manual details the data sources, definitions, and calculations for each CCMR indicator. Data accuracy and integrity within these indicators is important for district leaders, so they can monitor a campus' achievement in CCMR and so that State can apply an accurate accountability rating.

We will interview PEIMS staff to document their understanding of how data is generated for each CCMR indicator, including what student coding decisions are required and which positions are involved centrally and at the campus level. We will also interview campus and department level staff involved with the CCMR indicator data to document the student coding processes, allowing us to evaluate the implementation fidelity across campuses.

Finally, we will perform audit testing of CCMR indicators, selecting a sample of students and obtaining evidence supporting the applied codes. We will prioritize specific CCMR indicators in our audit testing based on assessed risk.

The final SIS / PEIMS report will include "as-is" process maps of current processes, as well as "to-be" maps in the event process improvements and related training are needed. The results of data validation audit tests be presented, along with any data analytics that demonstrate process and/or data integrity issues. If the audit contains any findings that put funding levels at risk, we will work with Garland ISD to estimate the potential fiscal impact.

Family and Community Engagement Audit

The Department of Family and Community Engagement falls under Student Services at Garland ISD. This Department strives to create a variety of partnerships, including families, colleges, businesses, and

community organizations that establish avenues to vault student success. The audit of Family and Community Engagement will address the following questions:

- Does the Family and Community Engagement function have measurable objectives and documented plans to achieve them?
- Does the Family and Community Engagement Department comply with applicable Garland ISD Board policies?
- Is the Family and Community Engagement Department adequately staffed and properly organized?
- Does the Family and Community Engagement function effectively use technology to facilitate efficient communications and management?
- Does the Family and Community Engagement Department generate clear and timely communication to external stakeholders?
- What are the Department's preferred methods of communication with external stakeholders (e.g., publications, social media) and how effective are they?
- How does Garland ISD elicit feedback from its outside stakeholders, and how does it incorporate this input into District decision-making?
- How effective is Family and Community Engagement in reaching all families, regardless of their geographic location, economic status, and ethnicity?
- How does family and community stakeholder participation vary across schools, and what factors might be contributing to this?
- What barriers, if any, prohibit or constrain effective communication between Garland ISD stakeholders and the campuses/District?

In addition to the basic audit tasks described in a subsequent section of this cost proposal, Gibson will conduct a family and community survey. This survey will seek to understand stakeholder perceptions of Garland ISD effectiveness in engaging the community to improve student achievement at and beyond Garland ISD. The survey will be administered by the audit team using *Qualtrics*, a sophisticated online survey application that supports robust survey analytics and tools to increase participation.

Gibson will also conduct five stakeholder focus groups to gather more detailed information and perceptions regarding the District's efforts to seek, collect, and incorporate stakeholder input and involvement into District plans and actions.

The audit report will assess the Department's effectiveness, efficiency, and compliance in connecting – and incorporating input from – its wide range of family and stakeholder support.

Internal Audit Program Management

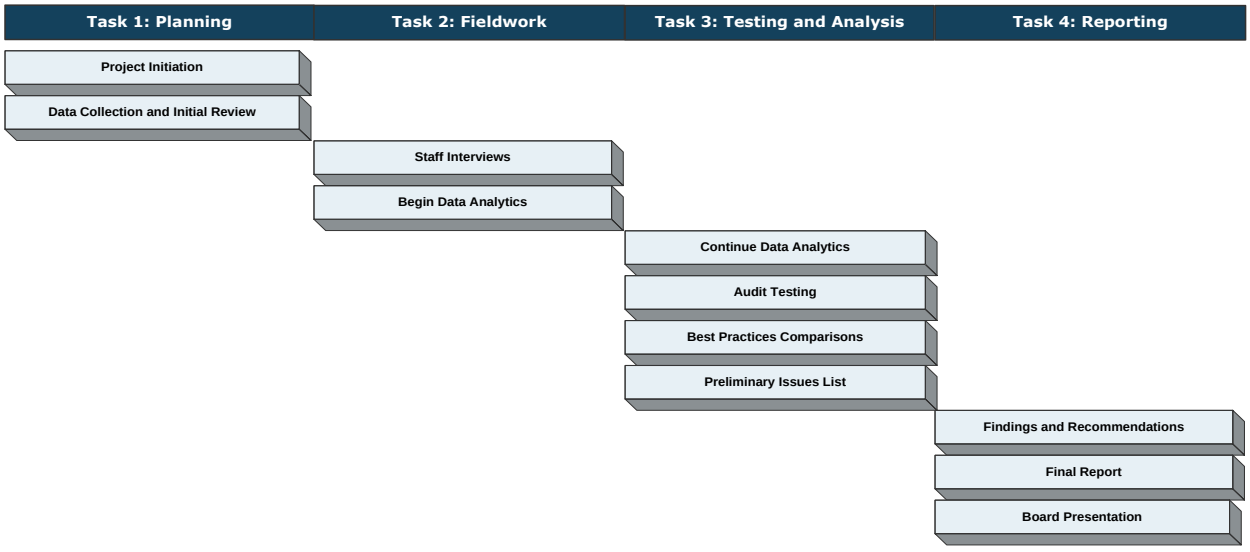
Gibson will provide ongoing internal audit program management services in Fiscal Year 2022 that will include the following:

