WACO INDEPENDENT SCHOOL DISTRICT
REGULAR MEETING

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

Thursday, July 27, 2023 - 6:00 PM

A Regular Meeting of the Board of Trustees of Waco Independent School District will be held July 27, 2023, beginning at 6:00 PM in the WISD Conference Center, 115 S 5th Street, Waco, Texas.

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

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

AGENDA

1. **Call to Order**
2. **Public Comments on Agenda Items**
3. **Moment of Silence and Pledge of Allegiance**
4. **Special Recognitions**
   - 4.A. Pledge Leaders
   - 4.B. Educators Rising National Competition Award Winners
   - 4.C. UIL Texas State Solo-Ensemble Contest Award Winners
   - 4.D. International Thespian Excellence Awards
   - 4.E. Texas School District Police Chiefs Association Regional Director
   - 4.F. ESC 12 Bilingual/ESL BESA Award Winners
   - 4.G. Community Partner Award
5. **Superintendent's Report**
   - 5.A. Family Fest, August 5, 2023
   - 5.B. Back-to-School Employee Convocation
   - 5.C. G.W. Carver Move-In
6. **Information Items/Reports**
   - 6.A. Monthly Financial Reports for the Period Ended June 30, 2023
   - 6.B. SHAC Review
7. **Consent Agenda: Consider and Take Appropriate Action**
   - 7.A. Amendments to the 2022-2023 Budget
   - 7.B. Bid Award for Athletic Supplies, Equipment, and Repairs
   - 7.C. Bid Award for Child Nutrition Services Kitchen Equipment
   - 7.D. Bid Award for Educational Consultants, Professional Development, and Other Student-Based Contracted Services

7.E. Purchases in Excess of $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
7.F. Second Reading of Board Policy Update 121
7.G. Second Reading of Board Policy DH (LOCAL)
7.H. Adult Meal Pricing Increase for the 2023-2024 School Year
7.I. Amendment to the Interlocal Agreement between the McLennan County Juvenile Probation Department and Waco ISD for Child Nutrition Services for the 2023-2024 School Year
7.J. Cost Share Agreement between Waco ISD and Communities-in-Schools of the Heart of Texas
7.K. Inter-Local Agreement with the Texas Department of Information Resources for Shared Technology Systems
7.L. Memorandum of Understanding between the Waco Independent School District and Partner Independent School Districts and Tuition and Building Fee Rates for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2023-2024 School Year
7.M. Renewal of Interlocal Participation Agreement with the Texas Association of School Boards (TASB) Risk Management Fund for Property, Auto Liability and Physical Damage, School Liability Insurance, and Workers' Compensation Coverage
7.N. Hiring of an Employee Related to a Current Administrator
7.O. Board of Trustees Meeting Minutes
7.O.1. Regular Meeting - June 29, 2023

8. **Review and Discuss Kendrick and South Waco Elementary Schools Design Development Update**
Presenter: Gloria Barrera
9. **Review, Discuss, and Take Appropriate Action Regarding the 2023-2024 Compensation Plan**
Presenter: Dr. Daniel Lopez
10. **Review, Discuss and Take Appropriate Action Regarding the Superintendent's Salary**
Presenter: President Stephanie Korteweg
11. **Review and Discuss Dual Language Program Update**
Presenter: Grace Benson, Director of Bilingual & ESL Education
12. **Review and Discuss House Bill 3 Implications**
Presenter: Elizabeth Cox and Chief David Williams
13. **Announcements**
14. **Consideration of Personnel**
14.A. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
14.B. Hear a Complaint or Charge Against an Officer or Employee
15. **Adjournment**

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: Alice Jauregui

RE: Special Recognitions

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Background Information:

Pledge Leaders

Each month, one campus selects two students to lead the Pledge of Allegiance at the regular business meeting of the Waco ISD Board of Trustees. For the month of July, Dartanian Rollins and Krystal Romero from Brook Avenue Elementary were selected for this honor.

Educators Rising National Competition Award Winners

Waco ISD's Future Educators Academy claimed national honors with the team of University High School students Nahyeli Villa, Kentavia Dotson-Duffey, and Isela Martinez placing third in the "Inside Our Schools Presentation" category at the Educators Rising National Competition. Held in Orlando, Florida, June 29-July 2, this national competition involves students showcasing an innovative strategy that their school or district is using to enhance teaching and learning.

Competing against 52 other teams from across the country, the Waco ISD trio produced a video to showcase the district's implementation of a "Grow Your Own" teacher program which starts with the Future Educators Academy.

Entering its second year of implementation in Waco ISD, the Academy addresses a critical career and technical education pathway for developing and retaining a diverse teacher workforce that supports student success. Students in the academy have the opportunity to earn an associate's degree upon graduation from high school and transition directly into a two-year Bachelor's degree program to achieve their teaching certificate thanks to partnerships with McLennan Community College, Tarleton University and Texas Tech University.

The academy is off to a strong start with 46 students participating in the first year, and a total 79 students enrolled for the upcoming school year.

UIL Texas State Solo-Ensemble Contest Award Winners

All solos and ensembles that received a Division 1 rating on a Class 1 selection at the region solo and small ensemble contest during the current school year were eligible to enter the Texas State Solo-Ensemble Contest (TSSEC). The contest was held on Saturday, May 27, and Monday, May 29, at multiple sites in the Austin area.

The district is pleased to share that many of our talented students won gold and silver awards at the contest. The winners are as follows:

University High School

Gold Award
Vocal Solo
Serenitee Roberson and Thomas Vidaña

Steel Band Ensemble
Jaylon Alley, Nicholas Ashby, Mario Chavez, A'monte Chopp, Oscar Duran, Adrian Gutierrez, Ivy Gutierrez, Archie Hatten, V., Gavin Lewis, Casia Murphy-Donald, David Perez Zamago, Chayse Rhynes, Maxie Rodarte, Jesse Rodriguez, William Ruby, Yuridia Salazar, Alyvia Sardaneta, Angelo Sardaneta, Mirella Torres, and Ablino Vazquez

Silver Award
Vocal Solo
Da'Nashja Bellamy, Levi Dubois, Daneida Hernandez, Oliver Houston, Vania Palacios, Jose Perez, Hazzel Solis, and Naula White

Saxophone Quartet
Jacob Dunn, Jose Garcia, Archie Hatten, V., and Emmanuel Olguin

Multiple Percussion Solo
Nicholas Ashby

Waco High School

Gold Award
Vocal Solo
Claire Prather

Silver Award
Vocal Solo
Jaysen Carter, Aundraya Jacobs-London, and Adam Perez

Saxophone Quartet
Adelyn Gutierrez, Rayen Montanez, Jorge Nunez, and Brandon Vega

Brass Sextet

Juan Camacho, Devin Cook, Thomas Hannigan, Uriel Ramos, Mauricio Rivera, and Emma Wirth

International Thespian Excellence Awards

This summer, the University High School Thespian Troupe 1212 and the Waco High School Troupe 2542 traveled to Bloomington, Indiana for the International Thespian Festival. The festival offers opportunities for students to attend workshops from industry professionals, network with colleges and other students around the world, and the opportunity to compete in the International Thespian Excellence Awards (Thespys®). To compete in the International Thespian Festival, students must first qualify at their state chapter level. Students are ranked on their pieces from fair (below standard), good (near standard), excellent (meets standard), and superior (exceeds standard).

The following students scored overall superior ratings:

University High School

Avion Anderson - Monologue

Waco High School

Dani Sanders - Monologue

The following students scored overall excellent ratings:

University High School

Tay'rel Thompson - Monologue

Jimesha Pringle - Monologue

Jordyn Ward - Monologue

Daisy Barco - Stage Management

Waco High School

Vianey Ramos and Dedra Brinkley - Duet Acting

Lily Howell and Lydia Allen - Duet Acting

Helen Goodman - Solo Musical

Sarah Townsend - Solo Musical

Andrew Eggers - Solo Musical

Naomi Hammond - Solo Musical

Antonio Laws - Solo Musical

Sarah Townsend, Vianey Ramos, Andrew Eggers, Lily Howell, Naomi Hammond - Group Musical

De'Asia Lee - Stage Management

Lily Howell - Scenic Design

The following students scored overall good ratings:

Will Prather and Luke Townsend - Duet Musical

Texas School District Police Chiefs' Association Regional Director

The Texas School District Police Chiefs' Association began in 1996 when a group of school district police chiefs from Houston and the surrounding area held a luncheon for the purpose of discussing mutual concerns and sharing ideas.

The chiefs continued to have quarterly meetings, on an informal basis, until the decision was made in 1997 to form the Southeast Texas School District Police Chiefs Association.

In 2001, the group voted to change the name to the Texas School District Police Chiefs' Association in order to promote the standardization of school district policing on a statewide basis.

There are 20 geographical regions organized according to the Texas Education Agency's Regional Education Service Centers. Each region is represented by one or more Regional Director(s) elected by the membership or appointed by the Executive Board of Directors for a 2-year term.

The duties are to assist the president with the overall operation of their respective region and to chair the committees that are deemed necessary to conduct regional business; to recruit new members for the association; and, to assist whenever needed in the mechanical functions of the Annual Meeting-Training Conference, including preplanning.

Chief David Williams has been appointed as regional director to represent region 12. This region includes the counties of Bell, Bosque, Burnet, Coryell, Falls, Freestone, Hamilton, Hill, Lampasas, Limestone, McLennan, Mills and Navarro.

ESC 12 Bilingual/ESL BESA Award Winners

Across Region 12, which spans 12 area counties, bilingual and English as a second language (ESL) teachers are spread thin, sometimes filling multiple roles and/or serving as a school's sole bilingual or ESL teacher. In May, the Education Service Center Region (ESC) 12 hosted the first annual Bilingual ESL Support Awards Ceremony (BESA) to recognize teachers from a group at the top of the Texas Teacher Shortage Areas since 1990: bilingual and English as a second language teachers.

Bilingual classes are for students who speak English and at least one other language, and ESL classes are for students who don't speak English fluently. According to the Texas Education Agency (TEA), 19,238 students, or 11% of all students in Region 12 are classified as Emergent Bilingual.

Award categories include peer nominations for the TEA's Title III Symposium, team awards and individual awards. The BESA banquet recognized all Region 12 nominees to celebrate their accomplishments at a local level.

BESA Award Recipients:

2022-2023 Leader of the Year and 2022-2023 Title III Influencer	Grace Benson
2022-2023 Bilingual Teacher of the Year and 2022-2023 Title III Influencer	Krisol Villa Flores
2022-2023 Title III Influencer	Maria Antonio

Community Partner Award

Each month, Waco ISD recognizes a community partner making a difference for students with the Waco ISD Award for Outstanding Community Partners. The recognition celebrates the theme for the 2022-2023 school year "Lead from the Heart" and acknowledges the impact that our community partners make in the lives of our students and staff.

In July, the district is recognizing Hispanic Leaders' Network (HLN) a group of passionate leaders who are deeply vested in supporting current and future leaders in the Greater Waco community.

HLN's vision is to develop and empower current and future leaders to make a difference in the community and their mission is to provide personal, cultural, and professional opportunities to inspire Hispanic leaders to serve and make a positive impact.

HLN’s Navegando Mentorship Program is a bilingual mentorship program that connects predominantly Spanish speaking students from Waco High and University High schools with local bilingual community leaders who serve as mentors. These mentors are passionate about empowering the next generation. They visit the campuses to support, engage and inspire these students. The program fills a crucial gap by reaching out to students who might not otherwise be selected for leadership type programs, due to the language barrier they face.

The primary objective of the Navegando Mentorship program is to inspire and encourage participating students to successfully complete high school and pursue higher education. By fostering a supportive environment, HLN’s Navegando Mentorship Program aims to empower these students to ultimately embark on professional careers that allow them to serve and give back to our community.

On May 15, 2023, the Hispanic Leaders' Network's Navegando Mentorship Program took 70 students from Waco ISD's University High and Waco High schools to tour Baylor University for a tour and presentation that was provided in Spanish.

HLN’s Cultural and Community Engagement program has also partnered with University High School’s Culinary and Art students who showcased their talent and Hispanic culture at HLN's Las Posadas and Best Tamale in Town contest last fall.

Fiscal Implications:
None

Administration Recommendations:
For discussion only

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: Sheryl Davis

RE: Monthly Financial Reports for the Period Ended June 30, 2023

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Background Information:

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

General Fund
Food Service Fund
Debt Service Fund
Internal Services Fund

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

Fiscal Implications:

None.

Administrative Recommendations:

The Administration recommends that the Board of Trustees accept the monthly financial reports for the period ended June 30, 2023, as presented.

Waco Independent School District
Business & Support Services

Sheryl Davis
Chief Finance Officer

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

July 20, 2023

Board of Trustees
Waco Independent School District
Waco, Texas

The accompanying balance sheets, statements of revenues, expenditures and changes in fund balance, and encumbrances and expenditures by fund, function and object for the month ending June 30, 2023 have been compiled for the General Fund, Food Service Fund, Debt Service Fund, and Internal Services Fund. Final cash reconciliation procedures and financial audit activities may result in additional adjustments to the June financial statements. These preliminary financial reports are prepared utilizing the following assumptions:

Revenue:	Recorded on a cash basis with adjustments to accrual basis made at August 31, 2023.
Expenditure:	Totals on the "Statement of Revenues, Expenditures and Changes in Fund Balance" include expenditures occurring during the interim period reported. Balances will be adjusted to accrual basis at August 31, 2023. Outstanding encumbrances are included on the "Encumbrances and Expenditures by Fund, Function, and Object" schedule, only.
Beginning Fund Balance:	Represents August 31, 2022 audited ending fund balance.

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

Sheryl Davis
Chief Finance Officer

Comparison of Fiscal Year 2022-2023 Revenues and Expenditures to Previous Fiscal Year as of June 30, 2023

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

General Fund

Revenues:

5710 Local Property Taxes – Collections as of the end of June have increased $11,017,211 over last year. However, as a percent of estimated revenue, lag last year's by approximately 3.0%. This difference in collections as a percent of budget results from cumulative value adjustments in the current year compared to last year. This year, we have experienced a cumulative decrease in values of $65 million compared to an increase last year in values of $259 million. At this point, we are projecting a loss in property tax revenue of $2.8 million from budgeted estimates.

5740 Other Local Revenue – Revenues have decreased $6.9 million from last year. This is primarily attributable to the expiration of the District's participation in the Tax Increment Fund which decreased both revenues and expenditures (shown in function 97) by $7.9 million. Other revenue decreases include $1.7 million in insurance recoveries received last year and the $1.4 million refund from the expiration of the Tax Increment Reinvestment Zone #2. This decrease in revenue is partially offset by an increase in earnings on investments of $2.4 million.

5750 Extracurricular Activities – Revenues from extracurricular activities, primarily athletics, continue to be down from the prior year, decreasing $119,245.

5760 Intermediate Source Revenue – The District received its second payment on the $2.5 million that the County has pledged to reimburse the District for the rebuild of Paul Tyson Stadium. Because the County began to service the debt incurred in building its new facilities from the venue taxes collected, the excess amount available to pay the City and Waco ISD was greatly reduced from 2022. Waco ISD received a payment of $1.0 million last year and only $310,435 this year. I have requested an anticipated repayment schedule from the County. Based on the schedule provided, the District will receive three more payments averaging $357,000 and a final payment in 2027 of approximately $92,000. The payment schedule estimates revenue increases for the venue of 3% each year. If the increase in revenue is higher, as anticipated, the pay back will be accelerated.

5810 Per Capita and Foundation School Program Revenue – Revenue has decreased $7.8 million from last year. Revenue reflects near final settlement payments due to the Texas Education Agency for the 2021-2022 fiscal year of $4.9 million. Revenue projections, based on attendance data for the 2022-2023 school year and State Comptroller's estimated property values, indicate that Foundation School Program revenue will be $5.9 million less than budget estimates. This is due to a continued loss in enrollment as well as a lower than pre-COVID average daily attendance rate. The loss in revenue for the current school year will be partially offset by $1.7 million received from an appeal of our 2021 property values.

Functional Expenditures:

Expenditures in the functional categories appear to be consistent with last year's spending pattern and increases related to salary rate and benefit increases with the exceptions shown below.

11 Instruction – The decrease of $1.2 million is primarily due to the reductions in staff due to enrollment losses and the elimination of instructional aides to accommodate salary increases.

12 Instructional Resources & Media – Expenditures have decreased $422,878. This is a result of professional librarian and instructional media staff being funded through federal stimulus grants with an accompanying reduction of library aides in the general fund.

13 Curriculum & Instructional Staff Development – The decrease in expenditures of $468,593 is due to a decrease in the instructional specialist positions to fund supplemental instructional teachers funded in function 11.

34 Student Transportation – The increase of $390,033 is due in part to the annual rate increase as well as $89,149 in white fleet purchases to assist in the transportation of homeless students.

41 General Administration – Expenditures have increased $285,680 over last year. This increase is exclusively due to increases in payroll costs, salaries and benefits.

51 Plant Maintenance and Operations -- $247,029 of the $438,980 increase in expenditures is due to the increase in property insurance premiums. This increase was anticipated in developing the 2022-2023 budget.

81 Facilities Acquisition and Construction – Expenditures have decreased $4.8 million due to the completion of the Paul Tyson Stadium project in 2021-2022.

97 Payments to Tax Increment Fund – As discussed above, the decrease of $7.9 million is due to the expiration of the District's participation in the Tax Increment Fund.

Child Nutrition Fund

Revenues:

5750 Extracurricular Activities – Revenues generated through adult meals and catering have increased $88,844 over last year.

5900 Federal Sources Revenue – Federal reimbursements for meals reflect a decrease of $451,325. In spite of the decreased percentage, participation was back to normal and we saw an increase in the number breakfast and lunch served. However, as a participant in the Community Eligibility Program, where all of our students are eligible for free meals, the District's percentage of reimbursement is based on direct certification from enrollment in other need-based programs for low-income students, such as SNAP, TANF, Medicaid, children in foster care or identified as homeless, migrant, or eligible for state-sponsored pre-kindergarten programs, as of April 1st. The District was reimbursed at 95% for the 2022-2023 school year rather than the 100% received for the past five years under the program. The District was recently informed that the reimbursement rate would return to 100% for the 2023-2024 school year. Other losses in revenue were attributable to a decrease in commodities of approximately $0.4 million (because we received additional commodities last year due to stimulus funding) and there was an over-accrual of revenues for the 2021-2022 school year of $296,652 that was adjusted in the current year.

Functional Expenditures:

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

35 Food Services – Expenditures have increased $1,120,543 over last year. The increase is due to the receipt of $1,919,300 in equipment and vehicle purchases offset by salary savings. Most of these purchases had been planned for the 2021-2022 fiscal year to draw down the program's excess fund balance. However, supply chain issues had delayed the purchases.

Debt Service Fund

Revenues:

5710 Local Property Taxes – Property tax collections at the end of June have increased $10.2 million in comparison to last year. The additional collections are due to valuation increases as well as an increase in the Interest and Sinking tax rate from $0.22024 to $0.298969 per $100 of valuation. The increase in tax rate will service the newly issued debt from the 2021 bond election.

5740 Other Local Revenue – Because of the expiration of the District's participation in Tax Increment Zones 1 and 2, pass-through property tax collections for those properties have decreased $1.4 million. This decrease in revenue is offset by a like decrease in pass-through expenditures shown in function 97. The decrease in collections is partially offset by an increase in investment income of $444,422.

Functional Expenditures:

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

71 Debt Service – Expenditures had increased $5.3 million over last year due to payment of interest on bonds issued in 2022.

97 Payments to Tax Increment Fund – As discussed above, expenditures have decreased $1.4 million due to the expiration of the TIF Zone #1.

Proprietary Fund – Governmental Activities – Internal Service Fund

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

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

As of June 30, 2023, expenditures exceeded revenues by $1,401,349, a decline of $1,024,918 from last year. The decline is largely due to the increase in prescription drug claims of $1,013,759 as well as a decrease in prescription drug rebates of $485,139. The following chart reflects net operations for the various programs accounted for in the fund:

Program	Revenues	Expenditures	Net
Group Health Insurance	$ 11,026,502	$ 12,996,176	$ (1,496,621)
Unemployment Compensation	96,798	13,372	83,426
Workers' Compensation	310,946	241,884	69,062
Wellness Programs*	0	57,215	(57,215)
Total	$ 11,907,298	$ 13,308,647	$ (1,401,349)

*Under the terms of the agreement with Blue Cross-Blue Shield, the District receives an annual claims credit of $150,000 to use for wellness programs.

Unemployment shows an expenditure of $13,372 for the year. This amount is net of credits of $5,864 due to claims audits on individuals offset by charges of $2,206 recouped from overpayments under the federal Cares Act.

Workers' compensation claims expenditures have decreased $55,511 from last year, the administrative fee for the program is now due at the beginning of the fiscal year year rather than in monthly installments. Part of the decrease is attributable to a refund of $27,936 of 2021-2022 premiums based on the workers' compensation payroll audit.

Reserves for estimated incurred-but-not-reported (IBNR) claims for the fully self-funded health insurance plan totaled $675,169 for medical claims and $46,395 for prescription drugs, at August 31, 2022. Additionally, reserves for the estimated allocated loss adjustment expense (ALAE) for the partially self-funded workers' compensation plan totaled $300,617. The unaudited beginning net position at September 1, 2022 was $2,992,233.

Waco Independent School District

BALANCE SHEET

GENERAL FUND

As of June 30, 2023

ASSETS		
Cash and Temporary Investments		86,696,174
Property Taxes Receivable, Net of Allowance of $2,167,519		655,211
Due from Other Governments		58,228
Accrued Interest		361,203
Due from Other Funds		4,282,226
Other Receivables		6,284
Inventories		416,145
Deferred Expenditures		525
Total Assets	$	92,475,996
LIABILITIES		
Accounts Payable		1,238,973
Other Current Liabilities		29,191
Payroll Withholdings and Contributions Payable		1,382,326
Accrued Wages Payable		9,380,483
Due to Other Funds		3,155,969
Due to Other Governments		4,737,144
Total Liabilities	$	19,924,086
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	655,211
Total Deferred Inflows of Resources	$	655,211
FUND BALANCES		
Nonspendable Fund Balance	$	416,670
Restricted Fund Balance		1,941,279
Committed Fund Balance		2,602,626
Unassigned Fund Balance		66,936,125
Total Fund Balances	$	71,896,699
Total Liabilities and Fund Balances	$	92,475,996

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2023

GENERAL FUND

		Adopted Budget	Amended Budget	(Memo) Monthly Current 6/30/2023	(Memo) Monthly Prior Year 6/30/2022	(Memo) Year-to-Date Current 6/30/2023	(Memo) Year-to-Date Prior Year 6/30/2022	Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 81,805,900	81,805,900	550,700	453,441	78,118,361	67,101,150	(3,687,539)	95.49%	98.52%
5720	Services to Other Districts	74,000	74,000	2,791	2,670	70,519	65,593	(3,481)	95.30%	72.74%
5730	Tuition & Fees	193,000	193,000	-	567	187,843	188,756	(5,157)	97.33%	222.07%
5740	Other Local Revenue	468,300	472,300	387,847	94,632	2,853,301	9,777,349	2,381,001	604.13%	93.23%
5750	Extracurricular Activities	390,400	390,400	2,879	2,638	272,039	391,284	(118,361)	69.68%	177.05%
5760	Intermediate Source (C.E.D.)	1,000,000	1,000,000	-	-	310,435	1,000,004	(689,565)	0.00%	0.00%
	Total Local Sources	$ 83,931,600	83,935,600	944,218	553,948	81,812,497	78,524,136	(2,123,103)	97.47%	99.41%
STATE SOURCES										
5810	Per Capita & FSP Act	$ 58,788,960	60,471,715	6,459,415	10,820,725	53,590,325	61,413,149	(6,881,390)	88.62%	77.91%
5820	Other State Program (TEA)	-	-		-		500	-	0.00%	0.00%
5830	Other State Program	7,165,711	7,165,711	553,075	547,010	5,421,803	5,560,219	(1,743,908)	75.66%	76.58%
	Total State Sources	$ 65,954,671	67,637,426	7,012,490	11,367,735	59,012,128	66,973,868	(8,625,298)	87.25%	77.80%
FEDERAL SOURCES										
5900	Federal Sources Revenue	8,090,727	5,245,682	90,609	140,779	3,636,573	3,489,481	(1,609,109)	69.33%	89.27%
	Total Revenues	$ 157,976,998	156,818,708	8,047,317	12,062,462	144,461,198	148,987,485	(12,357,510)	92.12%	88.16%
EXPENDITURES										
11	Instruction	$ 88,908,434	89,281,215	1,582,298	1,557,705	71,635,602	72,863,225	17,645,613	80.24%	80.35%
12	Instructional Resources & Media	558,313	558,687	16,454	16,578	414,280	837,158	144,407	74.15%	79.09%
13	Curriculum & Staff Development	4,368,265	4,241,110	246,561	267,901	2,717,169	3,185,762	1,523,941	64.07%	69.18%
21	Instructional Leadership	4,131,369	4,057,044	321,486	316,440	3,143,162	2,966,694	913,882	77.47%	77.81%
23	School Leadership	10,144,781	10,474,195	639,822	664,984	8,565,283	8,354,154	1,908,912	81.78%	81.34%
31	Guidance, Counseling & Evaluation	5,785,954	5,985,878	223,086	203,568	4,826,425	4,574,694	1,159,453	80.63%	87.35%
32	Social Work Services	806,369	759,512	25,836	32,600	590,144	634,601	169,368	77.70%	66.67%
33	Health Services	1,501,102	1,523,331	27,347	30,803	1,271,415	1,223,382	251,916	83.46%	78.32%
34	Student Transportation	3,761,600	5,281,802	12,608	20,536	2,765,467	2,375,434	2,516,335	52.36%	52.93%
35	Food Services	-	-		-		38,290	-	0.00%	0.00%
36	Extracurricular Activities	5,686,449	5,801,287	268,268	213,906	4,616,183	4,627,530	1,185,104	79.57%	80.51%
41	General Administration	7,323,927	7,505,290	560,437	504,660	5,445,745	5,100,818	2,059,545	72.56%	72.35%
51	Plant Maintenance & Operations	17,617,917	19,793,811	1,304,257	1,260,709	14,269,373	13,742,986	5,524,438	72.09%	64.83%
52	Security & Monitoring Services	2,765,386	2,906,014	136,142	160,609	2,138,985	2,107,156	767,029	73.61%	73.08%
53	Data Processing Services	4,289,383	3,303,854	154,653	214,507	2,901,446	3,142,635	402,408	87.82%	80.82%
61	Community Services	487,519	669,185	55,103	37,084	586,024	427,740	83,161	87.57%	65.21%
71	Debt Service	345,000	345,000	27,363	-	265,318	-	79,682	0.00%	0.00%
81	Facilities Acquisition & Construction	-	601,957	-	879,674	430,919	5,268,249	171,038	0.00%	0.00%
93	Shared Services Arrangements	345,000	445,000	-	-	-	-	445,000	0.00%	0.00%
95	Juvenile Justice Program	650,000	650,000	-	-	566,543	546,401	83,457	87.16%	78.06%
97	Payments to Tax Increment Fund	25,000	25,000	(2,467)	27,395	4,650	7,882,664	20,350	18.60%	96.92%
99	Other Intergovernmental Charges	808,424	832,984	212,703	194,376	832,484	721,825	500	99.94%	88.00%
	Total Expenditures	$ 160,310,192	165,042,156	5,811,957	6,604,035	127,986,616	140,621,398	37,055,540	77.55%	77.91%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (2,333,194)	(8,223,448)	2,235,359	5,458,427	16,474,582	8,366,087	24,698,030		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	126,194		-	168,188	-	41,994		
8900	Other Uses	(1,030,292)	(1,030,292)	-	-	-	-	(1,030,292)		
	Total Other Financing Source (Uses)	$ (1,030,292)	(904,098)	-	-	168,188	-	(988,298)		
	Total Changes in Fund Balances	$ (3,363,486)	(9,127,546)	2,235,359	5,458,427	16,642,770	8,366,087	25,770,316		
Fund Balances, Beginning		41,078,214	55,253,929			55,253,929	53,543,235	-		
Fund Balances, Ending		$ 37,714,728	46,126,383			71,896,699	61,909,322	25,770,316		

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

GENERAL FUND

For the Period Ended June 30, 2023

		Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Debt Services	Capital Outlay	Total Year-to-Date 6/30/2023	*(Memo)* Total Year-to-Date 6/30/2022
		6100	6200	6300	6400	6500	6600	6000	6000
11	Instruction	$ 66,383,391	2,552,107	3,189,398	573,685		138,154	72,836,733	73,995,425
12	Instructional Resources & Media	351,704	35,145	37,051	4,088			427,987	857,559
13	Curriculum & Staff Development	2,286,867	308,071	70,328	260,887		-	2,926,153	3,421,957
21	Instructional Leadership	2,774,216	164,516	106,909	193,514			3,239,154	3,046,136
23	School Leadership	8,258,730	89,167	165,163	141,288			8,654,349	8,438,720
31	Guidance, Counseling & Evaluation	4,536,737	240,213	34,691	42,630			4,854,271	4,600,827
32	Social Work Services	576,706	1,809	5,734	8,077			592,326	639,929
33	Health Services	1,249,683	2,977	26,220	2,541			1,281,421	1,231,269
34	Student Transportation		3,105,983	435,733	(61,993)		89,950	3,569,673	2,950,812
35	Food Services							-	38,290
36	Co/Extracurricular Activities	2,650,384	574,245	685,263	917,029		89,082	4,916,003	5,096,902
41	General Administration	4,099,636	858,955	263,143	397,959		8,849	5,628,542	5,231,270
51	Plant Maintenance & Operations	6,601,937	6,396,380	1,294,087	1,041,295		279,447	15,613,145	17,067,962
52	Security & Monitoring Services	1,437,476	523,856	231,700	14,613		228,242	2,435,887	2,402,546
53	Data Processing Services	1,398,486	278,810	1,204,701	30,541		79,764	2,992,302	3,328,433
61	Community Services	238,759	324,096	19,777	7,671			590,303	468,054
71	Debt Service					265,318		265,318	-
81	Facilities Acquisition & Construction						497,239	497,239	6,261,863
95	Juvenile Justice Program				566,543			566,543	546,401
97	Payments to Tax Increment Fund				4,650			4,650	7,882,664
99	Other Intergovernmental Charges		832,484					832,484	721,825
	Total Expenditures & Encumbered Funds	$ 102,844,713	16,288,814	7,769,895	4,145,017	265,318	1,410,726	132,724,484	148,228,844

Unaudited

7/20/2023

Waco Independent School District

BALANCE SHEET

CHILD NUTRITION FUND

As of June 30, 2023

ASSETS		
Cash and Temporary Investments	$	5,446,067
Due from Other Governments		280,464
Accrued Interest		25,806
Due from Other Funds		1,396,395
Total Assets	$	7,148,731
LIABILITIES		
Accounts Payable	$	349,905
Accrued Wages Payable		208,433
Total Liabilities	$	558,338
FUND BALANCES		
Restricted Fund Balance	$	6,590,393
Total Fund Balances	$	6,590,393
Total Liabilities and Fund Balances	$	7,148,731

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2023

CHILD NUTRITION FUND

		Adopted Budget	Amended Budget	Monthly Current 6/30/2023	Monthly (Memo) Prior Year 6/30/2022	Year-to-Date Current 6/30/2023	Year-to-Date (Memo) Prior Year 6/30/2022	Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5740	Other Local Revenue	$ 32,000	32,000	6,108	355	36,208	3,596	4,208	113.15%	14.38%
5750	Extracurricular Activities	403,000	403,000	29,317	26,397	477,557	388,713	74,557	118.50%	96.48%
	Total Local Sources	$ 435,000	435,000	35,425	26,752	513,765	392,309	78,765	118.11%	91.68%
STATE SOURCES										
5820	Other State Program (TEA)	$ -	-		-	173,594	-	173,594	0.00%	0.00%
	Total State Sources	$ -	-	-	-	173,594	-	173,594	0.00%	0.00%
FEDERAL SOURCES										
5900	Federal Sources Revenue	$ 9,485,099	9,573,543	236,624	244,765	9,685,777	10,137,102	112,234	101.17%	105.14%
	Total Revenues	$ 9,920,099	10,008,543	272,049	271,517	10,373,136	10,529,411	364,593	103.64%	104.57%
EXPENDITURES										
35	Food Services	$ 10,978,538	13,352,259	299,329	276,452	9,554,549	8,434,006	3,797,710	71.56%	61.03%
	Total Expenditures	$ 10,978,538	13,352,259	299,329	276,452	9,554,549	8,434,006	3,797,710	71.56%	61.03%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (1,058,439)	(3,343,716)	(27,280)	(4,935)	818,587	2,095,405	4,162,303		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-	-	-	95,520	-	95,520		
8900	Other Uses	-	-	-	-	-	-	-		
	Total Other Financing Sources (Uses)	$ -	-	-	-	95,520	-	95,520		
	Total Changes in Fund Balances	$ (1,058,439)	(3,343,716)	(27,280)	(4,935)	914,107	2,095,405	4,257,823		
Fund Balances, Beginning		2,758,147	5,676,286			5,676,286	4,698,491	-		
Fund Balances, Ending		$ 1,699,708	2,332,570			6,590,393	6,793,896	4,257,823		

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

CHILD NUTRITION FUND

For the Period Ended June 30, 2023

	Payroll Costs 6100	Purchased & Contracted Services 6200	Supplies & Materials 6300	Other Operating Costs 6400	Capital Outlay 6600	Total Year-to-Date 6/30/2023 6000	*(Memo)* Total Year-to-Date 6/30/2022 6000
35 Food Services	$ 2,602,320	4,102,499	1,654,513	10,059	1,833,950	10,203,341	11,869,447
Total Expenditures & Encumbered Funds	$ 2,602,320	4,102,499	1,654,513	10,059	1,833,950	10,203,341	11,869,447

Waco Independent School District

BALANCE SHEET

DEBT SERVICE FUND

As of June 30, 2023

ASSETS		
Cash and Temporary Investments	$	20,808,633
Property Taxes Receivable, Net of Allowance of $480,335		143,226
Due from Other Governments		3,875
Total Assets	$	20,955,734
LIABILITIES		
Accounts Payable	$	9,606
Due to Other Funds		17,981
Total Liabilities	$	27,587
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	143,226
Total Deferred Inflows of Resources	$	143,226
FUND BALANCES		
Restricted Fund Balance	$	20,784,921
Total Fund Balances	$	20,784,921
Total Liabilities and Fund Balances	$	20,955,734

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended June 30, 2023

DEBT SERVICE FUND

	Adopted Budget	Amended Budget	Monthly (Memo) Current 6/30/2023	Monthly (Memo) Prior Year 6/30/2022	Year-to-Date (Memo) Current 6/30/2023	Year-to-Date (Memo) Prior Year 6/30/2022	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES									
LOCAL SOURCES									
5710 Local Property Taxes	$ 24,654,348	24,654,348	167,316	96,923	24,667,243	14,426,074	12,895	100.05%	98.91%
5740 Other Local Revenue	25,000	25,000	83,845	17,942	508,422	1,690,374	483,422	2033.69%	95.77%
Total Local Sources	$ 24,679,348	24,679,348	251,161	114,865	25,175,664	16,116,448	496,316	102.01%	98.57%
STATE SOURCES									
5820 Other State Program (TEA)	$ 221,700	221,700	-	-	576,413	286,169	354,713	260.00%	0.00%
Total State Sources	$ 221,700	221,700	-	-	576,413	286,169	354,713	260.00%	0.00%
Total Revenues	$ 24,901,048	24,901,048	251,161	114,865	25,752,077	16,402,617	851,029	103.42%	98.47%
EXPENDITURES									
71 Debt Service	$ 24,896,048	24,896,048	-	750	8,973,296	3,705,458	15,922,752	36.04%	22.86%
97 Payments to Tax Increment Fund	5,000	5,000	(734)	4,772	94	1,357,274	4,906	1.88%	92.29%
Total Expenditures	$ 24,901,048	24,901,048	(734)	5,522	8,973,390	5,062,732	15,927,658	36.04%	28.64%
Total Changes in Fund Balances	$ -	-	251,895	109,343	16,778,687	11,339,885	16,778,687		
Fund Balances, Beginning	4,816,349	4,006,234			4,006,234	4,866,235	-		
Fund Balances, Ending	$ 4,816,349	4,006,234			20,784,921	16,206,120	16,778,687		

Waco Independent School District

Statement of Net Position

Proprietary Fund

As of June 30, 2023

	Governmental Activities Internal Service Fund
Assets	
Current assets:	
Due from other funds	2,994,650
Other receivables	59
Total Assets	$ 2,994,709
Liabilities	
Current liabilities:	
Accounts payable	$ 306,010
Other current liabilities	1,097,814
Total current liabilities	$ 1,403,825
Total liabilities	$ 1,403,825
Net position	
Unrestricted net position	$ 1,590,884
Total net position	$ 2,994,709

Waco Independent School District
Statement of Revenues, Expenses, and Changes in Net Position
Budget and Actual
For the Period Ended June 30, 2023

Proprietary Fund
Governmental Activities - Internal Service Fund

	Budget	Monthly Current 6/30/2023	Monthly (Memo) Prior Year 6/30/2022	Year-to-Date Current 6/30/2023	Year-to-Date (Memo) Prior Year 6/30/2022	Difference Budget to Current Year-to-Date	CY YTD As % of Budget	PY YTD As % of Budget
Operating revenues:								
Employee contributions:								
Group health	$ 3,631,100	288,833	$ 293,423	2,849,715	$ 2,802,537	(781,385)	78.48%	92.37%
Assessments to other funds:								
Group health	10,236,500	803,848	797,792	8,176,787	7,998,140	(2,059,713)	79.88%	81.61%
Unemployment	112,000	9,488	19,360	96,798	194,430	(15,202)	86.43%	125.44%
Workers compensation	358,000	35,908	20,247	310,946	202,915	(47,054)	86.86%	88.22%
Prescription drug rebates	1,187,000		5,610	473,052	958,191	(713,948)	39.85%	111.42%
Insurance recovery	-	-	-	-	79,071	-	0.00%	0.00%
Total operating revenues	$ 15,524,600	1,138,077	1,136,432	11,907,298	12,235,284	(3,617,302)	76.70%	86.90%
Operating expenses:								
Administrative fees	$ 1,344,000	104,663	96,384	1,116,121	1,035,420	227,879	83.04%	67.24%
Claims expense:								
Medical claims	9,431,000	902,962	615,005	6,894,271	7,201,366	2,536,729	73.10%	100.67%
Prescription drug claims	3,928,000	455,343	293,050	3,890,968	2,877,209	37,032	99.06%	73.28%
Unemployment	102,000	-	-	13,372	79,185	88,628	13.11%	42.80%
Workers compensation	260,000	38,844	11,698	138,611	194,122	121,389	53.31%	73.25%
Stop-loss insurance	1,739,000	123,257	-	1,198,088	1,268,170	540,912	68.90%	78.04%
Wellness Program	67,000	121	-	57,215	64,822	9,785	85.40%	120.04%
Total operating expenses	$ 16,871,000	1,625,190	1,016,137	13,308,647	12,720,294	3,562,353	78.88%	86.25%
Change in net position	$ (1,346,400)	(487,113)	120,295	(1,401,349)	(485,010)	(54,949)		
Net position:								
Net position, beginning	$ 3,187,944			2,992,233	3,564,375	(195,711)		
Net position, ending	$ 1,841,544			1,590,884	3,079,365	(250,660)		

Waco Independent School District

Statement of Cash Flows

For the Period Ended June 30, 2023

	Proprietary Fund
	Governmental Activities
	Internal Service Fund
Cash flows from operating activities:	
Cash received from employee contributions	$ 288,833
Cash received from assessments to other funds	1,336,357
Cash payments for claims	(1,397,148)
Cash payments for stop loss premiums	(123,257)
Cash payments for professional and contracted services	(104,663)
Net cash provided by operating activities	$ 0
Net increase in cash and cash equivalents	$ 0
Cash and cash equivalents at beginning of year	-
Cash and cash equivalents at end of year	$ 0
Reconciliation of operating income to net cash provided by operating activities:	
Operating gain (loss)	$ (487,113)
Effects of increases and decreases in current assets and liabilities:	
Decrease in receivables	202,067
Increase in accounts payable	285,046
Decrease in current liabilities	(2,015)
Net cash provided by operating activities	$ 0

Waco Independent School District

Board of Trustee Meeting Agenda

Date: July 29, 2023 Contact Person: Suzanne Hamilton/Rhiannon Settles

RE: School Health Advisory Council (SHAC) Annual Progress Report

==========

Background Information:

Policy BDF (Legal) states the SHAC shall submit to the Board, at least annually, a written report that includes the following information:

- Any SHAC recommendation concerning the district's health education curriculum and instruction or related matters that has not previously been submitted to the board
- Any suggested modification to a SHAC recommendation previously submitted to the board
- A detailed explanation of the SHAC's activities between the date of the current report and the date of the last prior written report.
- Any recommendations made by the physical activity and fitness planning subcommittee.

Since establishing the SHAC from Section 28.004, SHACs' responsibilities and importance in positively impacting student health and learning have grown significantly. This document fulfills the legislative requirement that SHACs submit a written report to the Board at least once annually.

Fiscal Implications:

There is no impact on the current budget.

Administrative Recommendation(s):

Report Only.

WACO ISD

SCHOOL HEALTH ADVISORY COUNCIL ANNUAL PROGRESS REPORT TO THE BOARD OF TRUSTEES

July 2023

As Required by Texas Education Code, Section 28.004

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BACKGROUND

A School Health Advisory Council (SHAC) is a group appointed by the school district to serve at the district level. Texas law [*Texas Education Code, Title 2, Subtitle F, Chapter 28, Subchapter A, §Section 28.004*] requires the establishment of a local school health education advisory council. Members of the SHAC come from different areas of the community and from within the school district. Most members must be parents that are not employed by the district.

Under TEC Section 28.004, the SHAC's duties include recommending policies, procedures, curriculum, and strategies for health education appropriate for specific grade levels. SHACs can advise the district on advancing student academic performance by promoting, practicing, and coordinating school health education and services. If utilized, SHAC's contributions to coordinated school health programming can lead to a more significant positive impact on student health and learning. The SHAC is required to meet at least four times each year.

The Texas Department of State Health Services has developed a guide titled- *School Health Advisory Council: A Guide for Texas School Districts*. This document provides school staff and community members with basic information about the value of the SHAC to create a healthy school environment for students. The Waco ISD SHAC utilizes this document to help reach district goals.

SHAC ORGANIZATION

Waco ISD has designated the Executive Director for Student Services, Suzanne Hamilton, in coordination with the Director for Health Services, Rhiannon Settles, RN, to coordinate the district SHAC. Mrs. Hamiton works closely with multiple school district members to ensure that SHAC meets the BDF (LEGAL) standards and complies with all SHAC-related policies and mandates.

Mrs. Hamilton and Mrs. Settles schedule SHAC meetings, create agendas, assist SHAC leadership, and promptly post all necessary information to the SHAC webpage.

SHAC leadership consists of the Chair and Co-Chair (if elected). During meetings or events, the Executive Director and Health Services Director serve in consultative roles to ensure that meetings and events are policy compliant and fulfilling the district's needs. A Child Nutrition and other District Leadership representative assists SHAC leadership as needed.

2022-2024 SHAC MEMBERSHIP

The composition of SHAC membership complies with district policy BDF (LEGAL), which states: *The board shall appoint at least five members to the SHAC. Most members must be persons who are parents of students enrolled in the district and who are not employed by the district. One of those members shall serve as chair or co-chair of the SHAC.*

The current SHAC consists of 16 members, thirteen of which are parents of WISD students. Additionally, one parent member (not employed by the district as outlined in the policy) was elected as Co-Chair, Nikki Rhodes.

Suzanne Hamilton and Rhiannon Settles are the SHAC Coordinators responsible for logging meeting attendance, meeting minutes, and other documentation as necessary. Mrs. Hamilton ensured necessary SHAC information was posted to the SHAC website and publicly posted at the District administrative offices and campuses in a timely manner.

The following listed individuals are members of the 2022-2023 WISD SHAC:

Nikki Rhodes-Co-Chair	Parent (Waco High, Tennyson, Hillcrest PDS)
Anna Futral	Parent (West Ave)
Sarah Walden	Parent (Lake Air Montessori)
Adrica Boffman	Parent (Mountainview)
Matthew Polk	Parent (Hillcrest PDS, Lake AIr Montessori)
Melissa Vega	Parent (Kendrick)
Hilary Vega	Parent (Hillcrest PDS)
Ilda Sabido	Parent (Lake Air Montessori)
Carmen Merritt	Parent (Waco High)
Emily Green	Waco-McLennan Health District
Emilie Cunningham	Waco Family Medicine
Aleigh Ascherl	Advocacy Center for Crime Victims & Children
Beth Olsen	Director of Adolescent Health Program, Prosper Waco

Yolanda Williams	Executive Director Student Support & Counselor Representative
Rhiannon Settles	Director Health Services
Suzanne Hamilton	Executive Director Student Services

SHAC Webpage

Coordinated School Health (CSH) is a systematic approach to advancing student academic performance by promoting, practicing, and coordinating school health education and services for the benefit and well-being of students in establishing healthy behaviors designed to last a lifetime. All Texas schools are required by Section 38.014 to implement a CSH program in grades K-8.

The SHAC has a district webpage maintained by WISD Student Services Department. The page can be found under the District's Student Services and Support tab at https://www.wacoisd.org/Page/4216. SHAC agendas, public postings, and minutes are posted on the page, along with SHAC bylaws and meeting dates. The page provides required information, resources available to the district community, and mitigation plans.

The District Wellness Plan and Immunization Requirements information is on the Health Services page: https://www.wacoisd.org/Page/4152.

Annual Reporting Criteria

According to BDF LEGAL of the District's wellness plan, the SHAC shall submit to the board, at least annually, a written report that includes the following:

1. Any SHAC recommendation concerning the district's health education curriculum and instruction or related matters that the SHAC has not previously submitted to the board.

2. Any suggested modification to a SHAC recommendation previously submitted to the board.

3. A detailed explanation of the SHAC's activities between the date of the current report and the date of the last prior written report.

4. Any recommendations made by the physical activity and fitness planning subcommittee.

Legislative Bills & Meeting Dates

The WISD School Health Advisory Council met four times during the 2022-2023 school year as required by district policy BDF (LEGAL) and Texas Education Code 28.004(a).

Legislative Functions:

- House Bill 18 - Relating to consideration of the mental health of public school students in training requirements for certain school employees, curriculum requirements, counseling programs, educational programs, state and regional programs, and services, and health care services for students and to mental health first aid program training and reporting regarding local mental health authority and school district personnel.
- House Bill 1525 – Relating to updated procedures in recommending human sexuality instruction curriculum and changes in meeting requirements to include posting a meeting notice, recording the meeting, and posting minutes to the school district website.
- Senate Bill 9 (Special Session) – Updated procedures recommending child abuse, family violence, dating violence, and sex trafficking curriculum.
- Senate Bill 11 - Relating to policies, procedures, and measures for public school safety and mental health promotion and creating the Texas Child Mental Health Care Consortium.
- Senate Bill 435 - Relating to recommendations by local school health advisory councils regarding opioid addiction and abuse education in public schools.

Meeting dates:

- September 14, 2022,
- December 7, 2022,
- February 8, 2023,
- April 14, 2023.

Required BDF (LEGAL) Board Updates

1. **Update Requirement** | WISD SHAC 2022-2023 is continuing with the recommendation to incorporate the requirements in Senate Bill 9 through the Curriculum and Instruction department and Student Services & Support. SB 9 requires schools to provide education on prevention related to child abuse, family violence, dating violence, and human trafficking.

2. **Update Requirement** |

WISD SHAC 2022-2023 did not wish to modify the recommended Health/Sex Ed (TEKS) curriculum material recommended to the board during the Curriculum and Instruction presentation on June 23, 2023.

3. **Update Requirement** | During the 2022-2023 school year, SHAC members focused on reviewing, updating, and modifying the District Wellness Policy. In conjunction with the Child Nutrition Offices, SHAC member input was implemented and is reflected in the 2023-2024 Wellness Plan. The plan will continue to have a yearly evaluation.

4. **Update Requirement** | During the 2022-2023 school year, the newly constituted SHAC members did discuss the need to prioritize physical activity and fitness planning for the 2023-2024 school year.

GOALS 2022-2023

GOAL #1

WISD SHAC will provide board recommendations that align with the Senate Bill 9 requirements for the instruction/education of presentations related to child abuse, family violence, dating violence, and human trafficking.

GOAL #2

Continue to increase collaboration and build stronger community partnerships through SHAC to expand the school district's role in health education throughout the community.

GOAL #3

SHAC will assist with health and wellness messaging within the community. The current members of SHAC are dedicated to creating a sustainable group of involved parents and community members to meet policy standards and improve the quality of health and wellness for our students.

ACCOMPLISHMENTS AND ACTIVITIES

- Each SHAC meeting started with focused updates on Health Services, Wellness Policy, Child Nutrition Services, Counseling/Guidance on Campuses, and Employee Health & Wellness. Additional topics included Attendance and Safety.
- The SHAC website was continuously updated to comply with FFA (LOCAL) and BDF (LEGAL).

- SHAC focused on re-establishing the rules and regulations that govern a SHAC, including bylaws and structure in the end-of-year self-assessment.
- District's Wellness Plan annual review.
- SHAC began brainstorming additional activities for 2023-2024, including increased attendance focus and parent involvement/engagement.
- Recommendations and plans for more parent recruitment for the 2023-2024 school year were discussed and established.

CONCLUSION

Since establishing the SHAC from Section 28.004, SHACs' responsibilities and importance in positively impacting student health and learning have grown significantly. This document fulfills the legislative requirement that SHACs submit a written report to the Board at least once annually. We hope that, with this report, the Board and SHAC can continue to work together to support the health and well-being of the students.

This concludes the 2022-2023 report.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: **Sheryl Davis**

RE: Amendments to the 2022-2023 Budget

==========

Background Information:

The Texas Education Agency has established additional requirements for school district budget preparation. As part of these requirements, a school district must amend the official budget before exceeding a functional expenditure category, i.e., instruction, administration, etc., in the total district budget. Attached are copies of the proposed amendments to the Official Budget identifying details of the requests. The following summarizes the effect of these amendments by functional category.

Summary:

Amendment #065: Cedar Ridge Elementary School (Fund 199)

This amendment will realign excess funds from miscellaneous instruction, instructional resources and media, and school leadership operating expenditures to curriculum and instructional staff development for Education Services Center services for instructional coaching. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	5,700	Instruction, Instructional Resources & Media, School Leadership
Use of Funds:	$	5,700	Curriculum & Instructional Staff Development
Fund Balance Effect		**None**	

Amendment #066 Mountainview Elementary School (Fund 199)

This amendment will realign funds from school leadership miscellaneous operating costs to instructional supplies and materials. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	682	School Leadership
Use of Funds:	$	682	Instruction
Fund Balance Effect		**None**	

Amendment #067: West Avenue Elementary School (Fund 199)

This amendment will realign funds from curriculum and instructional staff development Education Services Center services to instructional supplies and materials. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	3,800	Curriculum & Instructional Staff Development
Use of Funds:	$	3,800	Instruction
Fund Balance Effect		**None**	

Amendment #068: Waco High School (Fund 199)
This amendment will increase revenues from donations received from Central National Bank, Antioch Church, and Stephanie Korteweg and the offsetting expenditure budget for instructional supplies and materials for the purchase of clear backpacks for the 2023-2024 school year. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	7,250	Revenue-Foundation Grants, Gifts, & Bequests
Use of Funds:	$	7,250	Instruction
Fund Balance Effect		**None**	

Amendment #069: Advanced Academics (Fund 199)
This amendment will realign excess funds from instruction software licenses to instructional leadership supplies and equipment. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	5,000	Instruction
Use of Funds:	$	5,000	Instructional Leadership
Fund Balance Effect		**None**	

Amendment #070: Professional Development (Fund 199)
This amendment will increase revenues from donations received from Educators' Credit Union to curriculum and instructional staff development other miscellaneous contracted services to assist in covering the cost of the new teacher induction. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	1,800	Revenue-Foundation Grants, Gifts, & Bequests
Use of Funds:	$	1,800	Curriculum & Instructional Staff Development
Fund Balance Effect		**None**	

Amendment #071: G. W. Carver Middle School (Fund 199)
This amendment will place budgets from the unassigned fund balance for supplies and services required in opening the new G. W. Carver Middle school. The District has applied and been awarded funding under the State's New Instructional Facilities Allotment (NIFA) estimated at $800,000. The funds will be added to the 2023-2024 Summary of Finances and Distributed in 2023-2024. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	633,000	Unassigned Fund Balance
Use of Funds:	$	633,000	Instruction, Instructional Resources & Media, School Leadership, Security & Monitoring Services, Data Processing Services
Fund Balance Effect		**Decrease**	

Amendment #072: Greater Waco Health Care Academy (Fund 497)
This amendment will increase revenues from donations received from the Rotary Club to instructional reading materials to purchase books for classroom libraries. These adjustments are required to appropriately reclassify the budget to the proper expenditure codes per TEA accounting guidelines.

			TEA Revenue/Function Description
Source of Funds:	$	1,953	Revenue-Foundation Grants, Gifts, & Bequests
Use of Funds:	$	1,953	Instruction
Fund Balance Effect		**None**	

A copy of the amendments are attached for your review detailing line items to be adjusted.

Fiscal Implications:

With the exception of Amendments #071, the amendments have no impact on the general fund unassigned fund balance. Amendment #071 decreases the general fund unassigned fund balance by $633,000.

Administrative Recommendation(s):

The administration recommends that the Board of Trustees approve the budget amendments, as presented.

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 065

CAMPUS OR DEPARTMENT: Cedar Ridge Professional Development School Elementary

DATE: 7/11/2023

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6269	00	105	11	000	Other Rentals/Leasing	834.00	834.00	(834)	0
199	11	6397	00	105	11	000	Equipment <$5,000	1500.00	1221.01	(1,221)	279
199	11	6399	00	105	11	000	General Supplies/Materials	37517.00	367.26	(367)	37,150
199	11	6399	00	105	30	000	General Supplies/Materials	4,978	733.00	(733)	4,245
199	11	6494	00	105	11	000	Transportation	2,142	15.81	(15)	2,127
199	11	6498	00	105	11	000	Student Awards & Incentives	2,000	36.57	(36)	1,964
199	11	6499	00	105	11	000	Miscellaneous Operating Costs	2,000	1,522.80	(1,522)	478
199	12	6329	00	105	99	000	Other Reading Materials	200	200.00	(200)	0
199	12	6399	00	105	99	000	General Supplies/Materials	100	13.94	(13)	87
199	23	6249	00	105	99	000	Contract. Maint/Repairs	55	55.00	(55)	0
199	23	6291	00	105	99	000	Consulting Services	15	15.00	(15)	0
199	23	6397	00	105	99	000	Equipment <$5,000	706	454.33	(454)	252
199	23	6399	00	105	99	000	General Supplies/Materials	4,200	3,291.01	(235)	3,965
199	13	6239	00	105	99	000	Education Service Center Services	-	0.00	5,700	5,700
										0	

REASON FOR REQUEST: This request is to consolidate funds to pay for invoice of Region 12 coaching services received throughout the 22-23 school yea-.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 066

CAMPUS OR DEPARTMENT: Mountainview Elementary

DATE: 7/14/2023

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	23	6499	00	116	99	000	Miscellaneous Operating Costs	2,243	694.20	(682)	1,561
199	11	6399	00	116	11	000	Other General supplies & Materials	18,477	(681.69)	682	19,159

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 067

CAMPUS OR DEPARTMENT: West Avenue Elementary

DATE: 6/28/2023

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	13	6239	00	129	99	000	Education Service Center Services	3,870	3,855.00	(3,800)	70
199	11	6399	00	129	11	000	Other General Supplies & Materials	12,696	277.45	3,800	16,496
										0	

REASON FOR REQUEST: Realigning funds to original fund account as funds were not used for intended purposes of cost for Instructional Coaching Services from Region 12.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 068

CAMPUS OR DEPARTMENT: Waco High School

DATE: 6.29.23

								A	B	C	D
BUDGET CODE								**CURRENT APPROPRIATION**	**CURRENT ACCOUNT BALANCE**	**REQUESTED INCREASE (DECREASE)**	**AMENDED APPROPRIATION**
FUND	**FNC**	**OBJ**	**SO**	**ORG**	**PRG**	**LOPT**	**DESCRIPTION**				
199	11	6399	00	002	11	000	Other General Supplies & Materials	84,210	28,857.46	7,250	88,868
199	00	5744	00	000	00	000	Revenue -Foundation Grants/Gifts	4,000	53,948.83	(7,250)	(11,250)

REASON FOR REQUEST: Amend in revenue to match donations received from Central National , Antioch Church and Stephanie Korteweg to purchase clear backpacks for students. Also to adjust expenditures to match the increase in revenue.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 069

CAMPUS OR DEPARTMENT: Advanced Academics **DATE:** 7/6/2023

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	11	6396	21	999	11	000	Software Licenses	41,134	26,503.00	(5,000)	36,134
199	21	6399	21	999	99	000	Other General Supplies & Materials	5,800	258.24	4,400	10,200
199	21	6397	21	999	99	000	Equipment-Unit Cost<$5000-Controlled	-	0.00	600	
										0	

REASON FOR REQUEST: Realign funds for ipad equipment not orginally budgeted for Advanced Academics Coordinator and general supplies for office supplies.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM **AMENDMENT # 070**

CAMPUS OR DEPARTMENT: Professional Development **DATE:** 7/18/2023

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
199	13	6299	17	999	99	000	Other Misc Contracted Services	8,000	7,160.00	1,800	9,800
199	00	5744	00	000	00	000	Revenue-Foundation Grants/Gifts	(4,000)	56,700.89	(1,800)	(5,800)
										0	

REASON FOR REQUEST: Amend in revenue to match a donation from Educators Credit Union for the Onboarding Luncheon. Also to adjust expenditures to match the increase in revenue to allow the department to pay for luncheon expenses.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM

AMENDMENT # 071

CAMPUS OR DEPARTMENT: G. W. Carver Middle School **DATE:** 7/27/2023

								A	B	C	D
BUDGET CODE											
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION	CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
199	11	6399	00	050	99	550	Other General Supplies & Materials	-	-	270,000	270,000
199	12	6399	00	050	99	550	Other General Supplies & Materials	-	-	32,000	32,000
199	23	6399	00	050	99	550	Other General Supplies & Materials	-	-	11,000	11,000
199	52	6399	00	050	99	550	Other General Supplies & Materials	-	-	147,000	147,000
199	53	6399	00	050	99	550	Other General Supplies & Materials	-	-	173,000	173,000
199	00	3600	00	000	00	000	Unassigned Fund Balance		(44,960,169.14)	633,000	(44,327,169.14)

REASON FOR REQUEST: Place budgets for operating costs incurred in opening the new G. W. Carver Middle School. The District has applied and been awarded funding under the State's New Instructional Facilities Allotment estimated at $800,000. The funds will be added to the 2023-2024 Summary Finances and distributed in 2023-2024. In the meantime, funds are needed in the current year to purchases supplies and services to begin the school year.

BUDGET ADMINISTRATOR /

Sheryl Davis
Chief Financial Officer

Revised 06/2019

WACO INDEPENDENT SCHOOL DISTRICT
AMENDMENT BUDGET FORM **AMENDMENT # 072**

CAMPUS OR DEPARTMENT: Greater Waco Health Care Academy **DATE:** 6.23.23

								A	B	C	D
BUDGET CODE								CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION				
497	11	6329	07	999	22	000	Other Reading Materials	2,705	94.61	1,953	4,658
497	00	5744	07	000	00	000	Revenue -Foundation Grants/Gifts	-	1,953.16	(1,953)	(1,953)
										0	

REASON FOR REQUEST: Amend in revenue to match donations received from Rotary Club of Waco as reimbursement for books purchased for classroom libraries.
Also to adjust expenditures to match the increase in revenue.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

YOU CANNOT REDUCE A BUDGET BY MORE THAN THE CURRENT ACCOUNT BALANCE AMOUNT.

Revised 01/2021

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person: S. Smith/E. Love**

RE: Bid Award for Athletic Supplies, Equipment and Repairs

==========

Background Information:

Sealed bids, RFP # 22-1215-1, for **Athletic Supplies, Equipment and Repairs**, has been issued and opened for the purpose of soliciting additional vendors to the original Athletic bid by creating a list of approved vendors unique to the needs of the Athletic Department. This solicitation is a supplemental bid in which additional vendors were given the opportunity to become approved on an already established bid. Purchases from these vendors will be on an as needed basis. All valid responses were accepted; therefore, no evaluation score sheets are attached.

This initial bid will expire on May 30, 2027. If additional vendors are needed before the expiration of this bid, additional supplemental bids will be issued.

Fiscal Implications:

The cost of these supplies will be charged to the appropriate campus/ department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve and award the list of vendors submitted for the Supplemental Athletic Supplies, Equipment and Repairs bid, as presented.

Athletic Supplies, Equipment Services
RFP # 22-1215-1

Name	City	State
America Team Sports	Richardson	TX
Austin Ink	Waco	TX
Barger's Allsports	Waco	TX
CBLK LLC	Peoria	IL
Discount Two-Way Radio Corporation	Compton	CA
Duffelbags.com (GSBZ PROMOTIONAL PRODUCTS, INC.)	Houston	TX
Getpoms.com	Dallas	TX
Johnson Fiteness & Wellness (Johnson Health Tech Retail, Inc)	Cottage Grove	WI
Keller Trophy & Awards	Keller	TX
Knockout Sportswear (Knockout Sportswear.com LLC)	Rockwall	TX
Lazser Down	Leawood	KS
Medco Supply Company (Performance Health Supply)	Amherst	NY
Nasco	Ft. Atkinson	WI
One Clarion (Portable Tank Group)	Sebastian	FL
PepWear LLC	Cedar Hill	TX
Rank One Sport (AllPlayers Network, Inc)	Sanger	TX
Sashi's World	Killeen	TX
The Costume Closet	Sherman	TX
Titan Sensor (Integrated Bionics, INC)	HOUSTON	TX
Vitruve (Speed4lifts SL)	Móstoles	Madrid
Wenger Corporation	Owatonna	MN

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person: M. Tish/C. Reece**

RE: Bid Award for Child Nutrition Services Kitchen Equipment

==========

Background Information:

Competitive Sealed Bid (CSB) # 22-1246, has been issued and opened for the purpose of soliciting qualified vendors to provide kitchen equipment for the Child Nutrition Department. We received seven (7) responses for this bid.

This bid consisted of fifty (50) line items which were evaluated by line to determine the vendor that offered the best overall price for each piece of kitchen equipment. A bid tabulation is attached for your review with an award recommendation by each line, as well as a scoring sheet.

Due to new Texas Department of Agriculture (TDA) requirements, all Child Nutrition purchases over $50,000, must be bid under a formal procurement method and requires all bidding documents, evaluations and bid tabulation be forwarded to Texas Department of Agriculture (TDA) for formal approval and therefore this bid award in contingent upon TDA approval.

Fiscal Implications:

The total cost of the awarded equipment is $ 915,881.56. The cost will be covered through the National School Breakfast and Lunch Program fund.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the award of kitchen equipment for the Child Nutrition Program, contingent upon approval by the Texas Department of Agriculture.