- Monthly program-level progress reports that will incorporate progress of work on all audits, present any outstanding issues to be addressed by Gibson or Garland ISD, and identify needs for upcoming Board Internal Audit Advisory Group or Board meetings;
- Program-level communications with the Board Internal Audit Advisory Group and the Garland ISD administration;
- Documentation and update of internal audit procedures;
- Development, maintenance, and monitoring of an internal audit (recommendation) implementation dashboard;
- Preparation for and participation in monthly Board Internal Audit Advisory Group meetings; and,
- Audit planning activities for the subsequent fiscal year.

Audit Approach

Each of the above audits follows a similar sequence of activities. These tasks are presented in Figure 1 and discussed in greater depth below.

Figure 1. Audit Project Overview



Task 1: Planning

For each audit, we will conduct a project orientation meeting with the Garland ISD audit liaison to discuss the scope and objectives of the audit and to finalize the schedule.

We will provide a data request to the District for each audit, and will use the project orientation meeting to answer any questions regarding the request. Some of this information may be available through the District's website, the TEA website, or another third-party source. We expect that it will take up to two weeks for Garland ISD to provide all of the requested data for each audit, and we will begin analyzing the data as soon as it becomes available, in order to prepare for the fieldwork. In some cases, the data requested may include read-only access to relevant information systems. We will use this access to analyze the entire population of data that is subject to audit, and to make selections for testing, if applicable. We typically need to request additional data for each test item selected.

Task 2: Fieldwork

The purpose of the fieldwork is to gain a deeper understanding of the operations, programs, and processes being audited. Fieldwork typically involves conducting interviews, focus groups, and visiting schools (as applicable), to meet with administrators and support staff involved in the audit areas. During the field work, we may request additional data and we may need to contact Garland ISD staff for follow-up questions.

Task 3: Testing and Analysis

This task includes the analysis and corroboration of information obtained through the initial and supplemental data requests, interviews, observations, focus groups, and any applicable transaction testing. Our analyses will include trend analysis, peer analysis, and comparison to any applicable industry standards, as well as organizational analysis and process analysis.

Transaction testing will focus on a subset of the transactional data population. During testing, Gibson will corroborate each aspect of the transaction selected through the review of all documentation retained for the transaction. We will base the selection of samples for testing on experienced auditor judgment, the volume of transactions, and on information obtained during fieldwork.

Task 4: Reporting

We will use the results of our analysis and transaction testing to form the basis for possible audit findings and recommendations, recognizing any best practices in place as well as identifying opportunities for improvement. For each audit, we will develop a draft audit report that contains an executive summary, a description of the project objectives and scope, descriptions of District practices, as well as findings and recommendations to improve the procedures, controls, efficiency, and effectiveness of the audit area.

We will submit separate draft reports for each audited area to the District, in order to ensure that there are no factual misrepresentations. Upon receiving a single, consolidated set of comments from the District, we will make appropriate modifications and present the results to the Board Internal Audit Advisory Group. We will also be available, as requested, to make a presentation of the report to the Garland ISD Board of Trustees.