23-1246

Child Nutrition Kitchen Equipment Price Summary

1	Package A - This price should include shipping and handling for line items 1 & 2 from the pricing form.						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	**Recommended Award**
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$7,669.20	$7,669.20	X
		Chefs Depot	1	EA	$9,074.46	$9,074.46	
		Ace Mart Restaurant Supply Co	1	EA	$9,673.24	$9,673.24	
		Pueblo Hotel Supply (Grady's)	1	EA	$9,710.84	$9,710.84	
		MISSION RESTAURANT SUPPLY	1	EA	$10,224.00	$10,224.00	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	$10,516.00	$10,516.00	
		PASCO BROKERAGE, INC.	1	EA	$10,853.00	$10,853.00	
2	**Package B - This price should include shipping and handling for line items 3 & 4 from the pricing form.**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		PASCO BROKERAGE, INC.	1	EA	$4,961.00	$4,961.00	X
		MISSION RESTAURANT SUPPLY	1	EA	$5,964.00	$5,964.00	
		Pueblo Hotel Supply (Grady's)	1	EA	$5,969.34	$5,969.34	
		Chefs Depot	1	EA	$6,544.40	$6,544.40	
		Ace Mart Restaurant Supply Co	1	EA	$7,167.44	$7,167.44	
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$7,820.38	$7,820.38	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	No Bid		
3	**Package C - This price should include shipping and handling for line items 5 - 11 from the pricing form.**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Chefs Depot	1	EA	$73,278.28	$73,278.28	X
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	$75,203.00	$75,203.00	
		Ace Mart Restaurant Supply Co	1	EA	$81,627.79	$81,627.79	
		PASCO BROKERAGE, INC.	1	EA	$84,754.00	$84,754.00	
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$85,391.58	$85,391.58	
		MISSION RESTAURANT SUPPLY	1	EA	$87,940.00	$87,940.00	
		Pueblo Hotel Supply (Grady's)	1	EA	$93,080.06	$93,080.06	

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
4	Package D - This price should include shipping and handling for line items 12 & 13 from the pricing form.						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$1,137.88	$1,137.88	X
		Chefs Depot	1	EA	$1,175.76	$1,175.76	
		Pueblo Hotel Supply (Grady's)	1	EA	$1,196.96	$1,196.96	
		PASCO BROKERAGE, INC.	1	EA	$1,210.00	$1,210.00	
		MISSION RESTAURANT SUPPLY	1	EA	$1,274.00	$1,274.00	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	No Bid		
		Ace Mart Restaurant Supply Co	1	EA	No Bid		
5	Package E - This price should include shipping and handling for line items 14 - 21 from the pricing form.						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Ace Mart Restaurant Supply Co	1	EA	$178,386.01	$178,386.01	X
		MISSION RESTAURANT SUPPLY	1	EA	$195,205.50	$195,205.50	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	$212,849.00	$212,849.00	
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$215,387.66	$215,387.66	
		PASCO BROKERAGE, INC.	1	EA	$216,103.75	$216,103.75	
		Chefs Depot	1	EA	$230,399.20	$230,399.20	
		Pueblo Hotel Supply (Grady's)	1	EA	$250,852.22	$250,852.22	
6	Package F - This price should include shipping and handling for line items 22 - 26 from the pricing form.						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$123,279.18	$123,279.18	X
		Chefs Depot	1	EA	$124,827.61	$124,827.61	
		Ace Mart Restaurant Supply Co	1	EA	$138,136.85	$138,136.85	
		Pueblo Hotel Supply (Grady's)	1	EA	$144,634.98	$144,634.98	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	$145,339.00	$145,339.00	
		MISSION RESTAURANT SUPPLY	1	EA	$146,745.00	$146,745.00	
		PASCO BROKERAGE, INC.	1	EA	$150,975.00	$150,975.00	

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
7	Package G - This price should include shipping and handling for line items 27 - 36 from the pricing form.						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		PASCO BROKERAGE, INC.	1	EA	$81,080.00	$81,080.00	
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$183,062.63	$183,062.63	X
		Chefs Depot	1	EA	$201,368.84	$201,368.84	
		Pueblo Hotel Supply (Grady's)	1	EA	$207,455.59	$207,455.59	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	$213,599.00	$213,599.00	
		Ace Mart Restaurant Supply Co	1	EA	$214,758.40	$214,758.40	
		MISSION RESTAURANT SUPPLY	1	EA	No Bid		
		Did not bid correct quantities. This package included several line items and quantities					
8	Line 37 - 16: Hard coated anodized aluminum perforated cutter pizza pan						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Pueblo Hotel Supply (Grady's)	60	EA	$21.45	$1,287.00	X
		Chefs Depot	60	EA	$21.99	$1,319.40	
		Ace Mart Restaurant Supply Co	60	EA	$22.94	$1,376.40	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	60	EA	$23.00	$1,380.00	
		Douglas Equipment (Douglas Food Stores Inc)	60	EA	$23.84	$1,430.40	
		PASCO BROKERAGE, INC.	60	EA	$24.75	$1,485.00	
		MISSION RESTAURANT SUPPLY	60	EA	No Bid		
9	Line 38 - Transport Utility Cart, stainless steel panels, 41 5/16" wide, mobile stainless steel locking utility cart from Cadco with (1) adjustable storage shelf, and (1) handle. There are silent polypropylene casters (2 with brakes, 2 with directional locks) and rubber bumpers on top and bottom corners of this locking utility cart. The utility cart is made in the USA. Cadco CC-LUC-LST Features mobile locking utility cart, stainless steel construction, (1) adjustable storage shelf, (1) handle, silent polypropylene casters (2 with brakes, 2 with directional locks), rubber bumpers on top and bottom corners, made in the USA						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Ace Mart Restaurant Supply Co	1	EA	$2,700.00	$2,700.00	
		Chefs Depot	1	EA	$2,717.50	$2,717.50	X

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
		Douglas Equipment (Douglas Food Stores Inc)	1	EA	$2,904.59	$2,904.59	
		Pueblo Hotel Supply (Grady's)	1	EA	$2,926.37	$2,926.37	
		PASCO BROKERAGE, INC.	1	EA	$2,975.00	$2,975.00	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	1	EA	$3,075.00	$3,075.00	
		MISSION RESTAURANT SUPPLY	1	EA	No Bid		
		Low bidder did not include shipping charges, as instructed					
10	**Line 39 - Black Optimizer Dish Dolly with 6 dividers, four casters and transporting plates, platters, etc. Price should include any shipping and handling cost**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		MISSION RESTAURANT SUPPLY	3	EA	$918.00	$2,754.00	X
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	3	EA	$978.00	$2,934.00	
		Ace Mart Restaurant Supply Co	3	EA	$1,062.85	$3,188.54	
		Douglas Equipment (Douglas Food Stores Inc)	3	EA	$1,118.68	$3,356.04	
		Chefs Depot	3	EA	$1,207.63	$3,622.89	
		PASCO BROKERAGE, INC.	3	EA	$1,215.00	$3,645.00	
		Pueblo Hotel Supply (Grady's)	3	EA	$1,255.62	$3,766.86	
11	**Line 40 - "Frozen Beverage Machine, designed for use on countertops; I-PRO 2M Frozen Granita Dispenser, countertop, (2) 2.9 gallon insulated bowls, 16"" W x 23"" D X 34"" H, mechanical controls & timer, manual defrost, lockable lid, black finish, R404, 115v/60/1-ph, 0.975 kW, 10 amps, cETLus, ETL-Sanitation, (2) 2.9-gal. insulated bowls, bowls are transparent for viewing product, black finish, lids lock to prevent spills, safety mechanism automatically stops operation when the lids are lifted, mechanical controls with a timer, defrost is manual**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Chefs Depot	4	EA	$2,521.37	$10,085.48	X
		Ace Mart Restaurant Supply Co	4	EA	$2,605.41	$10,421.64	
		Pueblo Hotel Supply (Grady's)	4	EA	$2,612.97	$10,451.88	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	4	EA	$2,665.00	$10,660.00	
		Douglas Equipment (Douglas Food Stores Inc)	4	EA	$2,684.00	$10,736.00	
		PASCO BROKERAGE, INC.	4	EA	$2,930.00	$11,720.00	
		MISSION RESTAURANT SUPPLY	4	EA	No Bid		

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
12	**Line 41 - Waste Management system for processing food waste, 304 stainless steel construction with polished exterior, mechanical agitation, sealed input and output doors. 250 lb. input capacity, 10-15 hour treatment time, 3.0 kwh power consumption, 3.0 kwh power consumption, 208V 60Hz 30A minimum.**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Ace Mart Restaurant Supply Co	2	EA	$37,950.00	$75,900.00	
		Chefs Depot	2	EA	$38,390.00	$76,780.00	X
		PASCO BROKERAGE, INC.	2	EA	$40,425.00	$80,850.00	
		Douglas Equipment (Douglas Food Stores Inc)	2	EA	No Bid		
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	2	EA	No Bid		
		MISSION RESTAURANT SUPPLY	2	EA	No Bid		
		Pueblo Hotel Supply (Grady's)	2	EA	No Bid		
		Low Bidder did not include shipping charges					
13	**Line 42 - "Groen BPM-30GC 30 gal. Tilt Skillet - open leg base, polished pan, measurement marks, natural gas, gas heated, 30-gal. capacity, 10-in. pan depth, 5⁄8-in.-thick, steel-clad plate, 1-piece cover with full handle and vent, designed for fast heat-up, fast cook times, and even cooking, pan heats to 350 degrees F in just 4 minutes, standard etch marks in gallons and liters allow for precise measuring, stainless steel construction, precision thermostat regulates temperature for accurate cooking, tilting motion is smooth and quick, standard mounting bracket for either right-hand, left-hand, or rear-mounted faucet, water-resistant control box, water resistance makes it less susceptible to water splashback or spray, durable cover hinge, center tilt design for pour path maximizes floor and aisle space, bullet feet are field-retrofittable and interchangeable with flanged feet or casters.**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Chefs Depot	2	EA	$20,582.70	$41,165.40	X
		Pueblo Hotel Supply (Grady's)	2	EA	$20,796.92	$41,593.84	
		MISSION RESTAURANT SUPPLY	2	EA	$22,201.00	$44,402.00	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	2	EA	$22,820.00	$45,640.00	
		Douglas Equipment (Douglas Food Stores Inc)	2	EA	$23,268.82	$46,537.64	
		Ace Mart Restaurant Supply Co	2	EA	$24,195.81	$48,391.62	
		PASCO BROKERAGE, INC.	2	EA	$24,925.00	$49,850.00	

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
14	**Line 44 - "Lincoln Conveyor Oven 1400-2G**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		MISSION RESTAURANT SUPPLY	2	EA	$770.00	$1,540.00	X
		Douglas Equipment (Douglas Food Stores Inc)	2	EA	$43,283.71	$86,567.42	
		Pueblo Hotel Supply (Grady's)	2	EA	$44,205.69	$88,411.38	
		Chefs Depot	2	EA	$46,154.57	$92,309.14	
		Ace Mart Restaurant Supply Co	2	EA	$46,610.21	$93,220.42	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	2	EA	$47,695.00	$95,390.00	
		PASCO BROKERAGE, INC.	2	EA	$47,725.00	$95,450.00	
15	**Line 45 - "New Age Industrial 1250 Can Storage Rack, stationary design with adjustable feet, 1250 stationary can storage rack holds up to 162 #10 cans for heavy duty storage, can rack features adjustable feet to account for uneven floors, constructed out of heavy duty aluminum with the most welds in the industry, insuring years of strength and durability, the New Age Industrial 1250 has sloped guides for automatic can retrieval, NSF listed, made in the USA.**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Ace Mart Restaurant Supply Co	5	EA	$704.25	$3,816.78	X
		Pueblo Hotel Supply (Grady's)	5	EA	$768.56	$3,842.80	
		Douglas Equipment (Douglas Food Stores Inc)	5	EA	$769.92	$3,849.60	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	5	EA	$780.00	$3,900.00	
		PASCO BROKERAGE, INC.	5	EA	$785.00	$3,925.00	
		Chefs Depot	5	EA	$877.16	$4,385.80	
		MISSION RESTAURANT SUPPLY	5	EA	No Bid		

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
16	**Line 46 - Conveyor Oven, Electric, c2600 Precision Impingement Conveyor Oven, ventless, rapid cook, countertop, stackable design (requires stacking kit), 26" wide belt, 21" cooking chamber, touch screen display, built-in self-diagnostics, USB menu upload, smart voltage technology, cool to touch 430 stainless steel exterior, 304 stainless steel interior, 2 year parts and labor warranty, 208-240 volt/60/3-ph, 37.0 amps, front mounted touchscreen control - standard, Model OV-ACCS-C2600, premimum accessory package for Conveyor c2600k include 4 @ 18" round heavy duty pizza screens (OV-HDSCREEN-18), 1 @ 18' square fry basket (OV-FRYBSKT-18), 1 @ 13' x 18" grill plate (OV-GRLPLT-13x18), 1 spatula paddle (OVNTN-PDL), Model OVNTN-EXT-1 c2600 Conveyor extension, adds 13.5" to accomodate larger pans, Model OVNTN-STK-7 stacking kit for matching c2600 unit, Model OZV-STND-2460 Equipment Stand, 24" H x 60"W, no drip - v-edge on front, 1" splash on sides & back, adjustable undershelf, stainless steel construction, casters.**					
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	2	EA	$17,775.00	$35,550.00	X
		MISSION RESTAURANT SUPPLY	2	EA	$17,943.50	$35,887.00	
		Ace Mart Restaurant Supply Co	2	EA	$18,111.57	$36,223.14	
		PASCO BROKERAGE, INC.	2	EA	$18,402.50	$36,805.00	
		Chefs Depot	2	EA	$18,919.37	$37,838.74	
		Douglas Equipment (Douglas Food Stores Inc)	2	EA	$18,987.70	$37,975.40	
		[ALT1] Pueblo Hotel Supply (Grady's)	2	EA	$20,177.74	$40,355.48	
		Pueblo Hotel Supply (Grady's)	2	EA	No Bid		
17	**Line 47 - Multi-purpose transport & Drying Rack, Aluminum, with Rotation Bump and Two locking casters**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Pueblo Hotel Supply (Grady's)	4	EA	$2,894.78	$11,579.12	X
		Chefs Depot	4	EA	$3,199.00	$12,796.00	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	4	EA	$3,350.00	$13,400.00	
		Ace Mart Restaurant Supply Co	4	EA	$3,426.64	$13,706.56	
		Douglas Equipment (Douglas Food Stores Inc)	4	EA	$3,679.65	$14,718.60	
		PASCO BROKERAGE, INC.	4	EA	$3,740.00	$14,960.00	
		MISSION RESTAURANT SUPPLY	4	EA	No Bid		

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
18	**Line 48 - "Quik n' Crispy GF5-DBL240 GF5 Double Stack Greaseless Air Fryer - 240v, 1ph, dimensions: 25" x 29" x 21", weight: 175 lbs, cooking basket: 3" x 16.5" x 16.5", all electrical configuration use NEMA 6-30P Outlet Plug, LCD Color Touch Screen Display 6, preset cooking options, can be reprogrammed via USB port, double stack unit.**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		Pueblo Hotel Supply (Grady's)	2	EA	$17,795.24	$35,590.48	X
		MISSION RESTAURANT SUPPLY	2	EA	$18,306.00	$36,612.00	
		PASCO BROKERAGE, INC.	2	EA	$18,655.00	$37,310.00	
		Chefs Depot	2	EA	$18,999.00	$37,998.00	
		Ace Mart Restaurant Supply Co	2	EA	$19,371.01	$38,742.02	
		Douglas Equipment (Douglas Food Stores Inc)	2	EA	$25,130.18	$50,260.36	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	2	EA	No Bid		
19	**Line 49 - Shop Tuff 1100 lb. Mini Pallet Jack has a capacity of 1100 lb. for a handy-sized pallet jack. The fork dimensions of the pallet jack are 15 in. x 31.5 in. This mini pallet jack is perfect for pulling 1/2 pallets and side stacks and maneuvering in tight spaces. The pallet jack lifts your load in the air a maximum of 5.91 in. and the forks have a minimum height of 2.36 in. for an optimal lift range. Capacity of 1100 lb. for a handy mini pallet jack. Fork dimensions of the mini pallet jack: 15 in. x 31.5 in. Perfect for pulling 1/2 pallets and side stacks. Pallet jack lifts your load in the air a maximum of 5.91 in. with a minimum height of 2.36 in. Designed to maneuver in tight areas that you otherwise would not be able to get in. Comes with durable polyurethane wheels. Easy-to-use operation with the quick-release/lock lever and easy-lift handle. Compact size of the pallet jack is ideal for small-scale jobs.**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		PASCO BROKERAGE, INC.	2	EA	$540.00	$1,080.00	X
		Chefs Depot	2	EA	$545.99	$1,091.98	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	2	EA	No Bid		
		MISSION RESTAURANT SUPPLY	2	EA	No Bid		
		Douglas Equipment (Douglas Food Stores Inc)	2	EA	No Bid		
		Ace Mart Restaurant Supply Co	2	EA	No Bid		
		Pueblo Hotel Supply (Grady's)	2	EA	No Bid		

		Supplier	QTY	UOM	Unit Price	Extended	Recommended Award
20	**Line 50 - Heavy Duty Griddle, electric, countertop, 48" W x 24" D, cooking surface, with grease trap and 4" back and tapered side splashes**						
		Supplier	**QTY**	**UOM**	**Unit Price**	**Extended**	
		MISSION RESTAURANT SUPPLY	3	EA	$6,272.00	$18,816.00	X
		Douglas Equipment (Douglas Food Stores Inc)	3	EA	$6,319.82	$18,959.46	
		Chefs Depot	3	EA	$6,556.39	$19,669.17	
		Ace Mart Restaurant Supply Co	3	EA	$6,691.58	$20,074.74	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)	3	EA	$6,895.00	$20,685.00	
		PASCO BROKERAGE, INC.	3	EA	$6,930.00	$20,790.00	
		Pueblo Hotel Supply (Grady's)	3	EA	$6,961.95	$20,885.85	
		Recommended Vendors for Bid Award				**Total Award**	
		Ace Mart Restaurant Supply Co				$198,520.99	
		Chefs Depot				$204,026.66	
		Douglas Equipment (Douglas Food Stores Inc)				$401,716.31	
		Kommercial Kitchens (Terry Woodard Enterprises, INC)				$35,550.00	
		MISSION RESTAURANT SUPPLY				$21,570.00	
		PASCO BROKERAGE, INC.				$6,041.00	
		Pueblo Hotel Supply (Grady's)				$48,456.60	
		Total all Awards				$915,881.56	

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: **M. Tish**

RE: Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services

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Background Information:

Request for Proposal, RFP # 21-1182, Educational Consulting, Professional Development, and Other Student-Based Contracted Services have been received for the purpose of creating a list of vendors which can service the District. We received six (6) responses during the past month. The recommended vendors will be added to our previously approved list of two hundred fifty-nine (259) responses.

Examples of the types of services covered under this RFP are:

- Academic Educational Consultant
- Professional/Staff Development Training
- Motivational or Professional Speaker
- Program Review/Recommendation Services
- Data/Statistical Analysis
- Curriculum Design
- Evaluator Services
- Judging Services
- Technology Analysis/Consultant
- Operations Analysis/Consultant
- Grant Evaluation Services
- Presentations/Programs for staff and students (e.g. authors)
- Marching Band/Drill/Cheer Design and Choreography (includes camps)
- Theatre Coaching Services
- Instructors for outside of the school day classes (art, photography, gardening, tennis, Zumba, etc.)
- Speaker(s) for Assembly Programs
- Other services deemed appropriate for this request

In an effort to create inclusivity with our consulting, professional development, and student-based contracted services vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 – Purchasing, the Business Services Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
Consideration may need to be given to have an extended opening for receiving responses.

• Limited Response Period. This choice is considered a normal, formal RFP. Examples include newspaper advertisements and awards made and limited to only the responders that submitted and awarded for the solicitation.

• Extended Response Period. This choice is more informal than a limited response period. The major difference is the date the responses are due. This method allows for responses to be accepted throughout an extended period such as the date of the contract award expiration and awards made periodically. Periodic board approval may also be required. For newspaper advertisements, our District will continue to publicize periodic republication through our website and continue to enlist the assistance of the three (3) Chamber of Commerce's, as received on this first solicitation. The advertisement will address concerns about transparency by announcing the solicitation to new readers even though the statutory requirements were met by the initial publication.

The intent for awarding additional vendors to this bid will be done on an as needed basis. Vendors submitting a response by the end of each month will be submitted for consideration at the next board meeting.

Fiscal Implications:

The cost of these items will be charged to the appropriate campus/department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the additional six (6) vendors for the Educational Consulting, Professional Development, and Other Student-Based Contracted Services bid, as presented.

Company Name:	Carol Ann Pruitt
Street Address:	161W. Burton Drive
City, State, Zip:	Longview, TX 75603
Contact Name:	Carol Pruitt
Contact Phone Number:	903-720-8943
Contact Email Address:	pruittcarol534@gmail.com
Category of Service Provided:	Academic Educational Consultant
Target Audience:	Teachers and staff that provide math instruction to students
Description of Services:	Work with teachers and provide strategies for math instruction, model best instructional practices, engage reasoning and questioning skills
Pricing:	$1500 per day; includes modeling instructional practices, presenting researched based instruction and debriefing

Company Name:	National Cheerleaders Association (NCA)
Street Address:	640 Shiloh Road Building 2 Suite 200
City, State, Zip:	Plano, TX 75074
Contact Name:	Shiloh Minier
Contact Phone Number:	214-693-9139
Contact Email Address:	sminier@varsity.com
Category of Service Provided:	Other applicable service
Target Audience:	Middle School and High School Cheer teams
Description of Services:	Cheerleading, dance, and leadership instruction; Cheerleading and dance competitions
Pricing:	Depends on number and type of camp

Company Name:	Leadership Empowerment Group
Street Address:	805 S. Missouri Ave
City, State, Zip:	Mercedes, TX 78570
Contact Name:	Erika Herevia
Contact Phone Number:	956-565-2425
Contact Email Address:	erika@leadershipempowermentgroup.com
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Students, Staff and Faculty, Board Members, and Parents
Description of Services:	Professional development and leadership academies for students, teachers, parents, and executive members. Topics include: Leading in Customer Service, Conflict Management, Professional Communication, Situational Leadership, Strategic Planning, Business Etiquette, Dining Etiquette, Servant Leadership, Diversity and Inclusion, and many more
Pricing:	Fee structure: Half-day $1,000. Full-day $2,000.

Company Name:	MovementUP LLC
Street Address:	644 Barton Creek Drive
City, State, Zip:	Hewitt, TX 76643
Contact Name:	Ahmad J. Washington
Contact Phone Number:	254-717-9922
Contact Email Address:	MovementUP@live.com
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Educators; administrators; elementary, middle, and high school students
Description of Services:	Professional development services and student enrichment services wrap around educators and students in a way that helps to build bridges of authentic connection and improve the culture of each campus
Pricing:	Student Enrichment Services range from $1000 to $5000 Professional Development Trainings range from $10,000 to $25,000 Annual Services Totals to serve 8 preselected schools in WISD would be $350,000 per year, Annual Services Totals to serve all WISD campuses would be $700,000 per year with discounts included

Company Name:	Ryan McGuyre VBC LLC
Street Address:	1200 Bend of the Bosque
City, State, Zip:	China Spring, TX 76633
Contact Name:	Nicole O'Banon
Contact Phone Number:	254-652-3256
Contact Email Address:	nicole_obanon@baylor.edu
Category of Service Provided:	Educational Activity Provider for Students
Target Audience:	Volleyball student athletes
Description of Services:	Volleyball Camp
Pricing:	$185 (includes lunch) $175 (no lunch)

Company Name:	Nerftastic Waco
Street Address:	6712 N River Xing
City, State, Zip:	China Spring, TX 76708
Contact Name:	Kyle Earley
Contact Phone Number:	254-366-5531
Contact Email Address:	nerftasticWaco@yahoo.com
Category of Service Provided:	Other applicable service
Target Audience:	Students, teachers, or WISD staff
Description of Services:	We offer water blaster and Nerf blaster activities
Pricing:	We have different packages depending on number or players, and if a referee is needed

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person: M. Tish**

RE: Purchases over $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service

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Background Information:

In April 2020, the Board approved a change in Board Policy CH (Local) that requires all purchase requests over $50,000 to be approved by the Board of Trustees prior to being made. These purchases will be made under a pre-existing bid or purchasing cooperative. The following purchase requests have been made as of July 27, 2023:

Pre-Existing Bid:

- Peoples Education, Inc. - $62,811.60 – Instructional materials for Cesar Chavez MS – Waco ISD Bid #21-1200 Instructional Materials
- Heinemann (Greenwood Publishing Group, LLC) - $336,320.00 – Shared reading class sets for elementary education – Waco ISD Bid #21-1200 Instructional Materials
- Renaissance Learning, Inc. - $254,389.00 – Universal screener, accelerated reading with reading quiz and text to speech, online books – Waco ISD Bid # 20-1179 Educational Software

Purchasing Cooperative:

- Booksource - $99,577.82 – Books for high school classrooms – Buy Board Contract# 702-23 Library books, used textbooks, and other books
- Branching Minds, Inc - $62,730.00 – Program to track and document required intervention services and parent information – Buy Board Contract# 692-23 Software as a Service (SaaS), Cybersecurity Assessments and Related Products and Services
- Curriculum Associates, LLC - $455,521 – I-Ready instructional software resource to target and reteach identified skills – Buy Board Contract# 653-21 Instructional Materials & classroom teaching supplies & equipment

Fiscal Implications:

The cost of these goods and services will be charged to the appropriate campus/ departmental budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the purchase requests over $50,000, as presented.

Waco Independent School District

Board of Trustee Meeting Agenda

Date: July 27, 2023 **Contact Person**: Dr. Josie Gutierrez

RE: Second Reading of Board Policy Update 121

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Background Information:

Board Policy Update 121 from the Texas Association of School Boards includes codes that have been revised for June 2023. The legal policies are provided for your information only and were effected by legislative and regulatory changes. The local policies included in this packet provide additions, deletions and revisions that clarify the current policy language. The first reading of Board Policy Update 121 was provided to the board at the June 29, 2023 regular board meeting.

Update 121 proposes changes to the following local policies:

- CFB (LOCAL): ACCOUNTING INVENTORIES
- CKE (LOCAL): SAFETY PROGRAM/RISK MANAGEMENT SECURITY PERSONNEL
- CKEA (LOCAL): SECURITY PERSONNEL COMMISSIONED PEACE OFFICERS
- CLB (LOCAL): BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT MAINTENANCE
- CRF (LOCAL): INSURANCE AND ANNUITIES MANAGEMENT UNEMPLOYMENT INSURANCE
- CVA (LOCAL): FACILITIES CONSTRUCTION COMPETITIVE BIDDING
- CVB (LOCAL): FACILITIES CONSTRUCTION COMPETITIVE SEALED PROPOSALS
- DEA (LOCAL): COMPENSATION AND BENEFITS COMPENSATION PLAN
- FD (LOCAL): ADMISSIONS
- FFI (LOCAL): STUDENT WELFARE FREEDOM FROM BULLYING

Fiscal Implications:

None

Administrative Recommendations:

Adopt Board Policy Update 121, as presented.

Instruction Sheet
TASB Localized Policy Manual Update 121

Waco ISD

Code	Type	Action To Be Taken	Note
AC	(LEGAL)	Replace policy	Revised policy
AF	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
BBBA	(LEGAL)	Replace policy	Revised policy
BQ	(LEGAL)	Replace policy	Revised policy
C	(LEGAL)	Replace table of contents	Revised table of contents
CBB	(LEGAL)	Replace policy	Revised policy
CCA	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCGB	(LEGAL)	Replace policy	Revised policy
CFB	(LOCAL)	Replace policy	Revised policy
CH	(LEGAL)	Replace policy	Revised policy
CKE	(LOCAL)	DELETE policy	See explanatory note
CKEA	(LOCAL)	ADD policy	See explanatory note
CL	(LEGAL)	Replace policy	Revised policy
CLA	(LEGAL)	Replace policy	Revised policy
CLB	(LEGAL)	Replace policy	Revised policy
CLB	(LOCAL)	Replace policy	Revised policy
CMD	(LEGAL)	Replace policy	Revised policy
CNC	(LEGAL)	Replace policy	Revised policy
CO	(LEGAL)	Replace policy	Revised policy
CQ	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CRF	(LOCAL)	Replace policy	Revised policy
CSA	(LEGAL)	No policy enclosed	See explanatory note
CVA	(LOCAL)	Replace policy	Revised policy
CVB	(LOCAL)	Replace policy	Revised policy
DBAA	(LEGAL)	Replace policy	Revised policy
DEA	(LOCAL)	Replace policy	Revised policy
DEAB	(LEGAL)	Replace policy	Revised policy
E	(LEGAL)	Replace table of contents	Revised table of contents
EF	(LEGAL)	Replace policy	Revised policy
EHAD	(LEGAL)	Replace policy	Revised policy
EHBAB	(LEGAL)	Replace policy	Revised policy

Waco ISD

Code	Type	Action To Be Taken	Note
EHBAF	(LEGAL)	Replace policy	Revised policy
EHBC	(LEGAL)	Replace policy	Revised policy
EHBCA	(LEGAL)	ADD policy	See explanatory note
EHBH	(LEGAL)	Replace policy	Revised policy
EHBI	(LEGAL)	Replace policy	Revised policy
EHBJ	(LEGAL)	Replace policy	Revised policy
EI	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
FD	(LEGAL)	Replace policy	Revised policy
FD	(LOCAL)	Replace policy	Revised policy
FDA	(LEGAL)	Replace policy	Revised policy
FDC	(LEGAL)	Replace policy	Revised policy
FEA	(LEGAL)	Replace policy	Revised policy
FEB	(LEGAL)	Replace policy	Revised policy
FFAF	(LEGAL)	Replace policy	Revised policy
FFC	(LEGAL)	Replace policy	Revised policy
FFI	(LEGAL)	Replace policy	Revised policy
FFI	(LOCAL)	Replace policy	Revised policy
FL	(LEGAL)	Replace policy	Revised policy
G	(LEGAL)	Replace table of contents	Revised table of contents
GB	(LEGAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GBAA	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy

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AC(LEGAL) GEOGRAPHIC BOUNDARIES

This legal policy has been revised to include additional Education Code provisions related to ways in which a district's geographic boundaries may change, such as by detachment, annexation, consolidation, and abolition.

AF(LEGAL) INNOVATION DISTRICTS

Amended Administrative Code rules, effective October 25, 2022, revised the list of Education Code sections and administrative rules from which a district of innovation may not be exempted. Changes include a requirement to provide TEA a link to the local innovation plan posted on the district's website. Previously, the rule required the district to provide TEA with a copy of the local innovation plan.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

Changes reflect revised Administrative Code provisions regarding compliance investigations by TEA, effective October 26, 2022. Other changes are to better reflect legal sources.

BBBA(LEGAL) ELECTIONS: CONDUCTING ELECTIONS

Provisions regarding confidentiality of the email address and personal phone number of an election judge or clerk have been moved from GBA(LEGAL) to this code addressing elections.

BQ(LEGAL) PLANNING AND DECISION-MAKING PROCESS

An existing requirement to include the district's bullying prevention policy and procedures in the district improvement plan has been added to this policy.

C(LEGAL) BUSINESS AND SUPPORT SERVICES

The C section table of contents has been revised to add the new code CKED, Security Personnel: Other Security Arrangements. We have also added for future expansion new codes addressing facility standards at CSA (Safety and Security) and CSB (Gas and Pipelines).

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

Revisions are to better reflect legal sources.

CCA(LEGAL) LOCAL REVENUE SOURCES: BOND ISSUES

Citations have been updated to reflect the repeal and replacement of an Administrative Code provision regarding the bond guarantee program, effective March 1, 2023. References to Administrative Code provisions regarding the instructional facilities allotment and existing debt allotment have been clarified.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

This policy has been revised to reflect the increased homestead exemption of $40,000 approved by voters on May 7, 2022.

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

We have added a note regarding the expiration of the Texas Economic Development Act on December 31, 2022, and the continued application of the law to limitations on appraised value in existence at that time.

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CFB(LOCAL) ACCOUNTING: INVENTORIES

Revisions regarding the capitalization threshold are based on amended guidance from *GASB Implementation Guide 2021-1*, Question 5.1, regarding the capitalization of assets with individual acquisition costs below the threshold if the assets in the aggregate are significant. The amended guidance applies to reporting periods beginning after June 15, 2023.

CH(LEGAL) PURCHASING AND ACQUISITION

We have replaced the citation to a repealed Administrative Code rule regarding purchases of automated information systems with a citation to a new rule effective December 19, 2022.

CKE(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: SECURITY PERSONNEL

To better align the district's legal and local policies, provisions addressing commissioned peace officers have been relocated to CKEA(LOCAL).

CKEA(LOCAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

Provisions addressing commissioned peace officers have been relocated to this code from CKE(LOCAL). Please review the provisions for accuracy. If revisions are needed regarding other security personnel or if the district's police department has a body-worn camera program or considers one in the future, please contact your policy consultant.

CL(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

We have replaced the citation to repealed Administrative Code provisions regarding public pool sanitation and safety with a citation to new provisions effective January 1, 2023.

CLA(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: SECURITY

New Administrative Code rules, effective February 2, 2023, have been added to address required warning signs regarding human trafficking.

CLB(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE

Changes reflect revisions to Administrative Code rules regarding integrated pest management, effective January 16, 2023.

CLB(LOCAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT: MAINTENANCE

Administrative Code rules regarding integrated pest management (IPM) were amended to include district-owned residential property among the district facilities subject to the IPM requirements. Although the changes to the rules add "residential property" to the buildings and grounds subject to IPM requirements, it is our understanding from the Texas Department of Agriculture that this inclusion is intended to apply only to district-owned residential property that is primarily used as student housing. As requested by TDA, revisions include such residential property among the district facilities subject to the district's IPM program.

CMD(LEGAL) EQUIPMENT AND SUPPLIES MANAGEMENT: INSTRUCTIONAL MATERIALS CARE AND ACCOUNTING

An Administrative Code provision, effective June 7, 2022, has been added regarding purchasing technological equipment with the instructional materials and technology allotment.

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CNC(LEGAL) TRANSPORTATION MANAGEMENT: TRANSPORTATION SAFETY

Provisions have been added regarding the use of school bus warning signals.

CO(LEGAL) FOOD AND NUTRITION MANAGEMENT

New Administrative Code provisions were adopted regarding appeals related to federal food and nutrition programs administered by the Texas Department of Agriculture. A reference to these provisions, effective November 27, 2022, has been added.

CQ(LEGAL) TECHNOLOGY RESOURCES

A reference to Administrative Code provisions regarding management of electronic transactions and signed records has been clarified.

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

The link to the Texas Department of State Health Services Guidelines for the Care of Students with Food Allergies has been updated.

CRF(LOCAL) INSURANCE AND ANNUITIES MANAGEMENT: UNEMPLOYMENT INSURANCE

There are no significant revisions to the text on reasonable assurance; however, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

CSA(LEGAL) FACILITY STANDARDS: SAFETY AND SECURITY

The Commissioner of Education proposed new School Safety Requirements in the Commissioner's Rules Concerning School Facilities in November 2022. The public comment period closed December 12, 2022, but the rules are not yet finalized. The proposed rules require local policy provisions. Policy Service will include legal provisions in this new policy code and provide local policy provisions for consideration following publication of the final rules.

CVA(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

Policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

CVB(LOCAL) FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

As noted above, policy BJA(LOCAL) authorizes the superintendent to delegate responsibilities to other employees of the district as permitted by law; thus, it is not necessary to include a reference to the superintendent's designee at Specifications. In addition, the policy template has been updated to accommodate the new adoption date function in Policy Online®. This policy is being issued at no charge to the district.

DBAA(LEGAL) EMPLOYMENT REQUIREMENTS AND RESTRICTIONS: PRE-EMPLOYMENT REVIEWS

Changes have been made to better reflect legal sources and to delete obsolete provisions.

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DEA(LOCAL) COMPENSATION AND BENEFITS: COMPENSATION PLAN

To eliminate the possibility of confusion about the frequency of pay, we recommend replacing *bimonthly* with the more specific and widely used *semi-monthly.* Other revisions are recommended for clarification and consistency with policy style.

The *Legal Issues in Update 121* memo describes common legal concerns and best practices specific to this policy's topic.

DEAB(LEGAL) COMPENSATION PLAN: WAGE AND HOUR LAWS

Changes have been made to better reflect legal sources.

E(LEGAL) INSTRUCTION

The E section table of contents has been updated to add the new code EHBCA, which includes provisions addressing accelerated instruction previously located at EHBC. The subtitle for policy EHBC has been changed to Compensatory Services and Intensive Programs.

EF(LEGAL) INSTRUCTIONAL RESOURCES

Legal definitions of "harmful materials" and "obscene" have been added for ease of access.

EHAD(LEGAL) BASIC INSTRUCTIONAL PROGRAM: ELECTIVE INSTRUCTION

A reference to Administrative Code provisions has been added regarding driver education safety program requirements.

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

Changes reflect revised Administrative Code provisions regarding students who are homeless or in substitute care, effective January 1, 2023.

EHBAF(LEGAL) SPECIAL EDUCATION: VIDEO/AUDIO MONITORING

Revisions reflect amended Administrative Code provisions, effective January 22, 2023, pertaining to filing certain documents electronically.

EHBC(LEGAL) SPECIAL PROGRAMS: COMPENSATORY SERVICES AND INTENSIVE PROGRAMS

Update 121 includes a reorganization of the information regarding compensatory, intensive, and accelerated instructional services. Provisions addressing accelerated instruction have been moved to the new code EHBCA. The remaining provisions at this code, now subtitled Compensatory Services and Intensive Programs, have been reordered and adjusted for clarity.

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

This new policy addressing accelerated instruction comprises provisions moved from EHBC(LEGAL). For clarity, we have reordered and adjusted the material.

EHBH(LEGAL) SPECIAL PROGRAMS: OTHER SPECIAL POPULATIONS

An amended Administrative Code provision, effective January 18, 2023, has been added pertaining to regional day school programs for the deaf.

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EHBI(LEGAL) SPECIAL PROGRAMS: ADULT AND COMMUNITY EDUCATION

Changes reflect revisions to Administrative Code provisions, effective November 24, 2022, regarding essential program components of adult education programs.

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes include a new Administrative Code provision, effective February 26, 2023, regarding requests for approval of an innovative course by the State Board of Education.

EI(LEGAL) ACADEMIC ACHIEVEMENT

This legal policy has been revised to replace a repealed Administrative Code rule with a new rule, effective January 1, 2023, related to awarding credit to students who are homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district. Other changes are to better reflect legal sources.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Duplicative text regarding students who fail to perform satisfactorily on a state assessment instrument has been deleted and replaced with a note pointing to EHBC and EHBCA.

FD(LEGAL) ADMISSIONS

The policy has been updated to delete an Administrative Code rule repealed by the State Board of Education, effective March 9, 2023.

FD(LOCAL) ADMISSIONS

Recommended revisions to this policy at Transition Assistance reflect the repeal and replacement of an Administrative Code provision regarding awarding credit to a student who is homeless or in substitute care. Under the new rule, a district must adopt a policy to ensure credit has been awarded appropriately prior to enrollment. Other changes provide greater flexibility for the district with regard to requiring proof of residency by removing specific requirements and referring to administrative regulations.

The *Legal Issues in Update 121* memo describes common legal concerns and best practices specific to this policy's topic.

FDA(LEGAL) ADMISSIONS: INTERDISTRICT TRANSFERS

This policy has been reorganized for clarity. Other changes are to better match statutory wording. Notes have been added to more clearly indicate the application of certain provisions.

FDC(LEGAL) ADMISSIONS: HOMELESS STUDENTS

A note has been added to clarify that information regarding support services for students experiencing homelessness, including provisions regarding district liaisons and transition services, is located at FFC.

FEA(LEGAL) ATTENDANCE: COMPULSORY ATTENDANCE

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. A note has been added referring to the *Student Attendance Accounting Handbook* for additional guidance.

FEB(LEGAL) ATTENDANCE: ATTENDANCE ACCOUNTING

This legal policy has been updated to remove provisions of Administrative Code rules repealed by the State Board of Education, effective March 9, 2023. We have also added a note referring to the *Student*

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Attendance Accounting Handbook for additional guidance, as well as existing statutory provisions for completeness and clarification.

FFAF(LEGAL) WELLNESS AND HEALTH SERVICES: CARE PLANS

Links to the Texas Department of State Health Services' guidance for the care of students with diabetes and of students with food allergies have been updated.

FFC(LEGAL) STUDENT WELFARE: STUDENT SUPPORT SERVICES

Revisions throughout this policy reflect amended Administrative Code provisions, effective January 1, 2023, regarding transition assistance for students experiencing homelessness or in substitute care.

FFI(LEGAL) STUDENT WELFARE: FREEDOM FROM BULLYING

A note has been added with a link to the Minimum Standards for Bullying Prevention finalized by TEA on January 31, 2023.

FFI(LOCAL) STUDENT WELFARE: FREEDOM FROM BULLYING

The Minimum Standards for Bullying Prevention, completed by TEA on January 31, 2023, include a requirement for policy provisions on reporting bullying incidents. Existing policy language addresses reporting by students and staff. The enclosed revisions are recommended to address the new minimum standards.

FL(LEGAL) STUDENT RECORDS

Provisions at Access, Disclosure, and Amendment, beginning on page 4, have been revised and reorganized for clarity and to better reflect legal sources. The definition of eligible student has been added. Additional reporting requirements under the National School Lunch Act or the Child Nutrition Act have also been added. A note has been added at the beginning of the policy to clarify that information regarding juvenile law enforcement records is located in GBA.

G(LEGAL) COMMUNITY AND GOVERNMENTAL RELATIONS

The G section table of contents has been revised to reflect the correct subtitle for GBA, Access to Public Information.

GB(LEGAL) PUBLIC INFORMATION PROGRAM

Update 121 includes a reorganization of the public information policies in the GB series. As part of the reorganization, we have deleted provisions that are duplicated at other policy codes and adjusted provisions for clarity and to better match statutory wording.

GBA(LEGAL) PUBLIC INFORMATION PROGRAM: ACCESS TO PUBLIC INFORMATION

As part of the reorganization of the public information policies, we have made the following changes:

- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary, to improve usability.
- Moved provisions regarding confidentiality based on statutes outside the Public Information Act (Government Code Chapter 552) to the policy code addressing the specific topic.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

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GBAA(LEGAL) ACCESS TO PUBLIC INFORMATION: REQUESTS FOR INFORMATION

As part of the reorganization of the GB series, we have made the following changes:

- Deleted provisions that are duplicated at other policy codes and added cross-references, if necessary.
- Reordered and adjusted provisions for clarity and to better match statutory wording.

GRA(LEGAL) RELATIONS WITH GOVERNMENTAL ENTITIES: STATE AND LOCAL GOVERNMENTAL AUTHORITIES

This policy has been revised to include an Education Code provision prohibiting citation of a student alleged to have committed a school offense. Family Code definitions have also been added to support existing content regarding students taken into custody.

Boundary Descriptions and Maps

A district shall file with the Texas Education Agency (TEA):

1. A complete and legally sufficient description of the boundaries of the district.
2. A map of the district that is:
   a. Drawn to the county general highway maps produced by the Texas Department of Transportation or a similar map of sufficient detail to display the names of visible features that the boundaries follow or to which the boundaries are in close proximity; and
   b. An accurate and legible representation of the boundaries in relationship to other features on the map.
3. A list of voting precincts within the district, separately listing those precincts wholly within the district and those precincts only partly within the district.

A district shall amend the information and maps on file with TEA if the boundaries of the district change or if any other change makes the information on file incomplete or inaccurate.

Education Code 13.010

Changes in Boundaries

Any change in the boundaries of a district is not effective unless approved by a majority of the board if the board's approval is required under Education Code Chapter 13. *Education Code 13.008*

Minor Boundary Adjustments

Two contiguous districts may adjust their common boundary by agreement if, at the time the agreement is executed:

1. No child who resides in the territory that is transferred from one jurisdiction to the other is enrolled in a school of the district from which the territory is transferred; and
2. The taxable value of the territory that is transferred from one jurisdiction to the other does not exceed one-tenth of one percent of the total taxable value of all property in the district from which the territory is transferred. "Taxable value" is defined at Government Code 403.302.

Education Code 13.231

Notice of Boundary Change

To Voter Registrar

A district that changes its boundaries or the boundaries of districts used to elect members to the board shall not later than the 30th day after the date the change is adopted:

1. Notify the voter registrar of the county in which the area subject to the boundary change is located of the adopted boundary change; and

2. Provide the voter registrar with a map of an adopted boundary change in a format that is compatible with the mapping format used by the registrar's office.

Election Code 42.0615

To County Appraiser

A district shall notify the appraisal office of any boundary changes within 30 days after the date of the change. *Tax Code 6.07*

Detachment and Annexation

In accordance with Education Code 13.051, territory may be detached from a district and annexed to another district that is contiguous to the detached territory. A petition requesting the detachment and annexation must be presented to the board of the district from which the territory is to be detached and to the board of the district to which the territory is to be annexed. Each board to which a petition is required to be presented must conduct a hearing and adopt a resolution for the annexation to be effective. *Education Code 13.051(a)*

Immediately following receipt of the petition as required by this section, each affected board shall give notice of the contemplated change by publishing and posting a notice in the manner required for an election order under Education Code 13.003. The notice must specify the place and date at which a hearing on the matter shall be held. Unless the districts hold a joint hearing, the districts must hold hearings on separate dates. At each hearing, affected persons are entitled to an opportunity to be heard. *Education Code 13.051(g)*

For more information about detachment and annexation, see Education Code Chapter 13, Subchapter B (Detachment and Annexation).

Detachment and Creation

A new district may be created by detaching territory from an existing district or existing contiguous districts and establishing a new district. A district created under Education Code Chapter 13, Subchapter C has all the rights and privileges of other independent school districts. *Education Code 13.101*

For more information about the creation of the district by detachment, including the requirement to hold an election, see Education Code Chapter 13, Subchapter C (Creation of District by Detachment).

Consolidation

By the procedure provided by Education Code Chapter 13, Subchapter D, two or more districts may consolidate into a single district. The consolidated district may include area in more than one county. *Education Code 13.151*

For more information about the consolidation of two or more districts, including election requirements, see Education Code Chapter 13, Subchapter D (Consolidation).

Abolition

Abolition of an independent school district is initiated by a petition requesting an election on the question. The petition must be signed by a majority of the board of the district to be abolished and must be presented to the county judge of each county in which part of the independent school district is situated. *Education Code 13.202*

For more information about the abolition of the district, including election requirements, see Education Code Chapter 13, Subchapter E (Abolition).

Definitions

"District-level committee" means the committee established under Education Code 11.251, or a comparable committee if the district is exempted (or has exempted itself) from this provision.

"Innovation plan committee" means a committee appointed by the board of trustees to develop the innovation plan in accordance with statutory requirements. The district-level committee may also serve in this role.

"Public hearing" means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation and provides the opportunity for the public to give opinions and comments on the proposed actions.

"Public meeting" means an open meeting held by the board of trustees that allows members of the public to hear facts about the proposed plan and designation.

"Unacceptable academic performance rating" means a rating of Improvement Required or Unacceptable Performance or as otherwise indicated in the applicable year's academic accountability manual.

"Unacceptable financial accountability rating" means a Financial Integrity Rating System of Texas (FIRST) rating of Substandard Achievement as indicated in the applicable year's financial accountability system manual.

19 TAC 102.1301

District of Innovation

A district is eligible for designation as a district of innovation if the district's most recent performance rating under Education Code 39.054 reflects at least acceptable performance.

A board may not vote on the final approval of the innovation plan if the district is assigned either a final or preliminary rating below acceptable performance. In the event the preliminary rating is changed, the board may then vote to become an innovation district.

Consideration of designation as a district of innovation may be initiated by a resolution adopted by the board or a petition signed by a majority of the members of the district-level committee [see BQA].

Education Code 12A.001; 19 TAC 102.1303

Public Hearing

After adopting a resolution or receiving a petition for consideration as a district of innovation, a board shall hold a public hearing as soon as possible, but not later than 30 days, to consider whether the district should develop a local innovation plan for the designation of the district as a district of innovation.

At the conclusion of the public hearing or within 30 days after conclusion of the public hearing, the board may decline to pursue designation of the district as a district of innovation or appoint a committee to develop a local innovation plan.

The board may outline the parameters around which the innovation plan committee may develop the plan.

Education Code 12A.002; 19 TAC 102.1305

Local Innovation Plan

A local innovation plan meeting all legal requirements must be developed for a district before the district may be designated as a district of innovation.

The local innovation plan must provide for a comprehensive educational program for the district, which program may include:

1. Innovative curriculum, instructional methods, and provisions regarding community participation, campus governance, and parental involvement;
2. Modifications to the school day or year [see EB, EC];
3. Provisions regarding the district budget and sustainable program funding;
4. Accountability and assessment measures that exceed the requirements of state and federal law; and
5. Any other innovations prescribed by the board of trustees.

The plan must also identify requirements imposed by the Education Code that inhibit the goals of the plan and from which the district should be exempted on adoption of the plan, subject to Education Code 12A.004. [See Exceptions, below]

The commissioner of education shall maintain a list of provisions from which designated districts of innovation are exempt. The commissioner shall notify the legislature of each provision from which districts enrolling a majority of students in this state are exempt.

Education Code 12A.003, .004(b); 19 TAC 102.1305(d)

Prohibited Exemptions

A local innovation plan may not provide for the exemption of a district designated as a district of innovation from the provisions listed in Education Code 12A.004 and 19 Administrative Code 102.1309.
Education Code 12A.004; 19 TAC 102.1309

An innovation district may not be exempted from the following sections of the Education Code and the rules adopted thereunder:

1. A state or federal requirement, imposed by statute or rule, applicable to an open-enrollment charter school operating under Education Code Chapter 12, Subchapter D, including, but not limited to, the requirements listed in Education Code 12.104(b), and:
    a. Education Code Chapter 22, Subchapter B;
    b. Education Code Chapter 25, Subchapter A, sections 25.001, .002, .0021, .0031, and .004;
    c. Education Code Chapter 28, sections 28.002, .0021, .0023, .005, .0051, .006, .016, .0211, .0213, .0217, .025, .0254, .02541, .0255, .0258, .0259, and .026;
    d. Education Code Chapter 29, Subchapter G;
    e. Education Code Chapter 30, Subchapter A;
    f. Education Code 30.104;
    g. Education Code Chapter 34;
    h. Education Code Chapter 37, sections 37.005, .006(l), .007(e), .011, .012, .013, and .020;
    i. Education Code Chapter 39; and
    j. Education Code Chapter 39A.
2. Education Code Chapter 11, Subchapters A, C, D, and E, except that a district may be exempt from Education Code 11.1511(b)(5) and (14) and 11.162;
3. Education Code Chapter 12, Subchapter C;
4. Education Code Chapter 12A;
5. Education Code Chapter 13;
6. Education Code Chapter 44, sections 44.0011, .002, .003, .004, .0041, .005, .0051, .006, .007, .0071, .008, .009, .011, .0312, .032, .051, .052, .053, and .054;
7. Education Code Chapter 45, sections 45.003, .0031, .005, .105, .106, .202, and .203;
8. Education Code Chapter 46;
9. Education Code Chapter 48; and
10. Education Code Chapter 49.

In addition to the prohibited exemptions specified above, an innovation district may not be exempted from:

1. A requirement of a grant or other state program in which the district voluntarily participates;
2. Duties that the statute applies to the execution of that power if a district chooses to implement an authorized power that is optional under the terms of the statute;
3. A requirement of a grant or other state program authorized in the Education Code that would otherwise entitle the district to participation in that program; and
4. Requirements imposed by provisions outside the Education Code, including requirements under Government Code Chapter 822.

19 TAC 102.1309; Education Code 12A.004

Adoption of Local Innovation Plan

The board may not vote on adoption of a proposed local innovation plan unless:

1. The final version of the proposed plan has been available on the district's website for at least 30 days;
2. The board has notified the commissioner of the board's intention to vote on adoption of the proposed plan; and
3. The district-level committee [see BQA] has held a public meeting to consider the final version of the proposed plan and has approved the plan by a majority vote of the committee members. The public meeting may occur at any time, including up to or on the same date at which the board intends to vote on final adoption of the proposed plan.

The board may adopt a proposed local innovation plan by an affirmative vote of two-thirds of the membership of the board.

On adoption of a local innovation plan, the district is designated as a district of innovation for the term specified in the plan, but no longer than five calendar years, and shall begin operation in accordance with the plan. In addition, the district is exempt from state requirements identified under Education Code 12A.003(b)(2). [See Local Innovation Plan, above]

The district shall notify the commissioner of approval of the plan along with a list of approved exemptions by completing the agency’s form provided at 19 Administrative Code 102.1307(d).

A district's exemption under the plan includes any subsequent amendment or redesignation of an identified state requirement, un-

	less the subsequent amendment or redesignation specifically applies to an innovation district. The district shall ensure that a copy of the plan is posted on the district's website in accordance with Education Code 12A.0071, for the term of the designation as an innovation district. *Education Code 12A.005; 19 TAC 102.1307*
Notice to TEA	Not later than the 15th day after the date on which the board finalizes a local innovation plan either through adoption, amendment, or renewal, the district shall provide a link to the local innovation plan as posted on the district's website to the Texas Education Agency (TEA). TEA shall promptly post the current local innovation plan on the agency's website. *19 TAC 102.1307(g); Education Code 12A.0071(b)*
Term	The term of a district's designation as a district of innovation may not exceed five years and is effective upon district approval and notification of the plan to the TEA. A district may only have one innovation plan at any given time. *Education Code 12A.006; 19 TAC 102.1311*
Amendment, Rescission, or Renewal of Local Innovation Plan	A local innovation plan may be amended, rescinded, or renewed if the action is approved by a vote of the district-level committee [see BQA] and a two-thirds majority vote of the board of trustees. An amendment to an approved plan does not change the date of the term of designation as an innovation district. Exemptions that were already formally approved are not required to be reviewed. A district must notify TEA within five business days of rescission and provide a date at which time it will be in compliance with all sections of the Education Code, but no later than the start of the following school year. During renewal, all sections of the plan and exemptions shall be reviewed, and the district must follow all components outlined in 19 Administrative Code 102.1307 relating to Adoption of Local Innovation Plans. The district shall notify the commissioner of any actions taken along with the associated exemptions and local approval dates. *Education Code 12A.007; 19 TAC 102.1313*
Website Posting	A district designated as a district of innovation shall ensure that a copy of the district's current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's internet website. *Education Code 12A.0071(a); 19 TAC 102.1307(f)*

The district's innovation plan must be clearly posted on the district's website for the term of the designation as an innovation district. *19 TAC 102.1307(f)*

Criminal History Background Checks

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (district employee and volunteer criminal history records), applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 (National Criminal History Record Information Review of Certain Open-Enrollment Charter School Employees) may result in termination of the district's designation as a district of innovation.

Education Code 22.0815(b)–(c)

Termination by Commissioner

Discretionary Termination

The commissioner may terminate a district's designation as a district of innovation if the district receives for two consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. A final unacceptable academic performance rating under Education Code 39.054 for one of the school years and an unacceptable financial accountability rating under Education Code 39.082 for the other school year.

The commissioner may permit the district to amend the local innovation plan to address concerns specified by the commissioner in lieu of terminating the district's designation.

Education Code 12A.008(a)–(b); 19 TAC 102.1315(a)(1)–(a)(2)

The commissioner may terminate a district's designation as a district of innovation if the district fails to comply with the duty to discharge or refuse to hire:

1. Certain employees or applicants for employment under Education Code 12.1059;
2. Certain employees or applicants convicted of certain offenses under Education Code 22.085; or
3. Certain employees or applicants not eligible for employment in public schools under Education Code 22.092.

19 TAC 102.1315(a)(3); Education Code 12A.008(b-1) [See DBAA, DF]

Mandatory Termination

The commissioner shall terminate a district's designation as a district of innovation if the district receives for three consecutive school years:

1. A final unacceptable academic performance rating under Education Code 39.054;
2. A final unacceptable financial accountability rating under Education Code 39.082; or
3. Any combination of one or more unacceptable ratings Education Code 39.054 and one or more unacceptable ratings under Education Code 39.082.

Education Code 12A.008(c); 19 TAC 102.1315(b)

No Appeal

The commissioner's decision to terminate a district's designation as a district of innovation is final and may not be appealed. *Education Code 12A.008(d); 19 TAC 102.1315(d)*

Special Investigations

The commissioner may authorize a special investigation:

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

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

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

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

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

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

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

TEA shall adopt written procedures for conducting special 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 39.004(a)*

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

Commissioner Action

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

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

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

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

Education Code 39.003(d)

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

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

Education Code 39.003(e)

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

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

Monitoring Reviews

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

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

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

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation 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 (redesignated to Education Code 39.003, special 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)*

Converting to a Special Investigation

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

Improvements

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

Appeals

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

Compliance Investigation

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

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)]

Notice of Polling Place

Any written notice of a polling place location must state the building name, if any, and the street address, including the suite or room number, if any, of the polling place. *Election Code 1.021*

Election Order

The board shall order an election. An election to be held on a uniform election date shall be ordered not later than the 78th day before election day. *Election Code 3.004, .005*

Each election order must state:

1. The date of the election;
2. The offices or measures to be voted on;
3. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;
4. The location of the main early voting polling place;
5. The dates and hours for early voting; and
6. The dates and hours of any Saturday and Sunday early voting.

Election Code 3.006, 83.010, 85.004, .007

A board shall preserve the election order for the period for preserving the precinct election records. The date and nature of each election shall be entered in the official records of the board. For an election on a measure, the entry must include a description of the measure. *Election Code 3.008*

Failure to Order an Election

Failure to order a general election does not affect the validity of the election. *Election Code 3.007*

Election Notice

Contents

Notice of the election must state:

1. The nature and date of the election;
2. The location of each polling place;

3. The hours the polls will be open;

4. The internet website of the authority conducting the election;

5. The early voting clerk's official mailing address or street address at which the clerk may receive delivery by common or contract carrier, if different, phone number, email address, and internet website, if the early voting clerk has an internet website;

6. The location of the main early voting polling place; and

7. The dates and hours for early voting, including the dates and hours of any Saturday and Sunday early voting.

Election Code 4.004(a), 83.010, 85.004, .007

Notice of Special Election

The notice of a special election must also state each office to be filled or the proposition stating each measure to be voted on. *Election Code 4.004(b)*

Publication

Notice of the election shall be published at least once, not earlier than the 30th day or later than the tenth day before election day, in a newspaper published within the district's boundaries or in a newspaper of general circulation in the district if none is published within the district's boundaries. The board shall retain a copy of the published notice that contains the name of the newspaper and the date of publication. *Election Code 4.003(a)(1), (c), .005(a)*

Posting

In addition to the notice described above, not later than the 21st day before election day, a county shall post a copy of a notice of election provided to the county [see Notice to County Clerk and Voter Registrar, below], which must include the location of each polling place, on the county's internet website, if the county maintains a website. A district may post a copy of the notice on the bulletin board used for posting notices of the meetings of the board. If a county does not maintain a website, the district shall post a copy of the notice of the election on the bulletin board used for posting notice of meetings of the board. The notice must remain posted continuously through election day. The person posting the notice shall make a record at the time of posting stating the date and place of posting. The person shall sign the record and deliver it to the board after the last posting is made. *Election Code 4.003(b), .005(b)*

A district that maintains a website must post the notice described above on the internet website of the district. *Election Code 85.007(d)*

Note: For additional website posting requirements regarding the date and location of the next election, see CQA.

Notice to County Clerk and Voter Registrar

The board shall deliver notice of the election, including the location of each polling place, to the county clerk and voter registrar of each county in which the district is located not later than the 60th day before election day. The county clerk shall post notice of the election, including the location of each polling place, on the county's internet website, if the county maintains a website, as provided by Election Code 4.003(b). *Election Code 4.008(a)* [See Posting, above]

Notice to Election Judge

Not later than the 15th day before election day or the seventh day after the date the election is ordered, whichever is later, the board shall deliver to the presiding judge of each election precinct in which the election is to be held in the district a written notice of:

1. The nature and date of the election;
2. The location of the polling place for the precinct served by the judge;
3. The hours that the polls will be open;
4. The judge's duty to hold the election in the precinct specified by the notice; and
5. The maximum number of clerks that the judge may appoint for the election.

Election Code 4.007

Failure to Give Notice of Election

Failure to give notice of a general election does not affect the validity of the election. *Election Code 4.006*

Internet Posting

Not later than the 21st day before election day, a district that holds an election and maintains an internet website shall post on the public internet website for the district:

1. The date of the next election;
2. The location of each polling place;
3. Each candidate for an elected office on the ballot; and
4. Each measure on the ballot.

Election Code 4.009(b)

Filing Information

Notice to Candidates

A district shall post notice of the dates of the filing period in a public place in a building in which the district has an office not later than the 30th day before the first day on which a candidate may file an application for a place on the ballot. A district shall designate an email address in the notice for the purpose of filing an application for a place on the ballot under Election Code 143.004, below. *Election Code 141.040*

Note: For additional website posting requirements regarding the requirements and deadline for filing for candidacy of board member, see CQA.

Application

To be entitled to a place on the ballot, a candidate must make an application for a place on the ballot. An application, other than an application required to be accompanied by fee, may be filed through email transmission of the completed application in a scanned format to the email address designated by the filing authority in the notice required under Election Code 141.040, above. *Election Code 143.004*

A candidate application for a place on the ballot must:

1. Be in writing;
2. Be signed and sworn to before a person authorized to administer an oath in this state by the candidate and indicate the date that the candidate swears to the application;
3. Be timely filed with the appropriate authority; and
4. Include all statutorily required information.

Election Code 141.031, .039

Deadline

An application for a place on the ballot may not be filed earlier than the 30th day before the date of the filing deadline.

An application must be filed not later than 5:00 p.m. of the 78th day before the date of the election for an election to be held on a uniform election date.

Education Code 11.055(a); Election Code 144.005(a), (d)

Death of Candidate

If a candidate dies on or before the deadline for filing an application for a place on the ballot:

1. The authority responsible for preparing the ballots may choose to omit the candidate from the ballot; and
2. If the authority omits the candidate's name under item 1, the filing deadline for an application for a place on the ballot for

the office sought by the candidate is extended until the fifth day after the filing deadline.

Election Code 145.098(b)

Write-in Candidate

A declaration of write-in candidacy must be filed not later than 5:00 p.m. of the 74th day before election day for an election to be held on a uniform election date. *Education Code 11.056(b); Election Code 146.054*

Special Election

An application for a place on a special election ballot may not be filed before the election is ordered.

An application must be filed not later than:

1. 5:00 p.m. of the 62nd day before election day if election day is on or after the 70th day after the election is ordered; or
2. 5:00 p.m. of the 40th day before election day if election day is on or after the 46th day and before the 70th day after the date the election is ordered.

Exception

For a special election to be held on the date of the general election for state and county officers (the first Tuesday after the first Monday in November in even-numbered years under Election Code 41.002), the day of the filing deadline is 6:00 p.m. of the 75th day before election day.

Write-in Candidate

A declaration of write-in candidacy for a special election must be filed not later than the filing deadline.

Election Code 201.054

Delivery or Submission of Documents

When the Election Code provides for the delivery, submission, or filing of an application, notice, report, or other document or paper with an authority having administrative responsibility under that code, a delivery, submission, or filing with an employee of the district at the district's usual place for conducting official business constitutes filing with the district. The district may accept the document or paper at a place other than the district's usual place for conducting official business.

A delivery, submission, or filing of a document or paper under the Election Code may be made by personal delivery, mail, telephonic facsimile machine, email, or any other method of transmission.

Election Code 1.007

Election of Unopposed Candidate

Certification of Unopposed Status

The authority responsible for having the official ballot prepared shall certify in writing that a candidate is unopposed for election to an office if, were the election held, only the votes cast for that candidate in the election for that office may be counted. The certification shall be delivered to the board as soon as possible after the filing deadlines for placement on the ballot and list of write-in candidates.

A certification may be made following the filing of a withdrawal request by a candidate after the deadline prescribed by Election Code 145.092 if:

1. The withdrawal request is valid except for the untimely filing;
2. Ballots have not been prepared; and
3. The other conditions for certification are met.

A certification under these circumstances shall be delivered to the board as soon as possible.

Election Code 2.052

Special Election

For purposes of these provisions, a special election of a district is considered to be a separate election with a separate ballot from a general election for board members or another special election of the district held at the same time. *Election Code 2.051(a)*

Single-Member Districts

In the case of an election in which any members of the board are elected from single-member districts, these provisions apply to the election in a particular single-member district if each candidate for an office that is to appear on the ballot in that single-member district is unopposed and no opposed at-large race is to appear on the ballot. These provisions apply to an unopposed at-large race in such an election regardless of whether an opposed race is to appear on the ballot in a particular territorial unit. *Election Code 2.051(b)*

Action on Certification

On receipt of the certification, the board by order or ordinance shall declare each unopposed candidate elected to office. If a declaration is made, the election is not held.

If no election is to be held on election day by the district, a copy of the order or ordinance shall be posted on election day at each polling place used or that would have been used in the election.

The ballots used at a separate election held at the same time as an election that would have been held if the candidates were not declared elected shall include the offices and names of the candidates declared elected listed separately after the measures or contested races in the separate election under the heading

"Unopposed Candidates Declared Elected." The candidates shall be grouped in the same relative order prescribed for the ballot generally. No votes are cast in connection with the unopposed candidates.

Election Code 2.053

[See BBBB regarding issuance of a certificate of election to an unopposed candidate declared elected and qualification for office.]

Ballot

The ballot shall be prepared in accordance with Election Code Chapter 52.

Drawing

The district shall conduct a drawing to determine the order of the candidates' names in an election at which the names of more than one candidate for the same office are to appear on the ballot. The district shall post in the district's office a notice of the date, hour, and place of the drawing. The notice must remain posted continuously for 72 hours immediately preceding the scheduled time of the drawing. The district shall provide notice of the date, hour, and place of the drawing to each candidate by:

1. Written notice:
    a. Mailed to the address stated on the candidate's application for a place on the ballot, not later than the fourth day before the date of the drawing; or
    b. Provided at the time the candidate files an application with the district;
2. Telephone, if a telephone number is provided on the candidate's application for a place on the ballot; or
3. Email, if an email address is provided on the candidate's application for a place on the ballot.

Each candidate affected by a drawing is entitled to be present or have a representative present at the drawing.

Election Code 52.093–.094 [See BBBB regarding ballot order in a runoff election or election to resolve a tie.]

Ballots for an election by position must clearly show the position for which each person is a candidate. A board shall arrange by lot the names of the candidates for each position. *Education Code 11.058(g)*

Election Services Contract

The county election officer, as defined by Election Code 31.091(1), may contract with the board of a district situated wholly or partly in the county served by the officer to perform election services, as

provided by Election Code Chapter 31, Subchapter D, in any one or more elections ordered by the board.

If requested to do so by a district, the county elections administrator, as defined under Election Code Chapter 31, Subchapter B, shall enter into a contract to furnish the election services requested in accordance with a cost schedule agreed on by the contracting parties. A county elections administrator is not required to enter into a contract to furnish elections services for an election held on the first Saturday in May in an even-numbered year.

Election Code 31.092, .093, 41.001(d)

Election Judges and Clerks

By written order, a board shall appoint a presiding election judge and an alternate presiding judge for each election precinct in which an election is held. A board shall prescribe the maximum number of clerks that each presiding judge may appoint for each election. The judges and clerks shall be selected and serve in accordance with Election Code Chapter 32. *Election Code 32.001(a), .008, .033*

Confidentiality

An email address or personal phone number of an election judge or clerk collected or maintained by the authority conducting the election is confidential and does not constitute public information for purposes of Government Code Chapter 552 (Public Information Act).

Exception

An email address or phone number of an election judge or clerk shall be made available on request to:

1. Any entity eligible to submit lists of election judges or clerks for that election; or
2. The state executive committee of a political party with a county chair eligible to submit lists of election judges or clerks for that election.

Election Code 32.076

Polling Places

A board shall designate polling places for election day and early voting. Each polling place shall be accessible to and usable by the elderly and persons with physical disabilities. *Election Code 43.004, .034, Ch. 85 (early voting by personal appearance)*

In an election held on the November uniform election date, a district shall use the regular county election precincts. The district shall designate as the polling places for the election the regular county polling places in the county election precincts that contain territory from the district. *Election Code 42.002(a)(5), .0621, 43.004(b)*

Electioneering

A person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person loiters or electioneers for or against any candidate, measure, or political party.

A district that owns or controls a public building being used as a polling place or early voting polling place may not, at any time during the voting period or early voting period, as applicable, prohibit electioneering on the building's premises outside of the area described above, but may enact reasonable regulations concerning the time, place, and manner of electioneering.

Definitions

"Electioneering" includes the posting, use, or distribution of political signs or literature. The term does not include the distribution of a notice of a party convention authorized under Election Code 172.1114.

"Voting period" means the period beginning when the polls open for voting and ending when the polls close or the last voter has voted, whichever is later.

"Early voting period" means the period prescribed by Election Code 85.001.

Election Code 61.003, 85.036

Early Voting

In each election, early voting shall be conducted by personal appearance at an early voting polling place and by mail, in accordance with Election Code Title 7, Chapters 81–114. *Election Code 81.001*

November Early Voting Polling Places

In an election on the November uniform election date in which the district is not holding a joint election with a county and has not executed a contract with a county elections officer under which the district and the county share early voting polling places, the district:

1. Shall designate as an early voting polling place for the election an eligible county polling place located in the district; and
2. May not designate as an early voting polling place a location other than an eligible county polling place unless each eligible county polling place located in the district is designated as an early voting polling place by the district.

"Eligible county polling place" means an early voting polling place established by a county.

Election Code 85.010(a), (a-1), (b)

Temporary Branch Days and Hours

County With 100,000 or More

Election Code 85.064 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population of 100,000 or more. In an election in which the territory served by the clerk is situated in more than one county, that section applies if the sum of the populations of the counties is 100,000 or more.

Early voting by personal appearance at each temporary branch polling place shall be conducted on the days that voting is required to be conducted at the main early voting polling place under Election Code 85.005 and remain open for at least:

1. Eight hours each day; or
2. Three hours each day if the city or county clerk does not serve as the early voting clerk for the territory holding the election and the territory has fewer than 1,000 registered voters.

The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Election Code 85.064

County With Less Than 100,000

Election Code 85.065 applies only to an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000. In an election in which the territory served by the clerk is situated in more than one county, this section applies if the sum of the populations of the counties is under 100,000.

Except as provided below, voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch. The authority authorized under Election Code 85.006 to order early voting on a Saturday or Sunday may also order, in the manner prescribed by that section, early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places.