Timing and Fee Estimates

The PEIMS / SIS audit will require six (6) to seven (7) months to complete depending on the availability of electronic data. The Family and Community Engagement Audit will require five (5) to six (6) months to

complete depending on the length of the survey administration. The recurring internal audit program management activities will occur throughout the fiscal year.

We have based the estimates of fees for these services on our understanding of the objectives of each audit, as well as our familiarity with the systems and processes in place at Garland ISD as a result of our previous work with the District.

The table below shows the estimated budget necessary to complete each audit. We have based our professional fees on an average hourly rate of auditors/consultants completing the work on each audit (rates by project role are included below). If during the audit unforeseen problems arise that require us to devote additional hours, we will work with Garland ISD to supplement this engagement as needed. No additional fees will be charged unless agreed to in writing, in advance, by the Board Internal Audit Advisory Group.

In addition to the cost estimates for audit projects requested, the Internal Audit Advisory Group requested that a contingency amount be included in the event unanticipated audit needs arise during the fiscal year.

Estimated Project Budgets by Audit

Project Area	Billing Approach	Estimated Budget
Audit Projects		
PEIMS / SIS	Fixed Fee	$152,605
Family and Community Engagement	Fixed Fee	$53,457
Other Services and Requests		
Ongoing Program Management	Hourly, subject to cap	$20,000
Contingency for Additional Audits	TBD	$50,000
Contract Maximum		**$276,062**

Internal audit services are provided by Gibson under a long-term agreement with the Texas Association of School Boards (TASB). Gibson is TASB's sole Affinity Partner for internal audit services. In accordance with our agreement with TASB, Gibson's professional fees for internal audit services are discounted for TASB members by 10 percent. The following summary table shows our discounted hourly rates for each project role for Fiscal Year 2022.

Project Role	Hourly Rate
Director	$225
Senior Auditor / Consultant	$200
Auditor / Consultant	$175
Project Manager	$175
Professional Support	$130
Subcontractors	At Cost

The sum of fixed fee projects ($206,062) will be billed evenly from July 2021 through June 2022, or approximately $17,172 per month. Invoices for recurring program management fees will be submitted monthly based on hours incurred, up to the cap of $20,000. Payment of invoices is due within 30 days of your receipt and will be made directly to Gibson.

* * * * *

We look forward to continuing our work with the Garland ISD Board Internal Audit Advisory Group as your internal auditors and advisors. Gibson will devote its best efforts to the work to be performed under these assignments, and any findings, recommendations, or other written materials will represent our best professional judgment based on the information made available to us.

If you are in agreement with the terms of this cost proposal, please sign in the space provided below and return to us. If you have specific questions, or require additional information, please contact me at (512) 328-0885.

Sincerely,

Greg Gibson, President
Gibson Consulting Group, Inc.

Accepted by Garland ISD:

_____ _____

Signature Date

_____

Title

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Increase Amount and to Extend Contract of the Recommended Contractor for Facilities Condition Assessment, Educational Adequacy Assessment, and Long-Range Capital Planning
One (1) Year with Additional Renewal Option

Agenda Section: Action Item

Administrator Responsible: Mr. Paul Gonzales
Executive Director of Facilities and Maintenance

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

On March 26, 2019, the Board approved the Facilities Condition Assessment, Educational Adequacy Assessment, and Long-Range Capital Planning for the District where the bid was awarded to PBK Architects, Inc. To meet the needs of the district, it is staff's recommendation that the agreement be extended for one (1) year with additional renewal option.

Original Project Amount: (March 26, 2019)	$980,000
Increase Amount (Contingency):	$ 74,000

The estimated total amount is not to exceed $1,054,000. Potential funding is indicated below.

General Fund (199)

This agenda item was presented at the Facilities Committee and Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Facilities Condition Assessment, Educational Adequacy Assessment, and Long-Range Capital Planning** from the company or companies listed below provides the best value to the Garland Independent School District.

PBK Architects, Inc.