Voting at a temporary branch polling place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

Election Code 85.065

Records

Branch Daily Register

The early voting clerk shall provide, in a downloadable database format, a current copy of the register for posting on the internet website of the district, if the district maintains a website, each day early voting is conducted. At a minimum, the voter registration number for each voter listed in the register must be posted. *Election Code 85.072*

Early Voting Rosters

The early voting clerk shall maintain for each election a roster listing each person who votes an early voting ballot by personal appearance and a roster listing each person to whom an early voting ballot to be voted by mail is sent. Information on the roster for a person who votes an early voting ballot by personal appearance shall be made available for public inspection as provided below not later than 11 a.m. on the day after the date the information is entered on the roster. Information on the roster for a person who votes an early voting ballot by mail shall be made available for public inspection as provided below not later than 11 a.m. on the day following the day the early voting clerk receives any ballot voted by mail.

The information must be made available:

1. For an election in which the county clerk is the early voting clerk:
    a. On the publicly accessible internet website of the county; or
    b. If the county does not maintain a website, on the bulletin board used for posting notice of meetings of the commissioners court; or
2. For an election not described by item 1:
    a. On the publicly accessible internet website of the district; or
    b. If the district does not maintain a website, on the bulletin board used for posting notice of board meetings.

Election Code 87.121(a), (g)–(i)

Conducting Elections

Elections shall be conducted in accordance with Election Code Title 6, Chapters 61–68.

Bilingual Materials

Spanish — Bilingual election materials shall be used in each election precinct situated wholly or partly in a county in which five percent or more of the inhabitants are persons of Spanish origin or descent according to the most recent federal decennial census that may be officially recognized or acted upon by the state or political subdivisions. *Election Code 272.002*

Other Languages — If the director of the census determines that a district must provide election materials in a language other than English or Spanish, the district shall provide election materials in that language in the same manner in which the district would be required to provide materials in Spanish, to the extent applicable. *Election Code 272.011; 52 U.S.C. 10503*

Voting Systems — A voting system shall be adopted and utilized in accordance with Election Code Title 8.

Accessible Voting Stations — Except as provided below, each polling place must provide at least one voting station that complies with Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. Section 794) and its subsequent amendments, Title II of the Americans with Disabilities Act (42 U.S.C. Section 12131 et seq.) and its subsequent amendments, and the requirements for accessibility under 52 U.S.C. Section 21081(a)(3) [formerly 42 U.S.C. Section 15481(a)(3)] and its subsequent amendments, and that provides a practical and effective means for voters with physical disabilities to cast a secret ballot. *Election Code 61.012*

Electronic Voting System Exceptions — For an election other than an election of a district that is held jointly with another election in which a federal office appears on the ballot, a district is not required to meet the requirements for accessibility under Election Code 61.012(a)(1)(C) if the district is located in a county that meets certain population and other requirements set forth in Election Code 61.013(a). A district that intends to use this provision to provide fewer voting stations that meet the requirements for accessibility than required must provide notice under Election Code 61.013(d). *Election Code 61.013*

Planning and Decision-Making Process

A board shall adopt a policy to establish a district- and campus-level planning and decision-making process that will involve the professional staff of a district, parents of students enrolled in a district, business representatives, and community members in establishing and reviewing the district's and campuses' educational plans, goals, performance objectives, and major classroom instructional programs. *Education Code 11.251(b)*

The planning and decision-making requirements do not:

1. Prohibit a board from conducting meetings with teachers or groups of teachers other than the district-level committee meetings.
2. Prohibit a board from establishing policies providing avenues for input from others, including students or paraprofessional staff, in district- or campus-level planning and decision making.
3. Limit or affect the power of a board to govern the public schools.
4. Create a new cause of action or require collective bargaining.

Education Code 11.251(g)

Evaluation

At least every two years, a district shall evaluate the effectiveness of the district's decision-making and planning policies, procedures, and staff development activities related to district- and campus-level decision making and planning to ensure that they are effectively structured to positively impact student performance. *Education Code 11.252(d)*

Administrative Procedure

A board shall ensure that an administrative procedure is provided to clearly define the respective roles and responsibilities of the superintendent, central office staff, principals, teachers, district-level committee members, and campus-level committee members in the areas of planning, budgeting, curriculum, staffing patterns, staff development, and school organization.

A board shall ensure that the district-level planning and decision-making committee will be actively involved in establishing the administrative procedure that defines the respective roles and responsibilities pertaining to planning and decision making at the district and campus levels.

Education Code 11.251(d)

Federal Requirements

The district policy must provide that all pertinent federal planning requirements are addressed through the district- and campus-level planning process. *Education Code 11.251(f)*

Required Plans

A board shall ensure that a district improvement plan and improvement plans for each campus are developed, reviewed, and revised annually for the purpose of improving the performance of all students. A board shall annually approve district and campus performance objectives and shall ensure that the district and campus plans:

1. Are mutually supportive to accomplish the identified objectives; and
2. At a minimum, support the state goals and objectives under Education Code Chapter 4.

Education Code 11.251(a)

Shared Services Arrangement for DAEP Services

Each district participating in a shared services arrangement for disciplinary alternative education program (DAEP) services shall be responsible for ensuring that the board-approved district improvement plan and the improvement plans for each campus include the performance of the DAEP student group for the respective district. The identified objectives for the improvement plans shall include:

1. Student groups served, including overrepresentation of students from economically disadvantaged families, with ethnic and racial representations, with a disability who receive special education services, or receiving limited English proficiency/English learner services;
2. Attendance rates;
3. Pre- and post-assessment results;
4. Dropout rates;
5. Graduation rates; and
6. Recidivism rates.

19 TAC 103.1201(b) [See FOCA]

District Improvement Plan

A district shall have a district improvement plan that is developed, evaluated, and revised annually, in accordance with district policy, by the superintendent with the assistance of the district-level committee. The purpose of the district improvement plan is to guide district and campus staff in the improvement of student performance for all student groups in order to attain state standards in respect to the achievement indicators. *Education Code 11.252(a)* [See AIA]

Availability to TEA

A district's plan for the improvement of student performance is not filed with the Texas Education Agency (TEA), but the district must

make the plan available to TEA on request. *Education Code 11.252(b)*

Required Provisions

The district improvement plan must include provisions for:

1. A comprehensive needs assessment addressing performance on the achievement indicators, and other appropriate measures of performance, that are disaggregated by all student groups served by a district, including categories of ethnicity, socioeconomic status, sex, and populations served by special programs, including students in special education programs under Education Code Chapter 29, Subchapter A.

2. Measurable district performance objectives for all appropriate achievement indicators for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, and other measures of student performance that may be identified through the comprehensive needs assessment.

3. Strategies for improvement of student performance that include:

    a. Instructional methods for addressing the needs of student groups not achieving their full potential.

    b. Evidence-based practices that address the needs of students for special programs, including:

        (1) Suicide prevention programs, in accordance with Education Code Chapter 38, Subchapter G, which include a parental or guardian notification procedure [see FFEB];

        (2) Conflict resolution programs;

        (3) Violence prevention programs; and

        (4) Dyslexia treatment programs.

    c. Dropout reduction.

    d. Integration of technology in instructional and administrative programs.

    e. Positive behavior interventions and support, including interventions and support that integrate best practices on grief-informed and trauma-informed care.

    f. Staff development for professional staff of a district.

g. Career education to assist students in developing the knowledge, skills, and competencies necessary for a broad range of career opportunities.

h. Accelerated education.

i. Implementation of a comprehensive school counseling program under Education Code 33.005. [See FFEA]

4. Strategies for providing to elementary school, middle school, junior high school, and high school students, those students' teachers and school counselors, and those students' parents information about:

a. Higher education admissions and financial aid opportunities, including state financial aid opportunities such as the TEXAS grant program and the Teach for Texas grant program.

b. The need for students to make informed curriculum choices to be prepared for success beyond high school.

c. Sources of information on higher education admissions and financial aid.

5. Resources needed to implement identified strategies.

6. Staff responsible for ensuring the accomplishment of each strategy.

7. Timelines for ongoing monitoring of the implementation of each improvement strategy.

8. Formative evaluation criteria for determining periodically whether strategies are resulting in intended improvement of student performance.

9. The policy under Education Code 38.0041 addressing sexual abuse and other maltreatment of children. [See FFG]

10. The trauma-informed care policy required under Education Code 38.036. [See FFBA]

Education Code 11.252(a)

Law Enforcement Duties

The law enforcement duties of peace officers, school resource officers, and security personnel must be included in the district improvement plan. *Education Code 37.081(d)(1)* [See CKE]

Discipline Management

A district shall adopt and implement a discipline management program to be included in the district improvement plan. *Education Code 37.083(a)* [See FNC]

Dating Violence	A district shall adopt and implement a dating violence policy to be included in the district improvement plan. *Education Code 37.0831* [See FFH]
Bullying Prevention	The policy and any necessary procedures adopted under Education Code 37.083(c) (concerning bullying) must be included in the district improvement plan. *Education Code 37.0832(d)(2)* [See FFI]
Mental Health, Substance Abuse, and Suicide	The practices and procedures developed under Education Code 38.351(i) or (i-1) (mental health promotion and intervention, substance abuse prevention and intervention, and suicide prevention) must be included in the district improvement plan. *Education Code 38.351(k)(2)* [See FFEB]

Campus-Level Plan

Each school year, the principal of each school campus, with the assistance of the campus-level committee, shall develop, review, and revise the campus improvement plan for the purpose of improving student performance for all student populations, including students in special education programs under Education Code Chapter 29, Subchapter A, with respect to the student achievement indicators and any other appropriate performance measures for special needs populations. *Education Code 11.253(c)*

Each campus improvement plan must:

1. Assess the academic achievement for each student in the school using the achievement indicator system.
2. Set the campus performance objectives based on the achievement indicator system, including objectives for special needs populations, including students in special education programs under Education Code Chapter 29, Subchapter A.
3. Identify how the campus goals will be met for each student.
4. Determine the resources needed to implement the plan.
5. Identify staff needed to implement the plan.
6. Set timelines for reaching the goals.
7. Measure progress toward the performance objectives periodically to ensure that the plan is resulting in academic improvement.
8. Include goals and methods for violence prevention and intervention on campus.
9. Provide for a program to encourage parental involvement at the campus.

10. If the campus is an elementary, middle, or junior high school, set goals and objectives for the coordinated health program at the campus based on:

    a. Student fitness assessment data, including any data from research-based assessments such as the school health index assessment and planning tool created by the federal Centers for Disease Control and Prevention;

    b. Student academic performance data;

    c. Student attendance rates;

    d. The percentage of students who are educationally disadvantaged;

    e. The use and success of any method to ensure that students participate in moderate to vigorous physical activity; and

    f. Any other indicator recommended by the local school health advisory council.

Education Code 11.253(d)

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
CKED	Other Security Arrangements
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
COC	Vending Machines

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

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
CSA	Safety and Security
CSB	Gas and Pipelines
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.200.100(a)(1)*

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

General Compliance

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). *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 im-

posing 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 prop-

erty 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 federal 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 pro-

	gram 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)*
Foreign Telecommunications Equipment	Recipients and subrecipients are prohibited from obligating or expending loan or grant funds in violation of 2 C.F.R. 200.216(a).
Direct Grant Programs	The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED. *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

Bonds and Bond Taxes

The board may issue bonds for:

1. The construction, acquisition, and equipment of school buildings in the district;
2. The acquisition of property or the refinancing of property under a contract entered under the Public Property Finance Act (Local Government Code, Chapter 271, Subchapter A), regardless of whether payment obligations under the contract are due in the current year or a future year;
3. The purchase of the necessary sites for school buildings;
4. The purchase of new school buses;
5. The retrofitting of school buses with emergency, safety, or security equipment; and
6. The purchase or retrofitting of vehicles to be used for emergency, safety, or security purposes.

The board may levy, pledge, assess, and collect annual ad valorem taxes sufficient to pay the principal of and interest on the bonds as or before the principal and interest become due, subject to the provisions at Bond Elections, below.

Education Code 45.001(a)

All bonds shall be issued in accordance with the Public Security Procedures Act. *Gov't Code, Ch. 1201*

Limitation

A district may not issue general obligation bonds to purchase, improve, or construct one or more improvements to real property, to purchase one or more items of personal property, or to do both, if the weighted average maturity of the issue of bonds exceeds 120 percent of the reasonably expected weighted average economic life of the improvements and personal property financed with the issue of bonds. *Gov't Code 1253.002*

Use of Proceeds for Utilities

The proceeds of bonds issued by school districts for the construction and equipment of school buildings in the district and the purchase of the necessary sites for school buildings may be used, among other things, to pay the cost of acquiring, laying, and installing pipes or lines to connect with the water, sewer, or gas lines of a municipality or private utility company, whether or not the water, sewer, or gas lines adjoin the school, so that the school district may provide its public school buildings the water, sewer, or gas services. *Education Code 45.101*

State Facilities Funding

Instructional Facilities Allotment

"Instructional facility" means real property, an improvement to real property, or a necessary fixture of an improvement to real property that is used predominantly for teaching the required curriculum. *Education Code 46.001*

Under the Instructional Facilities Allotment, Education Code Chapter 46, Subchapter A, for each year, except as provided by Education Code 46.005 (limitation on the guaranteed amount) and 46.006 (shortage or excess of appropriated funds), a district is guaranteed a specified amount per student in state and local funds for each cent of tax effort, up to the statutory maximum in Education Code 46.003(b), to pay the principal of and interest on eligible bonds issued to construct, acquire, renovate or improve an instructional facility. *Education Code 46.003(a)* [See 19 Administrative Code 61.1032 for commissioner's rules related to the instructional facilities allotment.]

Existing Debt Allotment

A district is guaranteed a specified amount per student in state and local funds for each cent of tax effort to pay the principal and interest on eligible bonds under Education Code Chapter 46, Subchapter B. Bonds are eligible to be paid with state and local funds under Subchapter B if the district made payments on the bonds during the final school year of the preceding state fiscal biennium or taxes levied to pay the principal and interest on the bonds were included in a district's audited debt service collections for that school year, and the district does not receive state assistance under the Instructional Facilities Allotment for payment of the principal and interest on the bonds. *Education Code 46.032(a), .033* [See 19 Administrative Code 61.1035 for commissioner's rules related to the existing debt allotment.]

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

Investment of Bond Proceeds

For legal requirements regarding investment of bond proceeds, see CDA(LEGAL).

Unspent Bond Proceeds

A district may use unspent proceeds of issued general obligation bonds only:

1. For the specific purposes for which the bonds were authorized;
2. To retire the bonds; or
3. For a purpose other than the specific purposes for which the bonds were authorized if:
    a. The specific purposes are accomplished or abandoned; and

b. The board at a public meeting held only for the purpose of considering the use of the unspent bond proceeds approves in separate votes the use of the proceeds for:

(1) A purpose other than to retire the bonds; and

(2) The purpose specified at the time the vote is taken.

In addition to other requirements, notice of a public meeting held under this provision must include a statement that the board will consider the use of unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized. A public meeting held under this provision must provide the public an opportunity to address the board on the question of using the unspent bond proceeds for a purpose other than the specific purposes for which the bonds were authorized.

Education Code 45.1105

Capital Appreciation Bonds

For purposes of the following policy provisions, a "capital appreciation bond" is a bond that accrues and compounds interest from its date of delivery, the interest on which by its terms is payable only upon maturity or prior redemption.

Limitation on Issuance

A school district may not issue capital appreciation bonds that are secured by ad valorem taxes unless:

1. The bonds have a scheduled maturity date that is not later than 20 years after the date of issuance;

2. The board has received a written estimate of the cost of the issuance, including:

   a. The amount of principal and interest to be paid until maturity;

   b. The amount of fees to be paid to outside vendors, including vendors who sell products to be financed by the bond issuance;

   c. The amount of fees to be paid to each financing team member; and

   d. The projected tax impact of the bonds and the assumptions on which the calculation of the projected tax impact is based;

3. The board has determined in writing whether any personal or financial relationship exists between the members of the board and any financial advisor, bond counsel, bond underwriter, or other professional associated with the bond issuance and submitted the determination to the Ethics Commission; and

4. The board posts prominently on the district's internet website and enters in the minutes of the board:

   a. The total amount of the proposed bonds;

   b. The length of maturity of the proposed bonds;

   c. The projects to be financed with bond proceeds;

   d. The intended use of bond proceeds not spent after completion of the projects identified;

   e. The total amount of the district's outstanding bonded indebtedness at the time of the election on the bonds, including the amount of principal and interest to be paid on existing bond indebtedness until maturity;

   f. The total amount of the district's outstanding bonded indebtedness, including the amount of principal and interest to be paid until maturity; and

   g. The information received at item 2 above and determined under item 3 above.

The board shall regularly update the debt information posted on the district's internet website under item 4.f above to ensure that the information is current and accurate.

Limitation on Use of Proceeds

Capital appreciation bond proceeds may not be used to purchase the following items, unless an item has an expected useful life that exceeds the bond's maturity date:

1. Items more regularly considered maintenance items, including replacement HVAC units, upgraded plumbing, or similar items; or

2. Transportation-related items, including buses.

Unspent Proceeds

Capital appreciation bond proceeds unspent after completion of the project identified as the proceeds' intended use may be used only for a use identified on the district's website as required above, unless another use is approved by the voters of the district at an election held for that purpose.

Total Amount of Capital Appreciation Bonds

The total amount of capital appreciation bonds may not exceed 25 percent of the district's total outstanding bonded indebtedness at the time of the issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity.

Extension

A district may not extend the maturity date of an issued capital appreciation bond, including through the issuance of refunding bonds that extend the maturity date, unless:

1. The extension of the maturity date will decrease the total amount of projected principal and interest to maturity; or

2. The maximum legally allowable tax rate for indebtedness has been adopted and TEA certifies in writing that the solvency of the permanent school fund's bond guarantee program would be threatened without the extension.

Gov't Code 1201.0245

The foregoing provisions of Government Code 1201.0245 do not apply to the issuance of refunding bonds under Government Code Chapter 1207 or capital appreciation bonds for the purpose of financing transportation projects. *Gov't Code 1201.0245(j)*

Bond Elections

Bonds may not be issued and taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election held for such purpose, at the expense of the district, in accordance with the Election Code, except as provided by Education Code 45.003. The election shall be called by resolution or order of the board. The resolution or order must state the date of the election, the proposition or propositions to be submitted and voted on, the polling place or places, and any other matters considered necessary or advisable by the board. *Education Code 45.003(a)*

Each special election in this state shall be held on one of the following dates:

1. The first Saturday in May; or

2. The first Tuesday after the first Monday in November.

Election Code 41.001(a) [See BBB]

Call for Election

For an election to be held on a uniform election date, the election shall be ordered not later than the 78th day before election day. *Election Code 3.005* [See BBBA]

Election Order

In addition to other legal requirements regarding the election order [see BBBA(LEGAL)], the document ordering an election to authorize a district to issue debt obligations must distinctly state:

1. The proposition language that will appear on the ballot;

2. The purpose for which the bonds are to be authorized;

3. The principal amount of the bonds to be authorized;

4. That taxes sufficient to pay the principal of and interest on the bonds may be imposed;

5. The estimated tax rate if the bonds are authorized or the maximum interest rate of the bonds or any series of the bonds, based on the market conditions at the time of the election order;

6. The maximum maturity date of the bonds to be authorized or that the bonds may be issued to mature over a specified number of years not to exceed the maximum number of years authorized by law;

7. The aggregate amount of the outstanding principal of the district's debt obligations as of the date the election is ordered;

8. The aggregate amount of the outstanding interest on the district's debt obligations as of the date the election is ordered, which may be based on the district's expectations relative to variable rate debt obligations; and

9. The district's ad valorem debt service tax rate at the time the election is ordered, expressed as an amount per $100 valuation of taxable property.

Election Code 3.009(b)

Posting

The election order must be posted:

1. On election day and during early voting by personal appearance, in a prominent location at each polling place;

2. Not later than the 21st day before the election in three public places in the boundaries of the district; and

3. During the 21 days before the election, on the district's internet website, prominently and together with the notice of the election, the contents of the proposition, and any sample ballot prepared for the election, if the district maintains an internet website.

Election Code 4.003(f) [See Voter Information, below]

Election Notice

The notice of election must comply with Election Code Chapter 4. [For specific requirements regarding contents of the election notice, see BBBA(LEGAL).]

Publication and Posting

The notice of election must be published and posted in accordance with Election Code requirements. [For specific requirements regarding publication and posting, see BBBA(LEGAL).]

Notice to Election Officials

Notice must be given to the county clerk, voter registrar, and election judge in accordance with Election Code Chapter 4. [For specific requirements, see BBBA(LEGAL).]

Propositions

A proposition submitted to authorize the issuance of bonds must include the question of whether the board may levy, pledge, assess, and collect annual ad valorem taxes, on all taxable property in the district, either:

1. Sufficient, without limits as to rate or amount, to pay the principal of and interest on said bonds; or
2. Sufficient to pay the principal of and interest on the bonds, provided that the annual aggregate bond taxes in the district may never be more than the rate stated in the proposition.

The ballot proposition must include the following statement: "THIS IS A PROPERTY TAX INCREASE."

Education Code 45.003(b), (b-1)

A district that submits to the voters a proposition for the approval of the issuance of debt obligations shall prescribe the wording of the proposition that is to appear on the ballot in accordance with the requirements of Government Code Chapter 1251, Subchapter B. *Election Code 52.072(f)*

The district shall assign a letter to each measure on the ballot that corresponds to its order on the ballot. Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095*

Ballot Contents

The ballot for a measure seeking voter approval of the issuance of debt obligations by a district shall specifically state:

1. A plain language description of the single specific purposes for which the debt obligations are to be authorized;
2. The total principal amount of the debt obligations to be authorized; and
3. That taxes sufficient to pay the principal of and interest on the debt obligations will be imposed.

Each single specific purpose for which debt obligations requiring voter approval are to be issued must be printed on the ballot as a separate proposition. A proposition may include as a specific purpose one or more structures or improvements serving the substantially same purpose and may include related improvements and equipment necessary to accomplish the specific purpose.

Gov't Code 1251.052(a)–(a-1)

Exception

Notwithstanding the requirements at Ballot Contents, above, the question of whether to approve the issuance of bonds for the construction, acquisition, and equipment of school buildings in the dis-

trict, the purchase of new school buses, and the purchase of necessary sites for school buildings may be submitted to the voters in a single ballot proposition, except that bonds for each of the following purposes must be stated in a separate proposition:

1. The construction, acquisition, or equipment of:
    a. A stadium with seating capacity for more than 1,000 spectators;
    b. A natatorium;
    c. Another recreational facility other than a gymnasium, playground, or play area;
    d. A performing arts facility;
    e. Housing for teachers as determined by the district to be necessary to have a sufficient number of teachers for the district; and
2. An acquisition or update of technology equipment, other than equipment used for school security purposes or technology infrastructure integral to the construction of a facility.

The question of whether to approve the issuance of bonds for a building described by items 1a–e above must be printed on the ballot as a separate ballot proposition regardless of whether that building is proposed as part of the same complex or building that contains traditional classroom facilities. Each separate ballot proposition must state the principal amount of the bonds to be issued that constitutes the cost for construction of that portion of the building or complex attributable to the building described by items 1a–e above or to the traditional classroom facilities, as applicable.

Education Code 45.003(g)–(h)

Definition

"Debt obligation" means a public security, as defined by Government Code 1201.002, secured by and payable from ad valorem taxes. The term does not include public securities that are designated as self-supporting by the political subdivision issuing the securities. *Gov't Code 1251.051(1)*

Voter Information

A district with at least 250 registered voters on the date the board adopts the debt obligation election order must prepare a voter information document for each proposition to be voted on at the election.

Posting Requirements

The district shall post the voter information document in the same manner as a debt obligation election order is required to be posted under Election Code 4.003(f) [see Posting, above] and may include

the voter information document in the debt obligation election order.

A district that maintains an internet website shall provide the information described at Contents, below, on its website in an easily accessible manner beginning not later than the 21st day before election day and ending on the day after the date of the debt obligation election.

Contents

The voter information document must distinctly state:

1. The language that will appear on the ballot;
2. The following information formatted as a table:
    a. The principal of the debt obligations to be authorized;
    b. The estimated interest for the debt obligations to be authorized;
    c. The estimated combined principal and interest required to pay on time and in full the debt obligations to be authorized; and
    d. As of the date the district adopts the debt obligation election order:
        (1) The principal of all outstanding debt obligations of the district;
        (2) The estimated remaining interest on all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations; and
        (3) The estimated combined principal and interest required to pay on time and in full all outstanding debt obligations of the district, which may be based on the district's expectations relative to the interest due on any variable rate debt obligations;
3. The estimated maximum annual increase in the amount of taxes that would be imposed on a residence homestead in the district with an appraised value of $100,000 to repay the debt obligations to be authorized, if approved, based upon assumptions made by the board; and
4. Any other information that the board considers relevant or necessary to explain the information required by these provisions.

Assumptions

The board shall identify in the voter information document the major assumptions made in connection with the statement required by item 3 above, including:

1. The amortization of the district's debt obligations, including outstanding debt obligations and the proposed debt obligations;
2. Changes in estimated future appraised values within the district; and
3. The assumed interest rate on the proposed debt obligations.

Gov't Code 1251.052(b)–(d)

Electioneering and Political Advertising

For additional information and prohibitions related to electioneering and political advertising, see BBBD(LEGAL).

50 Cent Test for New Debt

Before issuing bonds, a district must demonstrate to the attorney general that, with respect to the proposed issuance, the district has a projected ability to pay the principal of and interest on the proposed bonds and all previously issued bonds, other than bonds authorized to be issued at an election held on or before April 1, 1991, and issued before September 1, 1992, from a tax at a rate not to exceed $0.50 per $100 of valuation (the "50 Cent Test").

A district may demonstrate the ability to comply with the 50 Cent Test by using the most recent taxable value of property in the district, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

Future Taxable Value

A district may demonstrate the ability to comply with the 50 Cent Test by using a projected future taxable value of property in the district anticipated for the earlier of the tax year five years after the current tax year or the tax year in which the final payment is due for the bonds submitted to the attorney general, combined with state assistance to which the district is entitled under Education Code Chapter 46 or 48 that may be lawfully used for the payment of bonds.

The district must submit to the attorney general a certification of the district's projected taxable value prepared by a registered, certified professional appraiser who has demonstrated professional experience in projecting taxable values or who can obtain any necessary assistance from an experienced person.

The certification of a district's projected taxable value must be signed by the superintendent. The attorney general must base a determination of whether a district has complied with the 50 Cent

Test on a taxable value that is equal to 90 percent of the value certified.

Education Code 45.0031

Attorney General Review and Approval

Unless exempt under Government Code 1202.007, before the issuance of a public security, the issuer shall submit the public security and the record of proceedings to the attorney general. *Gov't Code 1202.003(a); see, e.g., 1 TAC 53.3 (Content of Transcripts), 53.16 (Submission and Approval of Transcripts), and 53.61 (School District Tax Bond Elections)*

Refunding Bonds

A board may refund or refinance all or any part of any of the district's outstanding bonds and matured or unmatured but unpaid interest on those bonds payable from ad valorem taxes by issuing refunding bonds payable from ad valorem taxes. *Education Code 45.004; Gov't Code Ch. 1207*

Instructional Facilities Allotment for Refunding Bonds

A district may use state funds received under Education Code Chapter 46 to pay principal of and interest on refunding bonds that:

1. Are issued to refund bonds eligible under Education Code 46.003;
2. Do not have a final maturity date later than the final maturity date of the bonds being refunded;
3. May not be called for redemption earlier than the earliest call date of all bonds being refunded; and
4. Result in a present value savings as defined in Education Code 46.007(4).

Education Code 46.007

Authorized Unissued Bonds

If a district has authorized school bonds for a specific purpose and that purpose has been accomplished by other means or has been abandoned and all or a portion of the authorized bonds remains unissued, a board may order an election [see BBBA] to submit to the qualified voters of the district the proposition of whether or not the authorized but unissued bonds may be issued, sold, and delivered for other and different purposes specified in the election order and notice. The election shall be ordered, held, and conducted in the same form and manner as that at which the bonds were originally authorized. If a majority of those voting at the election vote in favor of the sale and delivery of the unissued bonds for the purposes specified in the election order and notice, the board may issue, sell, and deliver the bonds and use the proceeds for the purposes authorized at the election. *Education Code 45.110*

Bond Guarantee Program

Eligibility

A district seeking guarantee of eligible bonds under the Bond Guarantee Program shall apply to the commissioner of education using a form adopted by the commissioner. To be eligible for approval, district bonds must be issued under Education Code Chapter 45, Subchapter A, or under Government Code Chapter 1207. *Education Code 45.054, .055(a); 19 TAC 33.6(b)(5)*

Application

An application must include:

1. The name of the district and the principal amount of the bonds to be issued;
2. The name and address of the district's paying agent, which means the financial institution designated by a district as its agent for payment of principal and interest on guaranteed bonds; and
3. The maturity schedule, estimated interest rate, and date of the bonds.

Education Code 45.051(2), .055

An application must be accompanied by a fee set by rule of the State Board of Education. *Education Code 45.055(c); 19 TAC 33.6(f)(1)*

On approval by the commissioner, bonds issued by a district are guaranteed by the corpus and income of the permanent school fund. The guarantee remains in effect until the date those bonds mature or are defeased in accordance with state law. *Education Code 45.052*

If a district does not receive approval for the guarantee or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied approval for the guarantee will not be retained for consideration in subsequent months. *19 TAC 33.6(f)(5)*

A district may not represent bonds as guaranteed for the purpose of pricing or marketing the bonds before the date of the letter granting approval for the guarantee. *19 TAC 33.6(g)(4)(D)*

Credit Enhancement Program

If a district's application for guarantee of district bonds by the permanent school fund is rejected, the district may apply under Education Code Chapter 45, Subchapter I for credit enhancement of bonds described by Education Code 45.054 (eligibility for the Bond Guarantee Program) by money appropriated for the Foundation School Program, other than money that is appropriated to districts specifically:

1. As required under the Texas Constitution; or

2. For assistance in paying debt service.

The credit enhancement remains in effect until the date the bonds mature or are defeased in accordance with state law.

Education Code 45.252

Eligibility

To be eligible for approval by the commissioner for credit enhancement:

1. Bonds must be issued in the manner provided by Education Code 45.054;

2. Payments of all of the principal of the bonds must be scheduled during the first six months of the state fiscal year;

3. The district's lowest credit rating from any credit rating agency may not be the same as or higher than that of the School District Bond Enhancement Program;

4. The bonded debt for which the credit enhancement is sought must be structured so that no single annual debt service payment exceeds two times the quotient produced by dividing the total proposed annual debt service, as defined in 19 Administrative Code 61.1038(b)(10), for the term of the bonds by the number of years in the amortization schedule; and

5. The district must agree in its application that the total annual debt service on bonds approved for the credit enhancement will be paid on or before August 15 of each state fiscal year.

Education Code 45.254; 19 TAC 61.1038(f)

Application

A district seeking credit enhancement of eligible bonds shall apply to the commissioner using a form adopted by the commissioner for the purpose. The application must:

1. Include the information required by Education Code 45.055(b), at Bond Guarantee Program—Application, above; and

2. Be accompanied by a fee set by the State Board of Education. *19 TAC 61.1038(d)(1)*

Education Code 45.255

The district may not submit an application for a guarantee or credit enhancement before the successful passage of an authorizing proposition.

If a district does not receive a credit enhancement or for any reason does not receive approval of the bonds from the attorney general within the specified time period, the district may reapply in a subsequent month. Applications that were denied a credit enhancement will not be retained for consideration in subsequent months.

A district may not represent the bonds as approved for credit enhancement for the purposes of pricing or marketing the bonds before the date of the letter granting approval for the credit enhancement.

19 TAC 61.1038(e)(1), (8), (10)

Authority to Contract for Services

An issuer has exclusive authority to select, contract with, and determine the basis for compensation of a person to provide legal and other services as may be determined by the issuer to be necessary in connection with the issuer's issuance of public securities or administration of its affairs that pertain to the issuance of public securities. The selection of legal counsel shall be made in accordance with the provisions of Government Code Chapter 2254, Subchapter A, applicable to the selection by a governmental entity of a provider of professional engineering services. *Government Code 1201.027(a)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Federal Securities Law

Disclosure Obligations for Bond and Other Debt Offerings

Prior to publicly offering bonds, a school district must prepare and deliver to an underwriter an official statement containing the terms of the bond offering, a description of the district itself, financial and operating data of the district, and any other information that may be material to an investor interested in purchasing the district's bonds or otherwise required by Rule 15c2-12 of the Securities Exchange Commission (SEC) (SEC Rule 15c2-12(b)). *17 C.F.R. 240.15c2-12* [See Note, below]

Continuing Disclosure after Issuing Bonds

Except for exempt offerings, SEC Rule 15c2-12(b) requires underwriters to obtain a continuing disclosure agreement (CDA) from the district when the district issues bonds. A CDA obligates the district to prepare and file continuing disclosures of financial information and operating data annually after the bonds are issued. A CDA also requires filing notice regarding the occurrence of events listed under SEC Rule 15c2-12(b)(5)(i)(C) within 10 business days following the occurrence of any such event. *17 C.F.R. 240.15c2-12* [See Note, below]

Liability under Federal Securities Law

School districts, board members, and certain employees of the district are subject to liability under the antifraud provisions of the federal securities laws contained in Section 17(a) of the Securities Act

of 1933 (the "Securities Act"), Section 10(b) of the Securities Exchange Act of 1934 (the "Exchange Act") and Rule 10b-5 of the SEC. The antifraud provisions generally prohibit false or misleading statements made in connection with the offer or sale of a district's bonds (or the omission of material facts from such statements), including the official statement itself and any other statement reasonably expected to reach bond investors (disclosures). *SEC Exchange Act Release No. 33741 (Mar. 9, 1994)*

The antifraud provisions also apply to a district's continuing disclosure obligations under SEC Rule 15c2-12(b) after a district's bonds are issued. [See Continuing Disclosure after Issuing Bonds, above] *SEC Report on the Municipal Securities Market (July 31, 2012) (the "SEC 2012 Report") at pg. 29*

Note: In preparing an official statement, a district may reasonably rely on the advice of outside professionals who are also subject to the antifraud provisions, but a district is primarily liable for the content of its official statement and other disclosures. *SEC Exchange Act Release No. 36761 (Jan. 24, 1996)*

A district may engage qualified consultants, including qualified disclosure or securities counsel and a financial adviser, to assist with preparing an official statement and other primary disclosures relating to a bond offering. Creation of internal procedures may help to insulate a district against criticism or liability under federal securities laws.