ORIGINAL PROJECT AMOUNT: **$980,000**
(March 26, 2019)

INCREASE AMOUNT (CONTINGENCY): **$74,000**

NOT TO EXCEED AMOUNT: **$1,054,000**

Procurement Method:	Request for Qualifications
Contract Number:	361-19-01
Contract Term:	One (1) year with Additional Renewal Option
Potential Funding Source:	(199 General Fund)

Mark A. Booker
Executive Director of Purchasing

Paul Gonzales
Executive Director of
Facilities and Maintenance

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

MEMORANDUM

DATE: May 18, 2021

TO: Mark Booker, Executive Director of Purchasing

FROM: Paul Gonzales, Executive Director of Facilities and Maintenance

RE: Consider Approval of Increase Amount and to Extend Contract of the Recommended Contractor for Facilities Condition Assessment, Educational Adequacy Assessment, and Long-Range Capital Planning

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On March 26, 2019, the Board approved Contract #361-19-01 Facilities Condition Assessment, Educational Adequacy Assessment, and Long-range Capital Planning for the District where the bid was awarded to PBK Architects, Inc.

To meet the needs of the district, I concur that the agreement be extended for one (1) year with additional renewal option. I am also in agreement with the yearly increase amount (contingency) of $74,000 for an estimated total amount not to exceed $1,054,000.

cc: Javier Fernandez

Garland Independent School District
Board of Trustees

Date of Meeting: June 22, 2021

Agenda Item: Consider Approval of Increase Amount for Job Order Contracting
Two (2) Years with Three (3) Annual Renewal Options

Agenda Section: Action Item

Administrator Responsible: Mr. Paul Gonzales
Executive Director of Facilities and Maintenance

Board Goal Objective:

Not Applicable.

Superintendent's Goal:

Superintendent Goal #5 – District Management

The superintendent demonstrates effective planning and management of the district administration, finances, operations, and personnel.

Summary/Background Information:

On September 19, 2017, the Board approved for the purchase of Job Order Contracting services for General Maintenance and Capital Improvement Projects. In order to meet the needs of the district, it is staff's recommendation that the amount be increased as indicated below.

Original Amount (per year): (September 19, 2017)	$1,000,000
Increase Amount (per year):	$1,000,000

The estimated total amount is not to exceed $2,000,000 (per year). The potential funding is indicated below.

General Fund (199) – 33.4%
Local Portion of Bond Projects (654) – 33.3%
2014 Bond Authorization (681) – 33.3%

This agenda item was presented at the Facilities Committee and Finance Committee for review on June 15, 2021.

Administrative Recommendations:

Provided for your consideration.

ADMINISTRATION RECOMMENDATION
FOR BOARD OF TRUSTEES APPROVAL

RECOMMENDATION:
It is the administration's recommendation that the offer(s) for **Job Order Contracting** from the company or companies listed below provides the best value to the Garland Independent School District.

Job Order Contractors:
Mart, Inc. General Contractors
Gilbert May, Inc. dba Phillips/May Corporation
The Trevino Group
SDB Contracting Services

ORIGINAL AMOUNT (per year): **$1,000,000**
(September 19, 2017)

INCREASE AMOUNT (per year): **$1,000,000**

NOT TO EXCEED AMOUNT (per year): **$2,000,000**

Procurement Method:	Cooperative Purchase Contract EPCNT – Irving ISD FRCSP #17-35-914
Contract Number:	399-17JOC
Contract Term:	Two (2) years with three (3) annual renewal options.
Potential Funding Source:	(199 General Fund) 33.4% (654 Local Portion of Bond Projects) 33.3% (681 Bond Series 2014) 33.3%

Mark A. Booker
Executive Director of Purchasing

Paul Gonzales
Executive Director of
Facilities and Maintenance

Attest:

I have examined the information provided by staff in recommending the award above.

Brent Ringo, Ed.D.
Chief Financial Officer

Document Submitted to the Board of Trustees on June 22, 2021

MEMORANDUM

DATE: May 18, 2021

TO: Mark Booker, Executive Director of Purchasing

FROM: Paul Gonzales, Executive Director of Facilities and Maintenance

RE: Consider Approval of Increase Amount for Job Order Contracting

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On September 19, 2017, the Board approved Contract #399-17JOC for the purchase of Job Order Contracting services for General Maintenance and Capital Improvement Projects.

To meet the needs of the district, I am in agreement with the yearly increase amount of $1,000,000 for an estimated total amount not to exceed $2,000,000 (per year).

cc: Jimmy Beach
Javier Fernandez