Districts may also engage disclosure counsel and/or other professionals to assist with secondary disclosure, including advice and assistance ensuring that (1) reporting requirements imposed by a CDA are satisfied and (2) information disclosed in periodic and occasional reports is accurate and complete.

Internal procedures may provide for (1) appointment of, and disclosure training for, district officials and employees who will be part of the financing team, (2) a procedure of accountability for review of the disclosures, and (3) ensuring that any procedures established are in fact followed.

[See SEC Report on the Municipal Securities Market (July 31, 2012)]

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Note: For more information on property tax exemptions, see the Texas Comptroller's Property Tax Exemptions[1] website.

Exemptions

Homestead

Mandatory

An adult is entitled to exemption from taxation by a district of $40,000 of the appraised value of the adult's residence homestead, as defined by Tax Code 11.13(j), except that only $5,000 of the exemption applies to an entity operating under former Education Code Chapters 17, 18, 25, 26, 27, or 28, as those chapters existed on May 1, 1995, as permitted by Education Code 11.301. *Tax Code 11.13(b)*

Persons 65 or Older or Disabled

In addition to the mandatory exemption above, an adult who is disabled, as defined by Tax Code 11.13(m)(1), or 65 or older is entitled to an exemption of $10,000 of the appraised value of the individual's residence homestead. *Tax Code 11.13(c)*

Tax Limitation

A district may not increase the total annual amount of ad valorem tax it imposes on the residence homestead of an individual 65 years of age or older, or on the residence homestead of an individual who is disabled, above the amount of the tax it imposed in the first tax year in which the individual qualified that residence homestead for an applicable exemption. *Tax Code 11.26(a)*

Improvements

If an individual subject to a tax limitation makes improvements to the individual's residence homestead, other than improvements required to comply with governmental requirements or repairs, the district may increase the tax on the homestead in the first year the value of the homestead is increased on the appraisal roll because of the enhancement of value by the improvements. A limitation then applies to the increased amount of tax until more improvements, if any, are made. *Tax Code 11.26(b)*

Exception

An improvement to property that would otherwise constitute an improvement discussed above is not treated as an improvement if it is a replacement structure for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage. For purposes of appraising the property in the tax year in which the structure would have constituted an improvement, the replacement structure is considered to be an improvement only if the square footage of the replacement structure exceeds that of the replaced structure as that structure existed before the casualty or damage occurred or the exterior of the replacement structure is of higher quality construction and composition than that of the replaced structure. *Tax Code 11.26(o)*

Portability of Tax Limitation

If an individual who receives a tax limitation, including a surviving spouse, discussed below, subsequently qualifies a different residence homestead for the same exemption, a district may not impose ad valorem taxes on the subsequently qualified homestead in a year in an amount that exceeds the amount of taxes calculated in accordance with Tax Code 11.26(g). *Tax Code 11.26(g)*

Surviving Spouse

If an individual who qualifies for the exemption at Persons 65 or Older or Disabled, above, dies, the surviving spouse of the individual is entitled to the limitation applicable to the residence homestead of the individual if the surviving spouse is 55 years of age or older when the individual dies, and the residence homestead of the individual is the residence homestead of the surviving spouse on the date that the individual dies and remains the residence homestead of the surviving spouse. *Tax Code 11.26(i)*

Local Options

All Taxpayers

In addition to other exemptions in Tax Code 11.13, an individual is entitled to an exemption from taxation by a district of a percentage of the appraised value of the individual's residence homestead if the exemption is adopted by the board before July 1 in the manner provided by law for official action by the board. If the percentage set by the district produces an exemption in a tax year of less than $5,000 when applied to a particular residence homestead, the individual is entitled to an exemption of $5,000 of the appraised value. The percentage adopted by the district may not exceed 20 percent. *Tax Code 11.13(n)*

Disabled or 65 or Older

An individual who is disabled or 65 or older is entitled to an exemption from taxation by a district of a portion of the appraised value of the individual's residence homestead if the exemption is adopted either by the board or by a favorable vote of a majority of the qualified voters of the district at an election called by the board, and the board shall call the election on the petition of at least 20 percent of the number of qualified voters who voted in the preceding election of the district.

Amount

The amount of an exemption adopted as provided at Disabled or 65 or Older is $3,000 of the appraised value of the residence homestead unless a larger amount is specified by the board if the board authorizes the exemption or the petition for the election if the exemption is authorized through an election. Once authorized, an exemption adopted may be repealed or decreased or increased in amount by the board or by the petition and election procedure. In the case of a decrease, the amount of the exemption may not be reduced to less than $3,000 of the market value.

Tax Code 11.13(d)–(f)

Continuation of Exemption during Construction

If a qualified residential structure for which the owner receives a homestead exemption under Tax Code 11.13 is rendered uninhabitable or unusable by a casualty or by wind or water damage, the owner may continue to receive the exemption for the structure and the land and improvements used in the residential occupancy of the structure while the owner constructs a replacement qualified residential structure on the land in accordance with Tax Code 11.135. *Tax Code 11.135(a), .26(n); 34 TAC 9.416*

Surviving Spouse of First Responder

The surviving spouse of a first responder who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse is an eligible survivor for purposes of Government Code Chapter 615 as determined by the Employees Retirement System of Texas and has not remarried since the first responder's death. *Tax Code 11.134*

Veteran Exemptions

100 Percent Disabled

A disabled veteran who has been awarded by the U.S. Department of Veterans Affairs or its successor 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability is entitled to an exemption from taxation of the total appraised value of the veteran's residence homestead. *Tax Code 11.131(b)*

Partially Disabled with Donated Residence

A disabled veteran who has a disability rating of less than 100 percent is entitled to an exemption from taxation of a percentage of the appraised value of the disabled veteran's residence homestead equal to the disabled veteran's disability rating if the residence homestead was donated to the disabled veteran by a charitable organization at no cost to the disabled veteran, or at some cost to the disabled veteran in the form of a cash payment, a mortgage, or both in an aggregate amount that is not more than 50 percent of the good faith estimate of the market value of the residence homestead made by the charitable organization as of the date of the donation. *Tax Code 11.132(b)*

Surviving Spouse of Veteran

The surviving spouse of a disabled veteran, as defined by Tax Code 11.22(h)(3), is entitled to the same exemption from taxation of the same property to which the disabled veteran's exemption applied or would have applied if it had been in effect on the date of death if:

1. The surviving spouse has not remarried since the death of the disabled veteran; and

2. The property was the residence homestead of the surviving spouse when the disabled veteran died and remains the residence homestead of the surviving spouse.

Tax Code 11.131(c), .132(c)

Surviving Spouse of Individual Killed in Action

The surviving spouse of a member of the armed services of the United States who is killed or fatally injured in the line of duty is entitled to an exemption from taxation of the total appraised value of the surviving spouse's residence homestead if the surviving spouse has not remarried since the death of the member of the armed services. *Tax Code 11.133(b)*

Tex. Const. Art. VIII, Sec. 1-b (Residence Homestead Tax Exemptions and Limitations)

Disabled Veteran

A disabled veteran is entitled to an exemption from taxation of a portion of the assessed value of a property the veteran owns and designates under Tax Code 11.22(f). *Tax Code 11.22*

Exemption for Subsequent Residence

The surviving spouse of a first responder, disabled veteran, or armed services member killed in action who receives an exemption for a residence homestead is entitled to receive an exemption from taxation of a different property that the surviving spouse subsequently qualifies as the surviving spouse's residence homestead in an amount equal to the dollar amount of the exemption from taxation of the first property for which the surviving spouse received the exemption in the last year in which the surviving spouse received that exemption if the surviving spouse has not remarried. *Tax Code 11.131(d), .132(d), .133(c), .134(d)*

Temporary Exemption for Property Damaged by Disaster

A person is entitled to an exemption from taxation by a district of a portion of the appraised value of qualified property, as defined by Tax Code 11.35(a), that the person owns in an amount determined by the chief appraiser under Tax Code 11.35(h). *Tax Code 11.35(b)*

A person who qualifies for an exemption under this provision must apply for the exemption not later than the 105th day after the date the governor declares the area in which the person's qualified property is located to be a disaster area. *Tax Code 11.43(s)*

"Damage" means physical damage. *Tax Code 11.35(a)(1)*

Optional Exemptions

Among others, a board may grant additional tax exemptions in accordance with applicable law for:

1. Residential property owned by the United States or an agency of the United States and used to provide transitional housing for the indigent under a program operated or directed by the

U.S. Department of Housing and Urban Development. *Tax Code 11.111*

2. Land and housing units on the land owned by a community land trust. *Tax Code 11.1827*

3. Certain historic structures or archeological sites and the land necessary to access and use the structure or archeological site. The board may not repeal or reduce the amount of an exemption for a property that otherwise qualifies for the exemption unless the property owner consents to the repeal or reduction or the district provides written notice of the repeal or reduction to the owner not later than five years before the date the board repeals or reduces the exemption. *Tax Code 11.24*

4. Property on which approved water conservation initiatives, desalination projects, or brush control initiatives have been implemented. *Tax Code 11.32*

If a district adopts, amends, or repeals an exemption that the district by law has the option to adopt or not, the district shall notify the appraisal office of its action and of the terms of the exemption within 30 days after the date of its action. *Tax Code 6.08*

Goods-in-Transit *Exemption*

A person is entitled to an exemption from taxation of the appraised value of that portion of the person's property that consists of goods-in-transit, as defined in Tax Code 11.253(a)(2). *Tax Code 11.253(b)*

[For information on the board's option in a district located in a disaster area to extend the date by which goods-in-transit must be transported, see Tax Code 11.253(l).]

Option to Tax

A board, by official action, may provide for the taxation of goods-in-transit exempt under Tax Code 11.253(b) and not exempt under other law. The official action to tax the goods-in-transit must be taken before January 1 of the first tax year in which the board proposes to tax goods-in-transit. Before acting to tax the exempt property, a board must conduct a public hearing as required by Texas Constitution Article VIII, Section 1-n(d). If the board provides for the taxation of the goods-in-transit as provided by this provision, the exemption stated above does not apply to that district. The goods-in-transit remain subject to taxation by the district until the board, by official action, rescinds or repeals its previous action to tax goods-in-transit, or otherwise determines that the exemption will apply to that district.

Notwithstanding official action that was taken before October 1, 2011, to tax goods-in-transit, a district may not tax such goods-in-

transit in a tax year that begins on or after January 1, 2012, unless the board takes official action on or after October 1, 2011, to provide for the taxation of the goods-in-transit.

Exception

If a board, before October 1, 2011, took action to provide for the taxation of goods-in-transit and pledged the taxes imposed on the goods-in-transit for the payment of a debt of the district, the district tax officials may continue to impose the taxes against the goods-in-transit until the debt is discharged, if cessation of the imposition would impair the obligation of the contract by which the debt was created.

Tax Code 11.253(j)–(j-2)

Payment Options

The board may adopt, by official action, one or both of the discount options below. *Tax Code 31.05(a)*

Discounts

Option 1

A district may adopt the following discounts to apply regardless of the date on which the district mails its tax bills:

1. Three percent if the tax is paid in October or earlier.
2. Two percent if the tax is paid in November.
3. One percent if the tax is paid in December.

Tax Code 31.05(b)

This discount does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

Option 2

A district may adopt the following discounts to apply when the district mails its tax bills after September 30:

1. Three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed.
2. Two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed.
3. One percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed.

Tax Code 31.05(c)

Both Options

If a board adopts both discounts, the discounts described at Option 1 apply unless the tax bills for the district are mailed after September 30, in which case only the discounts described at Option 2 apply. *Tax Code 31.05(a)*

Rescission

The board may rescind a discount lawfully adopted by the board. The rescission of a discount takes effect in the tax year following the year in which the discount is rescinded. *Tax Code 31.05(d)*

Split Payments

The board of a district that collects its own taxes may provide, by official action, that a person who pays one-half of the district's taxes before December 1 may pay the remaining one-half of the taxes without penalty or interest at any time before July 1 of the following year.

If a board contracts with the appraisal district for collection of taxes, the split-payment option does not apply to taxes collected by the appraisal district unless approved by resolution adopted by a majority of the governing bodies of the taxing units whose taxes the appraisal district collects and filed with the secretary of the appraisal district board of directors. The split-payment option may be revoked in the same manner as provided for adoption.

Tax Code 31.03

This payment option does not apply to taxes that are calculated too late for it to be available. *Tax Code 31.04(c)*

In Certain Counties

The board of a district located in a county having a population of not less than 285,000 and not more than 300,000 that borders a county having a population of 3.3 million or more and the Gulf of Mexico that has its taxes collected by another taxing unit that has adopted the split-payment option may provide, by official action, that the split-payment option does not apply to the district's taxes collected by the other taxing unit. *Tax Code 31.03(d)*

Installment Payments

Certain Homesteads

An individual who is disabled or at least 65 years of age and qualified for a homestead exemption under Tax Code 11.13(c), or an individual who is a disabled veteran or the unmarried surviving spouse of a disabled veteran and qualified for an exemption under Tax Code 11.132 or 11.22, may pay district taxes imposed on the person's residence homestead property in four equal installments without penalty or interest if paid by the applicable dates set out in Tax Code 31.031. *Tax Code 31.031*

Disaster or Emergency Area

Property Damaged — Automatic

A person may pay district taxes imposed on certain property the person owns in four equal installments without penalty or interest if paid in accordance with Tax Code 31.032.

This provision applies to real and tangible personal property described in Tax Code 31.032(a) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.

Tax Code 31.032

Property Not Damaged — Board Option

The board may authorize a person to pay district taxes imposed on certain property that the person owns in installments. If the board adopts the installment-payment option under this provision, Tax Code 31.032(b), (b-1), (c), and (d) apply to the payment by a person of district taxes imposed on property that the person owns in the same manner as those subsections apply to the payment of taxes imposed on property to which Tax Code 31.032 applies.

This provision applies to real and tangible personal property described in Tax Code 31.033(b) and taxes that are imposed on the property by a district before the first anniversary of the disaster or emergency.

Tax Code 31.033; 34 TAC 9.3061(b), (c)

Definitions

"Disaster" has the meaning assigned by Government Code 418.004.

"Emergency" means a state of emergency proclaimed by the governor under Government Code 433.001.

Tax Code 31.032(g), .033(a); 34 TAC 9.3061(a)

Services in Lieu of Paying Taxes

The board by resolution may permit certain individuals or business entities to perform certain services for the district in lieu of paying the district property taxes. While performing services for a district, the individual is not an employee of the district and is not entitled to any benefit, including workers' compensation coverage, that the district provides to its employees. *Tax Code 31.035, .036, .037*

Persons 65 and Over

Subject to the requirements of Tax Code 31.035, the board by order or resolution may permit an individual who is at least 65 years of age to perform service for the district in lieu of paying taxes imposed by a district on property owned by the individual and occupied as the individual's residence homestead. Property owners performing services for a district under this provision may only supplement or complement the regular personnel of the district. A district may not reduce the number of persons the district employs or reduce the number of hours to be worked by employees of the district because the district permits property owners to perform services for the district under this provision. *Tax Code 31.035(a), (g)*

Teaching Services

An individual is qualified to perform teaching services for a district under the provisions below only if the individual holds a baccalaureate or more advanced degree in a field related to each course to be taught and:

1. Is certified as a classroom teacher under Education Code Chapter 21, Subchapter B; or

2. Obtains a school district teaching permit under Education Code 21.055.

Tax Code 31.036(h), .037(i)

By Individual

Subject to the requirements of Tax Code 31.036, the board by resolution may permit qualified individuals to perform teaching services for the district at a junior high school or high school of the district in lieu of paying taxes imposed by the district on property owned and occupied by the individual as a residence homestead. *Tax Code 31.036*

By Employee of Business Entity

Subject to the requirements of Tax Code 31.037, a board by resolution may authorize a corporation or other business entity to permit a qualified individual employed by the business entity to perform teaching services in a high school or a junior high school for the district in lieu of paying taxes imposed by the district on property owned by the business entity. *Tax Code 31.037*

Delinquent Taxes

Delinquency Date

Except as provided by Tax Code 31.02(b) (payment by certain eligible persons on active duty in the armed forces), 31.03 (split payments), and 31.04 (postponement of delinquency date based on mailing date of tax bills), taxes are due on receipt of the tax bill and are delinquent if not paid before February 1 of the year following the year in which imposed. *Tax Code 31.02*

Note: Delinquent taxes incur penalties and accrue interest in accordance with Tax Code 33.01, subject to any waiver by the board pursuant to Tax Code 33.011.

Delinquent Tax Collection

A board may contract with any competent attorney to represent the district to enforce the collection of delinquent taxes. The attorney's compensation is set in the contract, but the total amount of compensation provided may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. *Tax Code 6.30(c)* [See CH(LEGAL) regarding contingent fee contracts for legal services and Government Code 2254.102(e) for additional requirements.]

Additional Penalties

The board may provide, by official action, that taxes that become delinquent at a certain time incur an additional penalty to defray costs of collection if the board has contracted with an attorney as provided above. *Tax Code 33.07, .08*

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[1] Texas Comptroller Property Tax Exemptions website: https://comptroller.texas.gov/taxes/property-tax/exemptions/

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Tax Increment Financing Act

Except as provided at Large Municipality below, each district that levies taxes on real property in a reinvestment zone designated by a county or municipality in accordance with the Tax Increment Financing Act, Tax Code Chapter 311, may appoint one member of the reinvestment zone board of directors if the district has approved the payment of all or part of the tax increment produced by the district into the tax increment fund for the zone. A district may waive its right to appoint a director. *Tax Code 311.009(a), (b)*

Board of Directors

Large Municipality

In a reinvestment zone designated by a municipality which is wholly or partially located in a county with a population of less than 1.8 million in which the principal municipality has a population of 1.1 million or more, each taxing unit that approves the payment of all or part of its tax increment into the tax increment fund is entitled to appoint a number of members to the board in proportion to the taxing unit's pro rata share of the total anticipated tax increment to be deposited into the tax increment fund during the term of the zone. *Tax Code 311.0091(a)–(c)*

Tax Increments

Amount

The amount of a district's tax increment for a year is the amount of property taxes levied and assessed by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone or the amount of property taxes levied and collected by the district for that year on the captured appraised value of real property taxable by the district and located in a reinvestment zone. The board of the district shall determine which of the methods is used to calculate the amount of the district's tax increment.

"Captured Appraised Value"

The captured appraised value of real property taxable by a district for a year is the total taxable value of all real property taxable by the district and located in a reinvestment zone for that year less the tax increment base of the district.

"Tax Increment Base"

The tax increment base of a district is the total taxable value of all real property taxable by the district and located in a reinvestment zone for the year in which the zone was designated under Tax Code Chapter 311.

Tax Code 311.012

Collection and Deposit

Each district that taxes real property located in a reinvestment zone shall provide for the collection of its taxes in the zone as for any other property taxed by the district. Each district shall pay into the tax increment fund for the zone an amount equal to the tax increment produced by the district, less the sum of:

1. Property taxes produced from the tax increments that are, by contract executed before the designation of the area as a

reinvestment zone, required to be paid by the district to another political subdivision; and

2. A portion, not to exceed 15 percent, of the tax increment produced by the district as provided by the reinvestment zone financing plan or a larger portion as provided at Agreement Required below.

Tax Code 311.013(a)–(b)

Notwithstanding any termination of the reinvestment zone and unless otherwise specified by an agreement between the district and the municipality or county that created the zone, a district shall make the required payment not later than the 90th day after the later of the delinquency date for district property taxes or the date the municipality or county that created the zone submits to the district an invoice specifying the tax increment produced by the district and the amount the district is required to pay into the tax increment fund for the zone. A district is not required to pay into a tax increment fund the applicable portion of a tax increment attributable to delinquent taxes until those taxes are collected. *Tax Code 311.013(c), (i)*

A district whose taxable value is reduced under Government Code 403.302(d)(4) (determination of district property values by the comptroller) shall pay into the tax increment fund, in addition to the amount otherwise required to be paid, an amount equal to the amount by which the amount of taxes the district would have been required to pay into the fund in the current year if the district levied taxes at the rate the district levied in 2005 exceeds the amount the district is otherwise required to pay into the fund in the year of the reduction. This additional amount may not exceed the amount the district receives in state aid for the current tax year under Education Code 48.253 (additional state aid for tax increment financing payments). The district shall pay the additional amount after the district receives the state aid to which the district is entitled for the current tax year under Education Code 48.253. *Tax Code 311.013(n)*

Agreement Required

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in a reinvestment zone designated under Tax Code 311.005(a) or in an area added to a reinvestment zone under Tax Code 311.007 unless the district enters into an agreement to do so with the governing body of the municipality or county that designated the zone. *Tax Code 311.013(f)*

A district that participates in a zone is not required to increase the percentage or amount of the tax increment to be contributed by the

district because of an amendment to the project plan or reinvestment zone financing plan for the zone unless the board by official action approves the amendment. *Tax Code 311.011(g)*

A district is not required to pay into the tax increment fund any of its tax increment produced from property located in an area added to the reinvestment zone under Tax Code 311.007(a) or (b) unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.013(k)*

If the governing body of the municipality or county that designated a reinvestment zone extends the term of all or a portion of the zone, a district is not required to participate in the zone or portion of the zone for the extended term unless the district enters into a written agreement to do so. *Tax Code 311.007(c)*

Notwithstanding the designation of a later termination date under Tax Code 311.017(a), a district that taxes real property located in the reinvestment zone is not required to pay any of its tax increment into the tax increment fund for the zone after the termination date designated in the ordinance or order creating the zone unless the board enters into an agreement to do so with the governing body of the municipality or county that created the zone. *Tax Code 311.017(a-1)*

Property Redevelopment and Tax Abatement Act

On or after September 1, 2001, a school district may not enter into a tax abatement agreement under Tax Code Chapter 312. *Tax Code 312.002(f)*

Reinvestment Zone for Chapter 313

Notwithstanding any other provision of Tax Code Chapter 312 to the contrary, the board, in the manner required for official action and for purposes of Tax Code Chapter 313, Subchapter B or C [see Texas Economic Development Act below], may designate an area entirely within the territory of the district as a reinvestment zone if the board finds that, as a result of the designation and the granting of a limitation on appraised value, for property located in the reinvestment zone, the designation is reasonably likely to:

1. Contribute to the expansion of primary employment in the reinvestment zone; or

2. Attract major investment in the reinvestment zone that would:

    a. Be a benefit to property in the reinvestment zone and to the district; and

    b. Contribute to the economic development of the region of this state in which the district is located.

The board may seek the recommendation of the commissioners court of each county and the governing body of each municipality that has territory in the district before designating an area as a reinvestment zone.

Tax Code 312.0025

Texas Economic Development Act

Note: The Texas Economic Development Act, Tax Code Chapter 313, Subchapters B and C, expired on December 31, 2022. *Tax Code 313.007*

A limitation on appraised value approved before the expiration continues in effect according to the law as it existed immediately before its expiration, and the law is continued in effect for purposes of the limitation on appraised value. *Tax Code 313.171*

In implementing the Texas Economic Development Act, Tax Code Chapter 313, districts should strictly interpret the criteria and selection guidelines provided by Chapter 313 and approve only those applications for an ad valorem tax benefit that:

1. Enhance the local community;
2. Improve the local public education system;
3. Create high-paying jobs; and
4. Advance the economic development goals of Texas.

Tax Code 313.004(3)

Definitions

Agreement — "Agreement" means the written agreement between the board and the approved applicant on the form adopted by reference in 34 Administrative Code 9.1052 (Forms) to implement a limitation on the appraised value for district maintenance and operations ad valorem property tax purposes on an entity's qualified property, required by Tax Code 313.027(d).

Agreement Holder — "Agreement holder" means an entity that has executed an agreement with a district.

Applicant — "Applicant" means an entity that has applied for a limitation on appraised value for district maintenance and operations ad valorem property tax purposes on the entity's property, as provided by Tax Code Chapter 313.

Application — "Application" means an application for limitation of appraised value for district maintenance and operations ad valorem property tax purposes on an entity's qualified property on the form adopted by

reference in 34 Administrative Code 9.1052 (Forms), the schedules attached thereto, and the documentation submitted by an entity for the purpose of obtaining an agreement for a limitation on appraised value from a district.

Application Review Start Date

"Application review start date" means the later date of either the date on which the district issues its written notice that an applicant has submitted a completed application or the date on which the comptroller issues its written notice that an applicant has submitted a completed application.

Completed Application

"Completed application" means an application in the form and number and containing all the information required pursuant to 34 Administrative Code 9.1053 (Entity Requesting Agreement to Limit Appraised Value), that has been determined by the district and the comptroller to include all minimum requirements for consideration.

Entity

"Entity" means any entity upon which a tax is imposed by Tax Code 171.001, including a combined group as defined by Tax Code 171.0001(7) or members of a combined group, provided, however, an entity does not include a sole proprietorship, partnership, or limited liability partnership.

34 TAC 9.1051(1), (2), (3), (7), (10), (12), (20)

Qualified Investment

"Qualified investment" means:

1. Tangible personal property that is first placed in service in this state during the applicable qualifying time period that begins on or after January 1, 2002, without regard to whether the property is affixed to or incorporated into real property, and that is:

    a. Described as Section 1245 property by Section 1245(a), Internal Revenue Code of 1986;

    b. Used in connection with the manufacturing, processing, or fabrication in a cleanroom environment of a semiconductor product, without regard to whether the property is actually located in the cleanroom environment, including integrated systems, fixtures, and piping; all property necessary or adapted to reduce contamination or to control airflow, temperature, humidity, chemical purity, or other environmental conditions or manufacturing tolerances; and production equipment and machinery, moveable cleanroom partitions, and cleanroom lighting;

    c. Used in connection with the operation of a nuclear electric power generation facility, including property, including pressure vessels, pumps, turbines, generators, and

condensers, used to produce nuclear electric power; and property and systems necessary to control radioactive contamination;

d. Used in connection with operating an integrated gasification combined cycle electric generation facility, including property used to produce electric power by means of a combined combustion turbine and steam turbine application using synthetic gas or another product produced by the gasification of coal or another carbon-based feedstock; or property used in handling materials to be used as feedstock for gasification or used in the gasification process to produce synthetic gas or another carbon-based feedstock for use in the production of electric power in the manner described herein;

e. Used in connection with operating an advanced clean energy project, as defined by Health and Safety Code 382.003; or

2. A building or a permanent, nonremovable component of a building that is built or constructed during the applicable qualifying time period that begins on or after January 1, 2002, and that houses tangible personal property described by items 1a–e above.

Tax Code 313.021(1)

Qualified Property

"Qualified property" means:

1. Land:

a. That is located in an area designated as a reinvestment zone under Tax Code Chapter 311 or 312 or as an enterprise zone under Government Code Chapter 2303;

b. On which a person proposes to construct a new building or erect or affix a new improvement that does not exist before the date the person submits a complete application for a limitation on appraised value under Tax Code Chapter 313, Subchapter B;

c. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312; and

d. On which, in connection with the new building or new improvement described by item 1b above, the owner or lessee of, or the holder of another possessory interest in, the land proposes to:

(1) Make a qualified investment in an amount equal to at least the minimum amount required by Tax Code 313.023; and

(2) Create at least 25 new qualifying jobs, except as provided at Exception below;

2. The new building or other new improvement described by item 1b above; and

3. Tangible personal property:

a. That is not subject to a tax abatement agreement entered into by a district under Tax Code Chapter 312;

b. For which a sales and use tax refund is not claimed under Tax Code 151.3186; and

c. Except for new equipment described in Tax Code 151.318(q) or (q-1), that is first placed in service in the new building, in the newly expanded building, or in or on the new improvement described by item 1b above, or on the land on which that new building or new improvement is located, if the personal property is ancillary and necessary to the business conducted in that new building or in or on that new improvement.

Tax Code 313.021(2); see also 34 TAC 9.1051(16) (additional requirements for "Qualified Property")

Exception

For purposes of Tax Code Chapter 313, Subchapter C, applicable to certain rural districts, a property owner is required to create at least 10 qualifying jobs. *Tax Code 313.051(b)*

Qualifying Job

"Qualifying job" means a permanent full-time job that:

1. Requires at least 1,600 hours of work a year;

2. Is not transferred from one area in this state to another area in this state;

3. Is not created to replace a previous employee;

4. Is covered by a group health benefit plan for which the business offers to pay at least 80 percent of the premiums or other charges assessed for employee-only coverage under the plan, regardless of whether an employee may voluntarily waive the coverage; and

5. Pays at least 110 percent of the county average weekly wage for manufacturing jobs in the county where the job is located.

Tax Code 313.021(3); 34 TAC 9.1051(30)

To be eligible for a limitation on appraised value under Tax Code Chapter 313, the property owner must create the required number of new qualifying jobs and the average weekly wage for all jobs created that are not qualifying jobs must exceed the county average weekly wage for all jobs in the county where the jobs are located. *Tax Code 313.024(d)*

Waiver of New Jobs Creation Requirement

Notwithstanding any other provision of Tax Code Chapter 313 to the contrary, the board may waive the new jobs creation requirement and approve an application if the board makes a finding that the jobs creation requirement exceeds the industry standard for the number of employees reasonably necessary for the operation of the facility of the property owner that is described in the application. *Tax Code 313.025(f-1)*

Qualifying Time Period

"Qualifying time period" means:

1. The period that begins on the date that a person's application for a limitation on appraised value under Tax Code Chapter 313 is approved by the board and ends on December 31 of the second tax year that begins after that date, except as provided by items 2 and 3 below or Tax Code 313.027(h);

2. In connection with a nuclear electric power generation facility, the first seven tax years that begin on or after the third anniversary of the date the district approves the property owner's application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner; or

3. In connection with an advanced clean energy project, the first five tax years that begin on or after the third anniversary of the date the district approves the property owner's application for a limitation on appraised value, unless a shorter time period is agreed to by the board and the property owner.

Tax Code 313.021(4)

Substantive Document

"Substantive document" means a document or other information or data in electronic media determined by the comptroller to substantially involve or include information or data significant to an application, the evaluation or consideration of an application, or the agreement or implementation of an agreement for limitation of appraised value pursuant to Tax Code Chapter 313. The term includes, but is not limited to, any application requesting a limitation on appraised value and any amendments or supplements, any economic impact evaluation made in connection with an application, any agreement between applicant and the district and any subsequent amend-

ments or assignments, any district written finding or report filed with the comptroller as required under 34 Administrative Code Chapter 9, Subchapter F; and any completed annual eligibility report (Form 50-772A) submitted to the comptroller. The term shall not include any employee names or other personal identifying information that is submitted to the comptroller. Positions can be described by job type, category, or general title. *34 TAC 9.1051(19)*

School District Categories

For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter B applies are categorized according to the taxable value of property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.022. *Tax Code 313.022(b); 34 TAC 9.1058(d)*

For purposes of determining the required minimum amount of a qualified investment and the minimum amount of a limitation on appraised value, districts to which Tax Code Chapter 313, Subchapter C applies are categorized according to the taxable value of industrial property in the district for the preceding tax year under Government Code Chapter 403, Subchapter M (comptroller's study of school district property values), as set out in Tax Code 313.052. *Tax Code 313.052; 34 TAC 9.1058(d)*

Minimum Amounts of Qualified Investment

For each category of district established by Tax Code 313.022, the minimum amount of a qualified investment is set out in Tax Code 313.023. *Tax Code 313.023*

For each category of district established by Tax Code 313.052, the minimum amount of a qualified investment is set out in Tax Code 313.053. *Tax Code 313.053*

Eligibility

Tax Code Chapter 313, Subchapters B and C apply only to property owned by an entity subject to franchise tax (Tax Code Chapter 171). To be eligible for a limitation on appraised value, the entity must use the property for a purpose stated in Tax Code 313.024.

Exception for Wind-Powered Energy Device

An owner of a parcel of land that is located wholly or partly in a reinvestment zone, a new building constructed on the parcel of land, a new improvement erected or affixed on the parcel of land, or tangible personal property placed in service in the building or improvement or on the parcel of land may not receive a limitation on appraised value for the parcel of land, building, improvement, or tangible personal property under an agreement under Tax Code Chapter 313, Subchapter B that is entered into on or after September 1, 2017, if, on or after that date, a wind-powered energy device is installed or constructed on the same parcel of land at a location

that is within 25 nautical miles of the boundaries of a military aviation facility located in this state. This prohibition applies regardless of whether the wind-powered energy device is installed or constructed at a location that is in the reinvestment zone.

Tax Code 313.024

Application for Limitation on Appraised Value

The owner or lessee of, or the holder of another possessory interest in, any qualified property may apply to the board for a limitation on the appraised value of the person's qualified property for district maintenance and operations ad valorem tax purposes. An application must be made on the form prescribed by the comptroller, must include the information required by the comptroller, and must be accompanied by:

1. The application fee established by the board;
2. Information sufficient to show that the real and personal property identified in the application as qualified property meets the applicable criteria established by Tax Code 313.021(2); and
3. Any information required by the comptroller for the purposes of Tax Code 313.026 (economic impact evaluation).

Tax Code 313.025(a)

Required Contents and Format

A completed application shall consist of, at a minimum, the items set forth in 34 Administrative Code 9.1053(a)(1) and shall be provided in the formats specified in 34 Administrative Code 9.1053(a)(2).

Optional Requests

An applicant may include in an application:

1. A request that the district waive the applicable requirement to create new jobs. In order for a completed application to include a job waiver request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(1); or
2. A request to begin the qualifying time period on a date that is after the date that the application is approved. In order for a completed application to include a qualifying time period deferral request, the applicant shall submit the information specified in 34 Administrative Code 9.1053(b)(2).

34 TAC 9.1053(a), (b)

Changes

At the request of the district or the comptroller, or with the prior approval of the district and the comptroller, the applicant may submit an application amendment or application supplement at any time after the submission of the initial application. In order to be consid-

ered as part of the application, the application amendment or supplement shall:

1. Be submitted in the same form or schedule and manner as the information was initially submitted or should have been initially submitted;

2. Include a date for the submission and a sequential number identifying the number of submissions made by the applicant;

3. Have the signature of the authorized representative(s) by which the applicant confirms and attests to the truth and accuracy of the information submitted in the application amendment or supplement, as applicable, to the best knowledge and belief of the applicant and its representative(s); and

4. Be submitted before the 120th day after the application was accepted by the district or within another time period as provided in writing by the comptroller.

34 TAC 9.1053(c)

If a district receives an amended application or a supplemental application from an applicant after the district has prepared or sent written notice that the applicant has submitted a completed application, the district shall either:

1. Reject the amended application, supplemental application, or application, in whole or in part, and discontinue consideration of any submission by the applicant;

2. With the written concurrence of the comptroller, consider the completed application, as amended or supplemented, before the 151st day from the application review start date; or

3. Review the documents submitted by the applicant, issue an amended written notice of a completed application, and present the amended application to the board in the manner and time period authorized by 34 Administrative Code 9.1054(c)(5).

34 TAC 9.1054(e) [See Acting on Completed Application, below]

Confidential Business Information

Information provided to a district in connection with an application for a limitation on appraised value that describes the specific processes or business activities to be conducted or the specific tangible personal property to be located on real property covered by the application shall be segregated in the application from other information in the application and is confidential and not subject to public disclosure unless the board approves the application. Other information in the custody of a district or the comptroller in

connection with the application, including information related to the economic impact of a project or the essential elements of eligibility under Tax Code Chapter 313, such as the nature and amount of the projected investment, employment, wages, and benefits, may not be considered confidential business information if the board agrees to consider the application. Information in the custody of a district or the comptroller if the board approves the application is not confidential under this provision. *Tax Code 313.028; 34 TAC 9.1055(a)(1)–(4)*

At the time that the applicant submits its application, application amendment, or application supplement, the applicant may request that all or parts of such document not be posted on the internet and not otherwise be publicly released. In order to make such request, the applicant shall:

1. Submit a written request that:
    a. Specifically lists each document or portion of document and each entry in any form prescribed by the comptroller that the applicant contends is confidential; and
    b. Identifies specific detailed reasons stating why the applicant believes each item listed should be considered confidential and identifies any relevant legal authority in support of the request;
2. Segregate the documents which are subject to the request from the other documents submitted with the application, application amendment, or application supplement that are not subject to the request; and
3. Adequately designate the documents subject to the request as “confidential.”

34 TAC 9.1053(e)

Action on Application

Initial Review

Within seven days of receipt of each document, the district shall submit to the comptroller a copy of the application and the proposed agreement between the applicant and the district. If the applicant submits an economic analysis of the proposed project, the district shall submit a copy of the analysis to the comptroller. In addition, the district shall submit to the comptroller any subsequent revision of or amendment to any of those documents within seven days of receipt. *Tax Code 313.025(a-1); 34 TAC 9.1054(b)*

Acting on Completed Application

If the board by official action elects to consider an application and determines that the application received is a completed application, the district shall:

1. Provide written notice to the applicant and to the comptroller, with a copy to the appraisal district, that the district has received and will be considering a completed application. The notice shall include:

    a. The date on which the application was received;

    b. The date on which the board elected to consider the application; and

    c. The date on which the district determined that applicant has submitted a completed application;

2. At the time the district provides notice of a completed application, deliver to the comptroller:

    a. A copy of the completed application including all material required by 34 Administrative Code 9.1053(a), and if applicable (b), (Entity Requesting Agreement to Limit Appraised Value); and

    b. A request to the comptroller to provide an economic impact evaluation;

3. If the district maintains a generally accessible internet web site, provide a clear and conspicuous link on its web site to the internet web site maintained by the comptroller where substantive documents for the value limitation application for such district are posted;

4. On request of the comptroller, provide such written documents containing information requested by the comptroller as necessary for the consideration of a limitation on appraised value pursuant to Tax Code Chapter 313 within 20 days of the date of the request.

34 TAC 9.1054(c)(1)–(4)

Economic Impact Evaluation and Certification

The board is not required to consider an application for a limitation on appraised value. If the board elects to consider an application, the board shall deliver a copy of the application to the comptroller and request that the comptroller conduct an economic impact evaluation of the proposed investment. The comptroller shall conduct or contract with a third person to conduct the economic impact evaluation, which shall be completed and provided to the board, along with the comptroller's certificate or written explanation of the decision not to issue a certificate, as soon as practicable but not later than the 90th day after the date the comptroller receives the application. The board shall provide to the comptroller or to a third person contracted by the comptroller to conduct the economic im-

pact evaluation any requested information. The board shall provide a copy of the economic impact evaluation to the applicant on request. *Tax Code 313.025(b); 34 TAC 9.1055(d)*

Supplemental application information, amended application information, and additional information requested by the comptroller shall be promptly forwarded to the comptroller within 20 days of the date of the request. On request of the district or applicant, the comptroller may extend the deadline for providing additional information for a period of not more than ten working days. *34 TAC 9.1055(b)(1)(A)–(B)*

After receiving a copy of the application, the comptroller shall determine whether the property meets the requirements for eligibility for a limitation on appraised value. The comptroller shall notify the board of the comptroller's determination and provide the applicant an opportunity for a hearing before the determination becomes final. If the comptroller's determination becomes final, the comptroller is not required to provide an economic impact evaluation of the application or to submit a certificate for a limitation on appraised value of the property or a written explanation of the decision not to issue a certificate, and the board may not grant the application. *Tax Code 313.025(h), (i); 34 TAC 9.1055(b)(3), (c), (d), .1056*

Effect on Instructional Facilities

The comptroller shall promptly deliver a copy of the application to the Texas Education Agency (TEA). TEA shall determine the effect that the applicant's proposal will have on the number or size of the district's instructional facilities and submit a written report containing TEA's determination to the district. The board shall provide any requested information to TEA. Not later than the 45th day after the date TEA receives the application, TEA shall make the required determination and submit the written report to the board. *Tax Code 313.025(b-1)*

Fees

The board by official action shall establish reasonable nonrefundable application fees to be paid by property owners who apply to the district for a limitation on the appraised value of the person's property. The amount of an application fee must be reasonable and may not exceed the estimated cost to the district of processing and acting on an application, including any cost to the district associated with the required economic impact evaluation. *Tax Code 313.031(b); 34 TAC 9.1054(a)*

The total fee shall be paid at the time the application is submitted to the district. Any fees not accompanying the original application shall be considered supplemental payments. *34 TAC 9.1054(a)*

The comptroller may charge the applicant a fee sufficient to cover the costs of providing the economic impact evaluation. *Tax Code 313.025(b)*

Supplemental Payments

A person and the district may not enter into an agreement under which the person agrees to provide supplemental payments to a district or any other entity on behalf of a district in an amount that exceeds an amount equal to the greater of $100 per student per year in average daily attendance or $50,000 per year, or for a period that exceeds the period beginning with the qualifying time period and ending December 31 of the third tax year after the date the person's eligibility for a limitation under Tax Code Chapter 313 expires. This limit does not apply to amounts described below at item 4 at Contents, Required and item 1 at Contents, Optional. *Tax Code 313.027(i)*

Approval

The board shall approve or disapprove an application not later than the 150th day after the date the application is filed, unless the economic impact evaluation has not been received or an extension is agreed to by the board and the applicant. *Tax Code 313.025(b)*

The board may extend the time period to approve a completed application required only if:

1. Either:
    a. An economic impact analysis has not been submitted to the district by the comptroller; or
    b. By agreement with the applicant; and
2. Notice of the extension is provided to the comptroller within seven days of the decision to provide the extension.

34 TAC 9.1054(d)

Before approving or disapproving an application that the board elects to consider, the board must make a written finding as to any criteria considered by the comptroller in conducting the economic impact evaluation under Tax Code 313.026. The board shall deliver a copy of those findings to the applicant.

The board may approve an application only if the board finds that the information in the application is true and correct, finds that the applicant is eligible for the limitation on the appraised value of the person's qualified property, and determines that granting the application is in the best interest of the district and this state.

The board may not approve an application unless the comptroller submits to the board a certificate for a limitation on appraised value of the property.

Tax Code 313.025(d-1), (e), (f)

When presented a completed application for which the comptroller has submitted a certificate for a limitation, the board shall either:

1. By majority vote adopt a written resolution approving the application which shall include:
    a. Written findings:
        (1) As to each criterion listed in 34 Administrative Code 9.1055(d)(3)(B)–(D) (Comptroller Application Review and Agreement to Limit Appraised Value);
        (2) As to the criteria required by Tax Code 313.025(f-1) (waiver of new jobs creation requirement) if applicable;
        (3) That the information in the application is true and correct; and
        (4) That the applicant is eligible for the limitation on the appraised value of the entity's qualified property;
    b. A determination that granting the application is in the best interest of the district and this state; and
    c. Designate and direct a representative of the board to execute the agreement for property tax limitation presented by the approved applicant that complies with 34 Administrative Code Chapter 9, Subchapter F and Tax Code Chapter 313;
2. By majority vote disapprove the application; or
3. Take no official action and the application shall be considered disapproved on the 151st day after the application review start date.

34 TAC 9.1054(c)(5), (f)

In determining whether to approve an application, the board is entitled to request and receive assistance from the comptroller, the Texas Economic Development and Tourism Office, the Texas Workforce Investment Council, and the Texas Workforce Commission. The Texas Economic Development and Tourism Office or its successor may recommend that a district approve an application under Tax Code Chapter 313. In determining whether to approve

an application, the board shall consider any recommendation made by the Texas Economic Development and Tourism Office or its successor. *Tax Code 313.025(c), (g)*

Continued Eligibility

In order to obtain and continue to receive a limitation on appraised value pursuant to Tax Code Chapter 313, an applicant shall:

1. Have a completed application approved by the board in compliance with 34 Administrative Code 9.1054(f) (School District Application Review and Agreement to Limit Appraised Value);
2. At least 30 days prior to the meeting at which the board is scheduled to consider the application, provide to the district and the comptroller a Texas Economic Development Act Agreement, as specified in 34 Administrative Code 9.1052(a)(6) [now 9.1052(a)(4)], with terms acceptable to the applicant;
3. If the applicant includes a combined group or members of the combined group, have the agreement executed by the authorized representative of each member of the combined group that owns a direct interest in property subject to the proposed agreement by which such members are jointly and severally liable for the performance of the stipulations, provisions, terms, and conditions of the agreement;
4. Comply with all stipulations, provisions, terms, and conditions of the agreement for a limitation on appraised value executed with the district, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313;
5. Be and remain in good standing under the laws of this state and maintain legal status as an entity;
6. Owe no delinquent taxes to the state;
7. Maintain eligibility for limitation on appraised value pursuant to Tax Code Chapter 313;
8. Provide to the district, the comptroller, and the appraisal district any change to information provided in the application, including but not limited to changes of the authorized representative(s); changes to the location and contact information for the approved applicant including all members of the combined group participating in the limitation agreement; and copies of any valid assignments of the agreement and contact information for authorized representative(s) of any assignees; and
9. Within 30 days after filing a completed application with the district, provide the comptroller with estimates of the gross tax

benefit resulting from the requested limitation on appraised value for school district maintenance and operations ad valorem tax and future revenues from the qualified property.

34 TAC 9.1053(f)

Agreement

No later than 20 business days after receiving an agreement for limitation on appraised value acceptable to an applicant, the comptroller:

1. Shall review the agreement for compliance with Tax Code Chapter 313 and the applicable rules (34 Administrative Code 9.1051–.1060), and consistency with the application submitted to the comptroller and as amended or supplemented;

2. May amend or withdraw the comptroller certificate for a limitation if the comptroller determines that the agreement as submitted by the applicant does not comply with Tax Code Chapter 313 or the applicable rules or that the agreement contains provisions that are not consistent with or represents information significantly different from that presented in the application as submitted to the comptroller; and

3. Provide written notification to the district of the actions taken.

34 TAC 9.1055(e)

The board and the property owner shall enter into a written agreement for the implementation of the limitation on appraised value on the owner's qualified property. *Tax Code 313.027(d); 34 TAC 9.1054(g), .1060*

Limitation on Appraised Value

If the person's application is approved by the board, the appraised value for district maintenance and operations ad valorem tax purposes of the person's qualified property as described in the agreement between the person and the district may not exceed the lesser of:

1. The market value of the property; or

2. Subject to the minimum limitation amount below, the amount agreed to by the board.

Minimum Limitation

The amount agreed to by the board must be an amount in accordance with Tax Code 313.027(b), according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount.

Tax Code 313.027(a), (b), (c)

For a district to which Tax Code Chapter 313, Subchapter C applies, the amount agreed to by the board must be an amount in ac-

cordance with Tax Code 313.054, according to the category to which the district belongs. [See School District Categories, above] A district, regardless of category, may agree to a greater amount. *Tax Code 313.054*

Contents

The agreement must:

Required

1. Provide that the limitation applies for a period of ten years;
2. Specify the beginning date of the limitation, which must be January 1 of the first tax year that begins after the application date, the qualifying time period, or the date commercial operations begin at the site of the project;
3. Describe with specificity the qualified investment that the person will make on or in connection with the person's qualified property that is subject to the limitation; other property of the person that is not specifically described in the agreement is not subject to the limitation unless the board, by official action, provides that the other property is subject to the limitation;
4. Incorporate each relevant provision of Tax Code Chapter 313, Subchapter B, and, to the extent necessary, include provisions for the protection of future district revenues through the adjustment of the minimum valuations, the payment of revenue offsets, and other mechanisms agreed to by the property owner and the district;
5. Require the property owner to maintain a viable presence in the district for at least five years after the date the limitation on appraised value of the owner's property expires;
6. Provide for the termination of the agreement, the recapture of ad valorem tax revenue lost as a result of the agreement if the owner of the property fails to comply with the terms of the agreement, and payment of a penalty or interest, or both, on that recaptured ad valorem tax revenue;
7. Specify the ad valorem tax years covered by the agreement;
8. Be in a form approved by the comptroller; and
9. Disclose any consideration promised in conjunction with the application and the limitation.

Tax Code 313.027(a-1), (e), (f), (j)

Optional

The agreement may:

1. Provide that the property owner will protect the district in the event the district incurs extraordinary education-related expenses related to the project that are not directly funded in

state aid formulas, including expenses for the purchase of portable classrooms and the hiring of additional personnel to accommodate a temporary increase in student enrollment attributable to the project.

2. Specify any conditions the occurrence of which will require the district and the property owner to renegotiate all or any part of the agreement.

3. Provide for a deferral of the date on which the qualifying time period for the project is to commence or, subsequent to the date the agreement is entered into, be amended to provide for such a deferral. The agreement may not provide for the deferral of the date on which the qualifying time period is to commence to a date later than January 1 of the fourth tax year that begins after the date the application is approved except that if the agreement is one of a series of agreements related to the same project, the agreement may provide for the deferral of the date on which the qualifying time period is to commence to a date not later than January 1 of the sixth tax year that begins after the date the application is approved.

Tax Code 313.027(f), (h)

If an agreement for limitation on appraised value includes a provision in which the qualifying time period starts more than one year after the date that the application is approved, no earlier than 180 days and no later than 90 days prior to the start of the deferred qualifying time period:

1. The district shall provide the comptroller:

   a. Copies of any documents or other information received from the applicant; and

   b. After reviewing documents and information provided by the applicant, either:

      (1) A written acknowledgment of receiving the application amendment or supplement; or

      (2) A statement that no such amendment or supplement has been submitted; and

2. If the comptroller provides:

   a. A comptroller certificate for a limitation with conditions different from the existing agreement, the board shall hold a meeting and determine whether to amend the agreement to include the conditions required by the comptroller or terminate the agreement; or

b. A written explanation of the comptroller's decision not to re-issue a certificate, the district shall terminate the agreement.

34 TAC 9.1054(h), .1055(g)

Compliance and Enforcement

The district shall provide to the comptroller any documents that reasonably appear to be substantive documents, and, within seven days of executing the agreement, a copy of the executed agreement and any attachments thereto. The district shall provide a copy of the executed agreement to the appraisal district.

The district shall comply with and enforce the stipulations, provisions, terms, and conditions of the agreement for limitation of the appraised value, 34 Administrative Code Chapter 9, Subchapter F, and Tax Code Chapter 313. To determine and obtain compliance with each agreement, for each calendar year during the term of the agreement the district shall require the approved applicant to submit:

1. Either the information necessary to complete the annual eligibility report, or a completed annual eligibility report;
2. A completed job creation compliance report (Form 50-825); and
3. Any information required by the state auditor office or its designee.

34 TAC 9.1054(i)

Disclosure of Appraised Value Limitation Information

If a district maintains a generally accessible internet website, the district shall maintain a link on its internet website to the area of the comptroller's internet website where information on each of the district's agreements to limit appraised value is maintained. *Tax Code 313.0265(c)*

Accessibility of Documents

Any documents submitted in an electronic format (including searchable pdfs) to the comptroller must comply with the accessibility standards and specifications described in 1 Administrative Code Chapters 206 and 213. *34 TAC 9.1055(a)(5)*

Capitalization Threshold

The capitalization threshold for purposes of classifying individual capital assets shall be $5,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

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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

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

Competitive Sealed Proposals

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

Request for Proposals

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

Opening Proposals

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

Selection

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

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

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

Education Code 44.0352

Interlocal Contracts

"Interlocal contract" means a contract or agreement made under Government Code Chapter 791 (Interlocal Cooperation Act). 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 ser-

vices 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, professional nursing, or forensic science;

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

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

Gov't Code 2254.002

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

Contingent Fee Contract for Legal Services

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

Government Code Chapter 2254, Subchapter C provides the manner in which and the situations under which a district may compen-

sate a public contractor under a contingent fee for legal services. That subchapter does not apply to a contract for legal services:

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

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

Gov't Code 2254.102

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

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

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

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

Gov't Code 2254.1032

Specific Purchases

Computers

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

Automated Information System

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

Automated External Defibrillators

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

Insurance

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

Multiyear Contracts

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

Other Purchasing Methods

State Purchasing Program

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

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

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

Local Gov't Code 271.082

District Participation

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

1. Designate an official to act for the district in all matters relating to the program, including the purchase of items from the vendor under any contract, and that the board will direct the decisions of the representative;

2. Be responsible for:

   a. Submitting requisitions to the comptroller under any contract; or

   b. Electronically sending purchase orders directly to vendors, or complying with procedures governing a reverse auction purchase, and electronically sending to the comptroller reports on actual purchases made under this provision that provide the information and are sent at the times required by the comptroller;

3. Be responsible for making payment directly to the vendor;

4. Be responsible for the vendor's compliance with all conditions of delivery and quality of the purchased item.

A district that purchases an item under a state contract or under a reverse auction procedure, sponsored by the comptroller satisfies any state law requiring the district to seek competitive bids for the purchase of the item.

Local Gov't Code 271.083

Multiple Award Contract Schedule

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

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

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

Gov't Code 2155.504

Cooperative Purchasing Program

A district may participate in a cooperative purchasing program with another local government of this state or another state or with a local cooperative organization of this state or another state. A district that is participating in a cooperative purchasing program may sign

an agreement with another participating local government or a local cooperative organization stating that the district will:

1. Designate a person to act under the direction of, or on behalf of, the district in all matters relating to the program;
2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

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

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

Cooperative Purchasing Contract Fees

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

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

Education Code 44.0331

Commitment of Current Revenue

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

Change Orders For provisions regarding change orders, see CV.

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

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

Education Code 44.032(a)–(b)

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

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

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

Injunction A court may enjoin performance of a contract made in violation of Education Code Chapter 44, Subchapter B. A county attorney, dis-

trict 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)*

District Police Department

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a District police department and shall employ and commission police officers.

Supervisory Authority

The chief of police shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

Jurisdiction

The jurisdiction of police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Police Authority

Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, District police officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the Superintendent.
8. Carry out all other duties as directed by the chief of police or Superintendent.

	District police officers shall not be assigned routine classroom discipline or administrative tasks.
Temporary Assignment	District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.
Limitations on Nonschool Employment	No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police and Superintendent.
Relationship with Outside Agencies	The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The chief of police and the Superintendent shall review the memorandum of understanding at least once every year. The memorandum of understanding shall be approved by the Board.
Video Monitoring	If available, video equipment shall be used on a District police car for safety purposes whenever the flashing lights on the car are in use.
Access to Recordings	Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]
Training	All District officers shall receive at least the minimum amount of education and training required by law.
Department Regulations Manual	To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the Superintendent shall review the manual annually and make any appropriate revisions.
Racial Profiling	The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Police officers employed by the District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.
Use of Force	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.

High-Speed Pursuit	Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.
Complaints	Complaints against a District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint. Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.

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–.198.

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*

Safety Rules

The board may adopt rules for the safety and welfare of students, employees, and property and other rules it considers necessary to carry out Education Code Chapter 37, Subchapter D (Protection of Buildings and Grounds) and the governance of the district, including rules providing for the operation and parking of vehicles on school property. *Education Code 37.102(a)* [See also CLC]

Identification and Right to Reject

Identification may be required of any person on school property. A school administrator, school resource officer, or district peace officer may refuse to allow a person to enter on or may eject a person from property under the district's control in accordance with Education Code 37.105. *Education Code 37.105(a), (b)* [See GKA]

Human Trafficking Warning Signs

Each school shall post warning signs of the increased penalties for trafficking of persons under Penal Code 20A.02(b-1)(2) at the following locations:

1. Parallel to and along the exterior boundaries of the school's premises;
2. At each roadway or way of access to the premises;
3. For premises not fenced, at least every five hundred feet along the exterior boundaries of the premises;
4. At each entrance to the premises and building; and
5. At conspicuous places reasonably likely to be viewed by all persons entering the premises.

Education Code 37.086(b); 19 TAC 61.1053(b)

Each warning sign must:

1. Describe the offense of trafficking in persons as provided under Penal Code 20A.02(a). The sign must emphasize that an offense under Penal Code 20A.02, is a felony of the first degree punishable by imprisonment in the Texas Department of Criminal Justice for life or for a term of not more than 99 years or less than 25 years if it is shown on the trial of the offense that the actor committed the offense in a location that was:
    a. On the premises of or within 1,000 feet of the premises of a school; or
    b. On premises or within 1,000 feet of premises where:
        (1) An official school function was taking place; or
        (2) An event sponsored or sanctioned by the University Interscholastic League was taking place;

2. Be written in English and Spanish;

3. Be at least 8.5 by 11 inches in size; and

4. Be properly maintained to ensure readability and protection from the elements for outdoor signs.

Education Code 37.086(c); 19 TAC 61.1053(c)

"School" means a public or private primary or secondary school. "Premises" means real property and all buildings and appurtenances pertaining to the real property. *Education Code 37.086(a); 19 TAC 61.1053(a); Health and Safety Code 481.134*

Buildings

A school building must be located on grounds that are well-drained and maintained in a sanitary condition. A school building must be properly ventilated and provided with an adequate supply of drinking water, an approved sewage disposal system, handwashing facilities, a heating system, and lighting facilities that conform to established standards of good public health engineering practices.

Lunchrooms

A school lunchroom must comply with state food and drug regulations.

Custodial Services

A school building and its appurtenances shall be maintained in a sanitary manner. A full-time building custodian or janitor shall know the fundamentals of safety and school sanitation.

Health and Safety Code 341.065

Structural Pest Control

A district may obtain pest control services for school buildings only by:

1. Contracting with a person who holds a license to perform the services; or
2. Requiring a district employee who is licensed as a certified noncommercial applicator or technician to perform the services.

Occupations Code 1951.459

Integrated Pest Management Program

Each district shall establish, implement, and maintain an integrated pest management (IPM) program. An IPM program is a regular set of procedures for preventing and managing pest problems using an integrated pest management strategy. The school district is responsible for each IPM coordinator's compliance with the regulations in 4 Administrative Code 7.201–.205 (Division 7). *Occupations Code 1951.212; 4 TAC 7.201*

Definitions

"Integrated pest management" means a pest management strategy that relies on multiple pest control tactics, including the judicious use of pesticides, informed by accurate identification and scientific knowledge of pests, reliable monitoring methods to assess pest presence, preventative measures to avoid pest infestations, and thresholds to determine when corrective control measures are needed. *4 TAC 7.114(13)*

"Area of common access" means an area that an individual is likely to be present in or at on a regular basis, such as a building entranceway, mailboxes, laundry rooms, beverage machines, building bulletin boards, hallways, etc. *4 TAC 7.114(3)*

IPM Program Requirements

The IPM program shall contain these essential elements:

1. A board-approved IPM policy, stating the district's commitment to follow integrated pest management guidelines in all pest control activities that take place on district property. The IPM policy statement shall include:
    a. A definition of IPM consistent with this section;
    b. A reference to Texas laws and rules governing pesticide use and IPM in public schools;
    c. Information about who can apply pesticides on school district property; and
    d. Information about designating, registering, and required training for the district's IPM coordinator. The superintendent and IPM coordinator shall maintain a copy of the policy.
2. A monitoring program to determine when pests are present and when pest problems are severe enough to justify corrective action;
3. The preferential use of lower risk pesticides and the use of non-chemical management strategies to control pests, rodents, insects, and weeds;
4. A system for keeping records of facility inspection reports, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints;
5. A plan for educating and informing district employees about their roles in the IPM program; and
6. Written guidelines that identify thresholds for when pest control actions are justified.

4 TAC 7.201(1)

IPM Coordinator

The superintendent shall appoint an IPM coordinator to implement the district's IPM program. Not later than 90 days after the superintendent designates or replaces an IPM coordinator, the district must report to the Texas Department of Agriculture (TDA) the newly appointed coordinator's name, address, telephone number, e-mail address and the effective date of the appointment. A district that appoints more than one IPM coordinator shall designate a responsible IPM coordinator who will have overall responsibility for the IPM program and provide oversight of subordinate IPM coordinators regarding IPM program decisions. When a district removes an IPM coordinator, the departing IPM coordinator, superintendent,

or superintendent's designee must notify TDA of the removal within ten days in writing. A district may not be without an IPM coordinator for more than 30 days. *Occupations Code 1951.212(e); 4 TAC 7.201(2)*

Training

The IPM coordinator shall:

1. Successfully complete a TDA-approved IPM coordinator training course within six months of appointment; and
2. Obtain at least six hours of TDA-approved IPM continuing education units every three years in accordance with the requirements of 4 Administrative Code 7.202.

Occupations Code 1951.212(f); 4 TAC 7.202

Duties

In addition to implementing the district's IPM program, the IPM coordinator shall oversee and be responsible for:

1. Coordination of pest management personnel, ensuring that all school employees who perform pest control, including those employees authorized to perform incidental use applications, have the necessary training, are equipped with the appropriate personal protective equipment, and have the necessary licenses for their pest management responsibilities;
2. Ensuring that all IPM program records, including incidental use training records, pest-related work orders, pest control service reports, pesticide applications, and pesticide complaints are maintained for a period of two years and are made available to a TDA inspector upon request;
3. Working with district administrators to ensure that all pest control proposal specifications for outside contractors are compatible with IPM principles, and that contractors work under the guidelines of the district's IPM policy;
4. Ensuring that all pesticides used on district property are in compliance with the district's IPM program and that current pesticide labels and safety data sheets (SDS) are available for interested individuals upon request;
5. Overseeing and implementing that portion of the plan that ensures that district administrators and relevant district personnel are provided opportunities to be informed and educated about their roles in the IPM program, reporting, and notification procedures;
6. Ensuring that pesticide applications, including the approval of emergency applications at buildings and on district grounds, are conducted in accordance with Division 7; and

7. Maintaining a current copy of the school district's IPM policy and making it available to a TDA inspector upon request.

4 TAC 7.202(d)

Licensed Applicator

A district that engages in pest control activities must employ or contract with a licensed applicator, who may, if an employee, also serve as the IPM coordinator. *4 TAC 7.201(3)*

The certified commercial or noncommercial certified applicator or licensed technician shall:

1. Apply only United States Environmental Protection Agency (EPA) labeled pesticides, appropriate for the target pest, except as provided in Division 7;
2. Provide the structural pest management needs of the district by following the district's IPM program and these regulations;
3. Obtain written approval from the IPM coordinator for the use of pesticides in accordance with Division 7;
4. Handle and forward to the IPM coordinator records of IPM activities, any complaints relating to pest problems, and pesticide use;
5. Ensure that pesticide use records are forwarded to the IPM coordinator within two business days or in a time frame as agreed to by the IPM coordinator;
6. Consult with the IPM coordinator concerning the use of control measures in buildings and grounds, including residential properties; and
7. Ensure that all pest control activities are consistent with the district's IPM program and IPM policy.

4 TAC 7.203

Notice

A district shall prior to or by the first week of school attendance, ensure that a procedure is in place to provide prior notification of pesticide applications in accordance with 4 Administrative Code Chapter 7. Individuals who request in writing to be notified of pesticide applications may be notified by telephonic, written, or electronic methods. *4 TAC 7.201(4)*

The chief administrator, IPM coordinator, or building manager must notify individuals who work in a district building of an indoor pest control treatment by:

1. Posting the sign made available by the certified applicator or technician in an area of common access that the individuals

are likely to check on a regular basis at least 48 hours before each planned treatment; and

2. Making available, on request, the consumer information sheet made available by the certified applicator or technician.

Occupations Code 1951.455(a); 4 TAC 7.146(c), .147(e), .148(b)

Chief administrators or the IPM coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See FD]

Emergency Exception

The pre-notification requirements of 4 Administrative Code 7.146–.148 are waived if the customer and certified applicator sign a statement attesting to the fact that an emergency exists which requires immediate treatment. If such an emergency exists, the consumer information sheet must be made available by the licensee. The statement must be kept on file with the pest control use records. If the customer is not available to sign a statement at the time of treatment, that shall be recorded in the use records along with the customer's name and telephone number. An emergency is defined as an imminent hazard to health. An emergency treatment is limited to the localized area of the emergency. *4 TAC 7.147(g), .148(d)*

Pesticide Use

All pesticides used by districts must be registered with the EPA and the TDA, with the exception of those pesticides that have been exempted from registration by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), Section 25(b). All pesticides used by districts must also bear a label as required by FIFRA and Chapter 76 of the Texas Agriculture Code. Pesticide use must also meet the following requirements:

1. Pest control signs shall be posted at least 48 hours prior to a pesticide application inside district buildings, including residential properties, as provided for under 4 Administrative Code 7.148.

2. For outdoor applications made on district grounds, including residential properties, the treated area must be identified at all entry points with a sign, or must be secured using a locking device, a fence or other practical barrier such as commercially available barrier caution tape, or periodically monitored to

keep students out of the treated area until the allowed reentry time.

3. Pesticides used on district property shall be mixed outside of student occupied areas of buildings and grounds.

4. The use of non-pesticide control measures, non-pesticide monitoring tools and mechanical devices, such as glue boards and traps as permitted in accordance with Division 7, are exempt from posting requirements. The use of non-pesticide tools and devices by unlicensed district personnel, for monitoring purposes, shall be permitted. Monitoring by unlicensed district personnel shall be done only as directed, under the supervision of the IPM coordinator.

5. Pesticide applications shall not be made to outdoor school grounds if such an application will expose students to physical drift of pesticide spray particles. Reasonable preventative measures shall be taken to avoid the potential of drift to occur.

6. Districts are allowed to apply the pesticides to control pests, rodents, insects, and weeds at school buildings, grounds, or other facilities in accordance with the approval for use and restrictions listed for each category detailed in 4 Administrative Code 7.204(6).

4 TAC 7.204

Incidental Use

The Incidental Use For Schools Fact Sheet must contain the text specified in 4 Administrative Code 7.205 and must be provided during pesticide instruction and training by the IPM coordinator to each district employee whose primary duty is not pest control, and whose work may include tasks subject to the exception. The IPM coordinator must keep records of all the training conducted annually. Pest control use records for all incidental pesticide use application, including the reason for application and justification for emergency, must be maintained by the IPM coordinator for two years. *4 TAC 7.205*

Inspections

School districts will be inspected at least once every five years. TDA may waive these requirements due to TDA staff availability, budgetary constraints, inspection trends, or operational efficiencies. School districts demonstrating a lack of compliance with TDA rules may be inspected more frequently based on risk using the following elements of consideration: prior violations, prior inspection results, and prior complaints. *4 TAC 7.149*

Integrated Pest Management Program

The District is committed to following integrated pest management (IPM) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property.

Definition

IPM is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve the best control of pests. These tactics shall include, but are not limited to, the judicious use of pesticides.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities, including residential property primarily used as student housing.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

Application Time Frame

The IPM coordinator(s), in addition to the responsibilities set out in CLB(LEGAL), shall coordinate with appropriate District administrators or other designated and trained employees regarding pesticide or herbicide applications in accordance with law. The IPM coordinator(s) shall determine when an emergency situation exists and an exception to the 48-hour notice requirement may be made.

No Unauthorized Application

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a District facility, including residential property primarily used as student housing, without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)–(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

No Appeal

The amount of the allotment determined by the commissioner is final and may not be appealed. *19 TAC 66.1307(d)*

Delayed Publisher Payment Option

A district may requisition and receive state-adopted instructional materials before allotment funds for those materials are available. The total cost of delayed-payment-option materials requisitioned may not exceed 80 percent of the district's expected allotment for the subsequent biennium.

When a district submits a requisition for instructional materials under this provision, the Texas Education Agency (TEA) will expend a district's existing allotment balance before applying the delayed payment option. TEA will make payment for any remaining balance for a district's order as the allotment funds become available and

will prioritize payment for requisitions under this provision over reimbursement of purchases made directly by a district.

19 TAC 66.1312(a)–(e)

The commissioner shall ensure that publishers of instructional materials are informed of any potential delay in payment and that payment is subject to the availability of appropriated funds. *Education Code 31.0215(d)*

Publishers may decline orders for which payments could be delayed. A publisher's decision to decline an order shall affect all of that publisher's orders for which payments could be delayed. Publishers may not selectively decline individual orders or orders from individual districts. *19 TAC 66.1312(f); Education Code 31.0215(d)*

Government Code Chapter 2251 (payments for goods and services) does not apply to requisitions under this provision. *Education Code 31.0215(e); 19 TAC 66.1312(g)*

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

High-enrollment growth adjustments will be based on the difference between the district's percentage of enrollment growth and that of the state. Enrollment growth calculations will be determined each fiscal year based on fall Texas Student Data Systems Public Education Information Management System (TSDS PEIMS) enrollment data. The amount of the adjustment determined by the commissioner is final and may not be appealed.

If sufficient funds are available, high-enrollment growth adjustments will be granted once each fiscal year. Notwithstanding this, a district that experiences an unexpected growth:

1. Of at least two percent due to a natural or man-made disaster or catastrophic event may apply for additional allotment funding at any time during a fiscal year.
2. In its bilingual population of at least ten percent in any school year may apply for additional bilingual allotment funding at any time during a fiscal year.

Any additional funding will be dependent on the availability of funds.

The per-student high-enrollment growth adjustment granted in the second year of a biennium shall not exceed one-half of the per-student amount established as the biennial allotment.

19 TAC 66.1309

Permitted Expenditures

Each district's allotment funds must be expended according to the following priorities established in Education Code 31.0211:

1. First, instructional materials necessary to permit the district to certify that the district has instructional materials that cover all elements of the essential knowledge and skills of the required curriculum, other than physical education, for each grade level as required by Education Code 28.002; and
2. Then, any other instructional materials or allowed technological equipment.

Maintaining the priorities above, the allotment funds may be used to pay for:

1. Instructional materials on the list adopted by the commissioner under Education Code 31.0231;
2. Instructional materials on the list adopted by the State Board of Education (SBOE) under Education Code 31.024;
3. Non-adopted instructional materials;
4. Consumable instructional materials;
5. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
6. Versions of non-adopted instructional materials that are fully accessible to students with disabilities;
7. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;

8. Supplemental instructional materials, as provided by Education Code 31.035;

9. State-developed open-source instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;

10. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;

11. Activities related to the local review and adoption of instructional materials;

12. Technological equipment that contributes to student learning, including equipment that supports the use of instructional materials;

13. Training educational personnel directly involved in student learning in the appropriate use of instructional materials;

14. Providing access to technological equipment for instructional use;

15. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning;

16. Inventory software or systems for storing, managing, and accessing instructional materials;

17. Software for analyzing the use and effectiveness of instructional materials;

18. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;

19. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment to ensure internet access; and

20. Training for personnel in the electronic administration of assessment instruments.

The allotment funds may not be used to pay for:

1. Services for installation;

2. The physical conduit that transmits data such as cabling and wiring or electricity, except to the extent allotment funds are

necessary to pay for allowable expenses under items 18 and 19, above;

3. Office and school supplies;

4. Items that are not directly related to student instruction such as furniture, athletic equipment, extension cords, temporary contractors, or video surveillance equipment;

5. Travel expenses; or

6. Equipment used for moving or storing instructional materials.

19 TAC 66.1307(e)–(g); Education Code 31.0211(c)

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

19 TAC 66.1307(l); Education Code 31.0211(d-1)

Certification of Allotment

A district shall annually certify to the commissioner that the district's allotment has been used only for permitted expenses. *Education Code 31.0213*

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

A district may also use funds in the district's account to purchase electronic instructional materials or technological equipment. The district shall submit to the commissioner a request for funds for this purpose from the district's account in accordance with the commissioner's rules.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium. At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

Education Code 31.0212

Access to Allotment

The allotment for each biennium will be made available for district use through the state's online instructional material ordering system as early as possible in the fiscal year preceding the beginning of the biennium for which the funds have been appropriated. A district may access its allotment for any upcoming school year upon completion of:

1. Submission to the commissioner certification that:
    a. The district has instructional materials that cover all the required Texas Essential Knowledge and Skills (TEKS), except those for physical education, as required by Education Code 31.004 [see Certification of Instructional Materials, below]; and
    b. The district has used its allotment for only allowable expenditures [see Permitted Expenditures and Certification of Allotment Use, above]; and
2. Preparation by TEA of the state ordering system for the new school year with the new allotment amounts.

Upon completion of these requirements, a district may access its funds by correctly providing all information required in the state ordering system.

19 TAC 66.1307(h)–(j)

Online Requisition System

The commissioner shall maintain an online requisition system for districts to requisition instructional materials to be purchased with the district's allotment. *Education Code 31.101(f)*

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Requisitions, Use, and Distribution

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials on the SBOE instructional materials list for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)–(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

Supplemental Instructional Materials

A district may requisition supplemental instructional material adopted by the SBOE but not on the instructional material list adopted under Education Code 31.023 only if the district requisitions the supplemental instructional material along with other supplemental instructional materials or instructional materials on the list adopted under Education Code 31.023 that in combination cover each element of the essential knowledge and skills for the course for which the district is requisitioning the supplemental instructional materials. *Education Code 31.035(d)*

Availability of Open Education Resource Instructional Materials

A district that selects open education resource instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Employee Training

The board shall require the employee responsible for ordering instructional materials to complete TEA-developed training in the use of the allotment and the use of the instructional materials ordering system known as EMAT. Training shall be completed prior to ordering instructional materials for the first time and again each time the district is notified by TEA that the training has been updated. The district shall maintain documentation of the completion of the required training. *19 TAC 66.107(d)*

Special Instructional Materials

All laws and rules applying to instructional materials provided to students with no disabilities that are not in conflict with Education Code 31.028 or 19 Administrative Code 66.1311 shall apply to the distribution and control of special instructional materials. Special instructional materials include braille, large-print, and audio books and any other formats designed specifically to provide equal access to students with disabilities.

Requisitions for special instructional materials shall be based on actual student enrollment but may include up to two copies per student if necessary to meet individual need.

Special instructional materials are the property of the state. A district is responsible for replacing or reimbursing the state for lost, stolen, or damaged special instructional materials.

For Teachers — Adopted instructional materials needed by a teacher with a print disability to carry out his or her instructional duties shall be furnished in the required format without cost. The materials are to be loaned to the district as long as needed and are to be returned to the state when they are no longer needed.

For Parents — Adopted instructional materials in a specialized format that are requested by a parent with a print disability shall be furnished without cost by the state. Requests for electronic files shall be filled by TEA after the parent signs and TEA receives a statement, through the district, promising that the parent will safeguard the security of the files and observe all current copyright laws, including those that forbid reproduction of the files and their transfer to other parties. All specialized instructional material formats and electronic files that have been provided must be returned to the local school district at the end of the school year.

19 TAC 66.1311(a)–(d), (h), (j)

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. The commissioner shall determine the amount of the allotment for bilingual education based on TSDS PEIMS bilingual enrollment data from the fall collection of the school year preceding the first year of each biennium. *Education Code 31.029; 19 TAC 66.1307(c)*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that for each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level, the district provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level. The certification shall be submitted in a format approved by the commissioner and can be based on both state-adopted and non-state-adopted materials.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;
2. Materials adopted or purchased by the commissioner under Education Code 31.0231 or Education Code Chapter 31, Subchapter B-1;
3. Open education resource instructional materials submitted by eligible institutions and adopted by the SBOE;

4. Open education resource instructional materials made available by other public schools;

5. Instructional materials developed or purchased by the district; and

6. Open education resource instructional materials and other electronic instructional materials included in the repository under Education Code 31.083.

Each district shall certify, in a format approved by the commissioner, that the district protects against access to obscene or harmful content in compliance with the requirements for certification under the Children's Internet Protection Act, 47 U.S.C. 254(h)(5)(B) and (C). [See CQ]

The certifications shall be ratified by the board in a public, noticed meeting.

Education Code 31.004; 19 TAC 66.105

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which open education resource instructional material that a district does not intend to use for another student is distributed, the printed copy of the open education resource instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(c), (g)–(h); 19 TAC 66.107(b)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the

student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of open education resource instructional material.

Education Code 31.104(d), (e), (h); 19 TAC 66.107(c) [See also EF]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or otherwise hinder the performance of any computer's memory, file system, or software; and
4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and
2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials — A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of open education resource instructional material. *Education Code 31.104*

Sale or Disposal — The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale — The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell electronic instructional materials and technological equipment owned by the district.

Use of Proceeds — Any funds received by a district from a sale must be used to purchase instructional materials and technological equipment allowed under Education Code 31.0211.

Disposal — The board may dispose of printed instructional material before the date the instructional material is discontinued for use in the public schools by the SBOE if the board determines that the instructional material is not needed by the district and the board does not reasonably expect that the instructional material will be needed. A district must notify the commissioner of any instructional material the district disposes of under this provision.

Education Code 31.105

Annual Inventory — A district shall conduct an annual physical inventory of all currently adopted instructional materials that have been requisitioned by and delivered to the district. The results of the inventory shall be recorded in the district's files. *19 TAC 66.107(a)*

Local Handling Expenses — School districts shall not be reimbursed from state funds for expenses incurred in local handling of instructional materials. *19 TAC 66.104(d)*

Safety Standards

A district shall meet or exceed the safety standards for school buses established by the Department of Public Safety (DPS), with the advice of the Texas Education Agency (TEA). A district that fails or refuses to meet these safety standards for school buses is ineligible to share in the transportation allotment until the first anniversary of the date the district begins complying with the safety standards. *Education Code 34.002; Transp. Code 547.102; 37 TAC 14.51–.52*

Student Safety

Prohibitions

A district may not require or allow a child to stand on a moving bus or passenger van. *Education Code 34.004*

An operator of a school bus, while operating the bus, shall prohibit a passenger from:

1. Standing in the bus; or
2. Sitting:
    a. On the floor of the bus, or
    b. In any location on the bus that is not designed as a seat.

Transp. Code 545.426

Seat Belts

Required on Buses

A bus, including a school bus, a school activity bus, multifunction school activity bus, or school-chartered bus, operated by or contracted for use by a district for the transportation of schoolchildren shall be equipped with a three-point seat belt for each passenger, including the operator. This requirement does not apply to:

1. A bus purchased by a school district that is a model year 2017 or earlier; or
2. A bus purchased by a school district that is a model year 2018 or later if the board:
    a. Determines that the district's budget does not permit the district to purchase a bus that is equipped with the required seat belts; and
    b. Votes to approve that determination in a public meeting.

Transp. Code 547.701(e)

Student Requirement

A district shall require a student riding a bus operated by or contracted for operation by the district to wear a seat belt if the bus is equipped with seat belts for all passengers on the bus. A school district may implement a disciplinary policy to enforce the use of seat belts by students. *Education Code 34.013*

Donations

A board shall consider any offer made by a person to donate three-point seat belts or money for the purchase of three-point seat belts for a district's school buses. A board may accept or decline the offer after adequate consideration.

A board may acknowledge a person who donates three-point seat belts or money for the purchase of three-point seat belts for a school bus by displaying a small, discreet sign on the side or back of the bus recognizing the person who made the donation. The sign may not serve as an advertisement for the person who made the donation.

Education Code 34.014

Use of Warning Signals

When a school bus is being stopped or is stopped on a highway to permit students to board or exit the bus, the operator of the bus shall activate all flashing warning signal lights and other equipment on the bus designed to warn other drivers that the bus is stopping to load or unload children.

A person may not operate a light or other equipment described above except when a school bus is being stopped or is stopped on a highway to:

1. Permit a student to board or exit the bus; or
2. Distribute to a student or the parent or guardian of a student:
    a. Food; or
    b. Technological equipment for use by the student for educational purposes.

Transp. Code 547.701(c), (c-1)

Wireless Communication Devices

An operator commits an offense if the operator uses a portable wireless communication device to read, write, or send an electronic message while operating a motor vehicle unless the vehicle is stopped. *Transp. Code 545.4251(b)*

General Rule

School Property

An operator may not use a wireless communication device while operating a motor vehicle within a school crossing zone or on the property of a public elementary, middle, junior high, or high school served by a school crossing zone, during the time a reduced speed limit is in effect for the school crossing zone, unless:

1. The vehicle is stopped; or
2. The wireless communication device is used with a hands-free device.

Transp. Code 545.4252

An operator may not use a wireless communication device while operating a school bus or passenger bus with a minor passenger on the bus unless the bus is stopped. This provision does not apply to an operator of a school bus or passenger bus using a wireless communication device in the performance of the operator's duties as a bus driver and in a manner similar to using a two-way radio. *Transp. Code 545.425(c), (e-1)*

Definitions

"Hands-free device" means speakerphone capability, a telephone attachment, or another function or other piece of equipment, regardless of whether permanently installed in or on a wireless communication device or in a motor vehicle, that allows use of the wireless communication device without use of either of the operator's hands, except to activate or deactivate a function of the wireless communication device or hands-free device. The term includes voice-operated technology and a push-to-talk function. *Transp. Code 545.425(a)(1)*

"Electronic message" means data that is read from or entered into a wireless communication device for the purpose of communicating with another person. *Transp. Code 545.4251(a)(1)*

Disruption of Transportation

Any person other than a primary or secondary grade student who intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school on a vehicle owned or operated by a district or to or from activities sponsored by a school on a vehicle owned and/or operated by a district shall be guilty of a misdemeanor. It is an exception to the application of the offense that, at the time the person engaged in the prohibited conduct, the person was younger than 12 years of age. *Education Code 37.126*

Exhibition of Firearm

For information regarding offenses pertaining to firearms on buses, see GKA(LEGAL).

Accident Reports

Notice to DPS

A district shall provide DPS written notification of any accident directly or indirectly involving a school bus operated by or for the district that bears advertising or another paid announcement. *37 TAC 14.65(a)(2)*

Notice must be received not more than five days from the date of the accident and shall include the following:

1. The name and address of the owner of the school bus;
2. The name and driver's license number of the school bus operator;
3. The date of the accident;
4. The city or county where the accident occurred; and

5. The investigating police agency.

37 TAC 14.65(c)

Notices to DPS may be delivered by facsimile, electronic mail, or mailed to School Bus Transportation, Texas Department of Public Safety, P.O. Box 4087, Austin, TX 78773-0525. *37 TAC 14.65(d)*

Notice to TEA

A district shall report annually to TEA the number of accidents in which its buses were involved in the past year in a manner prescribed by the commissioner of education. A district shall file the annual report to TEA only in the period beginning July 1 and ending July 31 and shall include the following information in the report:

1. The total number of bus accidents;
2. The date each accident occurred;
3. The type of bus, as specified in 19 Administrative Code 61.1028(a), involved in each accident;
4. Whether the bus involved in each accident was equipped with seat belts and, if so, the type of seat belts;
5. The number of students and adults involved in each accident;
6. The number and types of injuries that were sustained by the bus passengers in each accident; and
7. Whether the injured passengers in each accident were wearing seat belts at the time of the accident and, if so, the type of seat belts.

A school district shall report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus is owned, leased, contracted, or chartered by a school district and was transporting school district personnel, students, or a combination of personnel and students; or
2. The bus was driven by a school district employee or by an employee of the school district's bus contractor with no passengers on board and the accident involved a collision with a pedestrian.

Exceptions

A school district shall not report a bus accident involving a school bus, a multifunction school activity bus, a school activity bus, or a motor bus if:

1. The bus was driven by a school district employee or by an employee of the school district's bus contractor, the accident

occurred when no passenger other than the school district's driver or bus contractor's driver was on board the bus, and the accident did not involve a collision with a pedestrian; or

2. The accident involved a bus chartered by a school district for a school activity trip and no school district personnel or students were on board the bus at the time of the accident.

A school district shall not report an accident that occurred in a vehicle that is owned, contracted, or chartered by a school district and is not a school bus, a multifunction school activity bus, a school activity bus, or a motor bus.

Education Code 34.015(b); 19 TAC 61.1028(b)

Texas Department of Agriculture Authority

The Texas Department of Agriculture (TDA) administers federal and state nutrition programs, including the National School Lunch Program (NSLP) under 42 U.S.C. Section 1751 et seq., and the School Breakfast Program (SBP) under 42 U.S.C. Section 1773. *Agriculture Code 12.0025*

Note: Regulations applicable to federal nutrition programs are found at the following:

7 C.F.R. 210: National School Lunch Program

7 C.F.R. 215: Special Milk Program for Children

7 C.F.R. 220: School Breakfast Program

7 C.F.R. 225: Summer Food Service Program

7 C.F.R. 245: Free and Reduced Price Eligibility

Program Compliance

TDA shall require that school food authorities (SFAs) comply with the applicable provisions 7 C.F.R. Part 210. TDA shall ensure compliance through audits, administrative reviews, technical assistance, training guidance materials or by other means. *7 C.F.R. 210.19(a)(3)*

[For the definition of "school food authority," see COA(LEGAL).]

Administrative Review

TDA must conduct administrative reviews of all SFAs participating in the NSLP (including the Afterschool Snacks and the Seamless Summer Option) and SBP at least once during a 3-year review cycle, provided that each SFA is reviewed at least once every 4 years.

"Administrative reviews" means the comprehensive off-site and/or on-site evaluation of all SFAs participating in the specified programs. The term administrative review is used to reflect a review of both critical and general areas in accordance with 7 C.F.R. 210.18(g) and (h), as applicable for each reviewed program, and includes other areas of program operations determined by TDA to be important to program performance.

7 C.F.R. 210.18

Appeals

Appeals related to the federal food and nutrition programs administered by TDA and any actions affecting participation in such programs are governed by 4 Administrative Code, Chapter 26, Subchapter E. *4 TAC 26.200–.207*

Note: For recordkeeping and retention information, see TDA's Food and Nutrition Division *Administrator's Reference Manual,*[1] Section 30, *Records Retention*.

School Nutrition Professional Standards

An SFA that operates the NSLP or the SBP must establish and implement professional standards for school nutrition program directors, managers, and staff. *7 C.F.R. 210.30(a)*

Minimum Standards for Program Directors

Each SFA must ensure that all newly hired school nutrition program directors meet minimum hiring standards and ensure that all new and existing directors have completed the minimum annual training/education requirements for school nutrition program directors, as set forth in 7 C.F.R. 210.30. *7 C.F.R. 210.30(b)*

Note: All school nutrition program directors hired on or after July 1, 2015, must meet the required minimum educational requirements based on student enrollment. *See Summary of School Nutrition Program Director Professional Standards by Local Educational Agency Size chart, 7 C.F.R. 210.30(b)(2).*

Exempt Fundraisers

Schools that participate in the NSLP or SBP may sell food and beverages that do not meet nutritional standards outlined in 7 C.F.R. Parts 210 and 220 as part of a fundraiser, during the school day, for up to six days per school year on each school campus, provided that no specially exempted fundraiser foods or beverages may be sold in competition with school meals in the food service area during the meal service. *4 TAC 26.2*

Definitions

"School day" means the midnight before, to 30 minutes after the end of the official school day.

"School campus" means all areas of the property under the jurisdiction of the school that are accessible to students during the school day.

4 TAC 26.1

Unpaid Meal Charges

State Law

The board of a district that allows students to use a prepaid meal card or account to purchase meals served at schools in the district shall adopt a grace period policy regarding the use of the cards or accounts. The policy:

1. Must allow a student whose meal card or account balance is exhausted or insufficient to continue, for a period determined by the board, to purchase meals by:

a. Accumulating a negative balance on the student's card or account; or

b. Otherwise receiving an extension of credit from the district;

2. Must require the district to notify the parent of or person standing in parental relation to the student that the student's meal card or account balance is exhausted;

3. May not permit the district to charge a fee or interest in connection with meals purchased under item 1, above; and

4. May permit the district to set a schedule for repayment on the account balance as part of the notice to the parent or person standing in parental relation to the student.

Education Code 33.908

Federal Law

An SFA operating a NSLP and/or SBP must:

1. Have a written and clearly communicated meal charge policy in order to ensure a consistent and transparent approach to the issue of how students who pay the full or reduced price cost of a reimbursable meal are impacted by having insufficient funds on hand or in their account to purchase a meal.

2. Include policies regarding the collection of delinquent meal charge debt in the written meal charge policy.

3. Ensure that the policy is provided in writing to all households at the start of each school year and to households that transfer to the school during the school year.

4. Provide the meal charge policy to all school or SFA-level staff responsible for policy enforcement, including school food service professionals responsible for collecting payment for meals at the point of service, staff involved in notifying families of low or negative balances, and staff involved in enforcing any other aspects of the meal charge policy.

Excerpts from *USDA Memo SP 46-2016, Unpaid Meal Charges: Local Meal Charge Policies*[2] *(July 8, 2016)*

Lauren's Law

A district may not adopt any rule, policy, or program under Education Code 28.002(a), (k), (l), (l-1), or (l-2) that would prohibit a parent or grandparent of a student from providing any food product of the parent's or grandparent's choice to:

1. Children in the classroom of the child on the occasion of the child's birthday; or

2. Children at a school-designated function.

Education Code 28.002(l-3)(2)

Donation of Food

A district may allow a campus to elect to donate food to a nonprofit organization through a person who is directly and officially affiliated with the campus, including a teacher or counselor, or through a parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

1. Surplus food prepared for breakfast, lunch, or dinner meals or snacks served from the campus cafeteria, subject to any applicable local, state, and federal requirements; or
2. Food donated to the campus as the result of a food drive or similar event.

The type of food donated under item 1 above may include:

1. Packaged unserved food that is packaged on the campus of a district and has not been removed from the campus cafeteria;
2. Packaged served food if the packaging and food are in good condition;
3. Whole, uncut produce; and
4. Wrapped raw unserved produce.

Food that by law must be maintained at a certain temperature for safety may not be donated unless the campus has maintained the food at the required temperature.

Food donated under these provisions to a nonprofit may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers of the nonprofit organization.

Under this program, a district may adopt a policy under which the district provides food at no cost to a student for breakfast, lunch, or dinner meals or a snack if the student is unable to purchase such meals or snack.

Education Code 33.907

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[1] TDA's Food and Nutrition Division Administrator's Reference Manual: https://squaremeals.org/Programs/NationalSchoolLunchProgram/PolicyARM.aspx
[2] USDA Memo *Unpaid Meal Charges: Local Meal Charge Policies:* https://fns-prod.azureedge.us/sites/default/files/cn/SP46-2016os.pdf

Next Generation Technology

A district, in the administration of the district, shall consider using next generation technologies, including cryptocurrency, blockchain technology, robotic process automation, and artificial intelligence. *Gov't Code 2054.601*

Children's Internet Protection Act

"Harmful to minors" means any picture, image, graphic image file, or other visual depiction that:

Definitions

Harmful to Minors

1. Taken as a whole and with respect to minors, appeals to a prurient interest in nudity, sex, or excretion;
2. Depicts, describes, or represents, in a patently offensive way with respect to what is suitable for minors, an actual or simulated sexual act or sexual contact, actual or simulated normal or perverted sexual acts, or a lewd exhibition of the genitals; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value as to minors.

47 U.S.C. 254(h)(7)(G); 20 U.S.C. 7131(e)(6)

Technology Protection Measure

"Technology protection measure" means a specific technology that blocks or filters internet access to the material covered by a certification described at Certifications to the FCC, below, to which such certification relates. *47 U.S.C. 254(h)(7)(I)*

Universal Service Discounts (E-Rate)

An elementary or secondary school having computers with internet access may not receive universal service discount rates unless the district submits to the FCC the certifications described below at Certifications to the FCC and a certification that an internet safety policy has been adopted and implemented as described at Internet Safety Policy, below, and ensures the use of computers with internet access in accordance with the certifications. *47 U.S.C. 254(h)(5)(A); 47 C.F.R. 54.520*

Certifications to the FCC

A district that receives discounts for internet access and internal connections services under the federal universal service support mechanism for schools must make certifications in accordance with 47 C.F.R. 54.520(c) each funding year. A district that only receives discounts for telecommunications services is not subject to the certification requirements, but must indicate that it only receives discounts for telecommunications services. *47 C.F.R. 54.520(b)*

With Respect to Minors

A certification under 47 U.S.C. 254(h)(5)(B) is a certification that the district is:

1. Enforcing a policy of internet safety for minors that includes monitoring their online activities and the operation of a tech-

nology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors;

2. Enforcing the operation of such technology protection measure during any use of such computers by minors; and

3. Educating minors, as part of its internet safety policy, about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms and cyberbullying awareness and response.

47 U.S.C. 254(h)(5)(B); 47 C.F.R. 54.520(c)(1)

With Respect to Adults

A certification under 47 U.S.C. 254(h)(5)(C) is a certification that the district is:

1. Enforcing a policy of internet safety that includes the operation of a technology protection measure with respect to any of its computers with internet access that protects against access through such computers to visual depictions that are obscene or child pornography; and

2. Enforcing the operation of such technology protection measure during any use of such computers.

47 U.S.C. 254(h)(5)(C); 47 C.F.R. 54.520(c)(1)

Disabling for Adults

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure during use by an adult to enable access for bona fide research or other lawful purpose. *47 U.S.C. 254(h)(5)(D)*

Internet Safety Policy

A district shall adopt and implement an internet safety policy that addresses:

1. Access by minors to inappropriate matter on the internet and the World Wide Web;

2. The safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications;

3. Unauthorized access, including “hacking,” and other unlawful activities by minors online;

4. Unauthorized disclosure, use, and dissemination of personal identification information regarding minors; and

5. Measures designed to restrict minors' access to materials harmful to minors.

47 U.S.C. 254(l); 47 C.F.R. 54.520(c)(1)(ii)

Public Hearing — A district shall provide reasonable public notice and hold at least one public hearing or meeting to address the proposed internet safety policy. *47 U.S.C. 254(h)(5)(A)(iii), (l)(1)(B)*

Inappropriate for Minors — A determination regarding what matter is inappropriate for minors shall be made by the board or designee. *47 U.S.C. 254(l)(2)*

Noncompliance — A district that knowingly fails to submit required certifications shall not be eligible for discount services under the federal universal service support mechanism for schools until such certifications are submitted.

A district that knowingly fails to ensure the use of computers in accordance with the required certifications must reimburse any funds and discounts received under the federal universal service support mechanism for schools for the period in which there was noncompliance.

47 C.F.R. 54.520(d), (e); 47 U.S.C. 254(h)(5)(F)

ESEA Funding — No federal funds made available under Title IV, Part A of the ESEA for an elementary or secondary school that does not receive universal service discount rates may be used to purchase computers used to access the internet, or to pay for direct costs associated with accessing the internet unless a district:

1. Has in place a policy of internet safety for minors that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene, child pornography, or harmful to minors; and enforces the operation of the technology protection measure during any use by minors of its computers with internet access; and

2. Has in place a policy of internet safety that includes the operation of a technology protection measure that protects against access to visual depictions that are obscene or child pornography; and enforces the operation of the technology protection measure during any use of its computers with internet access.

An administrator, supervisor, or other person authorized by the district may disable the technology protection measure to enable access for bona fide research or other lawful purposes.

Certification to U.S. Department of Education

A district shall certify its compliance with these requirements during each annual program application cycle under the ESEA.

20 U.S.C. 7131

Uniform Electronic Transactions Act (UETA)

The UETA (Business and Commerce Code Chapter 322) applies to electronic records and electronic signatures relating to a transaction. *Business and Commerce Code 322.003(a)*

The UETA applies only to transactions between parties each of which has agreed to conduct transactions by electronic means. The UETA does not require a record or signature to be created, generated, sent, communicated, received, stored, or otherwise processed or used by electronic means or in electronic form. A party that agrees to conduct a transaction by electronic means may refuse to conduct other transactions by electronic means. This right may not be waived by agreement. *Business and Commerce Code 322.005(a)–(c)*

Except as otherwise provided in Business and Commerce Code 322.012(f), the UETA does not require a district to use or permit the use of electronic records or electronic signatures. *Business and Commerce Code 322.017(c)*

Records Retention

If a law requires that a record be retained, the requirement is satisfied by retaining an electronic record of the information in the record which:

1. Accurately reflects the information set forth in the record after it was first generated in its final form as an electronic record or otherwise; and

2. Remains accessible for later reference.

A record retained as an electronic record in accordance with the provisions above satisfies a law requiring a person to retain a record for evidentiary, audit, or like purposes, unless a law enacted after January 1, 2002, specifically prohibits the use of an electronic record for the specified purpose.

Business and Commerce Code 322.012(a), (f)

[For more information on records management, see CPC.]

Definitions

"Electronic record" means a record created, generated, sent, communicated, received, or stored by electronic means.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record.

"Transaction" means an action or set of actions occurring between two or more persons relating to the conduct of business, commercial, or governmental affairs.

Business and Commerce Code 322.002(7), (8), (15)

Digital Signature

A digital signature may be used to authenticate a written electronic communication sent to a district if it complies with rules adopted by the board. Before adopting the rules, the board shall consider the rules adopted by the Department of Information Resources (DIR) and, to the extent possible and practicable, make the board's rules consistent with DIR rules. *Gov't Code 2054.060(b)* [See 1 Administrative Code Chapter 203 for DIR rules related to management of electronic transactions and signed records.]

"Digital signature" means an electronic identifier intended by the person using it to have the same force and effect as the use of a manual signature. *Gov't Code 2054.060(e)(1)*

Interception of Communications

For information on the unlawful interception, use, or disclosure of communications, see the Electronic Communications Privacy Act (18 USC 2510–2523 [federal wiretap act] and 2701–2713 [Stored Communications Act]) and Penal Code 16.02 (state wiretap law) and 16.04 (Unlawful Access to Stored Communications).

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.201

Note: See GBA regarding the confidentiality of certain board member information.

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]

2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]

3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]

4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]

5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]

6. Not later than the tenth day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]

7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]

9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]

10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

12. A district shall post an election notice required under Election Code 85.007. [See BBBA]

13. A district shall post election information under Election Code 4.009. [See BBBA]

14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

16. A district shall post election results under Election Code 65.016. [See BBBB]

17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

18. A district that is located wholly or partly in a municipality with a population of more than 500,000 and with a student enroll-

ment of more than 15,000 shall post a report filed pursuant to Election Code Chapter 254 by a board member, a candidate for membership on the board, or a specific-purpose committee for supporting, opposing, or assisting a candidate or member of a board under Election Code 254.04011. [See BBBC]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

28. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

29. A district shall include on the home page of its website the prescribed statement if the district increases the amount of

taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

30. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]

31. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

32. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

33. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

34. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1–.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

35. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]

36. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]

37. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

38. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

39. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

40. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

41. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

42. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

44. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]

45. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

46. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

47. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

48. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

49. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

50. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

51. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

52. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

53. Each school year, the board shall post a summary of the Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

54. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

55. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

56. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

57. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

58. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code

552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

59. A board that allows requestors to use the public information request form created by the attorney general must post the form on the district website under Government Code 552.235. [See GBAA]

60. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]

2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]

3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]

4. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]

5. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]

6. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information

about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Reasonable Assurance

The District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following school year. [See DCD and DCE]

Specifications The Superintendent shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

Bid Process All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties 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.

Bid Acceptance The District may reject any and all bids.

Safety Record If the District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.

Specifications The Superintendent shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

Process All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and Late Proposals — Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal Acceptance — The District may reject any and all proposals.

Safety Record If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror's insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.

Criminal History Reviews

Definitions

"Criminal history clearinghouse" (clearinghouse) means the electronic clearinghouse and subscription service established by the Department of Public Safety (DPS) to provide criminal history record information to persons entitled to receive that information and to provide updates to such information. A person who is the subject of the criminal history record information requested must consent to the release of the information. *Gov't Code 411.0845(a), (h)*

"Criminal history record information" (CHRI) means information collected about a person by a criminal justice agency that consists of identifiable descriptions and notations of arrests, detentions, indictments, information, and other formal criminal charges and their dispositions. *Gov't Code 411.082(2)*

"National criminal history record information" (NCHRI) means criminal history record information obtained from DPS under Government Code Chapter 411, Subchapter F, and the Federal Bureau of Investigation (FBI) under Government Code 411.087. *Education Code 22.081(2)*

"Request for CHRI" is the processing and entry of a person's complete set of fingerprints in DPS's tenprint database and the comparison of those prints to DPS's latent print database and if authorized the entry into FBI's tenprint and comparison to the FBI's latent print database. *37 TAC 27.172*

Participation in the Criminal History Clearinghouse

The purpose of the clearinghouse is to:

1. Provide authorized entities with the Texas and FBI fingerprint-based criminal history results.
2. Provide authorized entities with subscription and notification service to disseminate updated criminal history information.

Districts shall only submit a request for CHRI on a person who has authorized the access of their information.

Districts may subscribe to a person in the clearinghouse, if the entity has the authority to view the record. Entities shall unsubscribe from a person when it no longer has authority to view a record.

Districts shall validate their subscriptions in accordance with DPS policies. "Validation" is a process whereby the subscriber reviews a subscription to determine whether they are still authorized to receive CHRI on that individual and updates the subscription accordingly. Validations are required on a yearly basis.

Districts shall maintain compliance with the FBI Criminal Justice Information Services Security Policy. Districts shall allow DPS and

the FBI to conduct audits of their clearinghouse accounts to prevent any unauthorized access, use, or dissemination of the information.

37 TAC 27.171, .172(8), .174

Certified Persons

The State Board for Educator Certification (SBEC) shall review the NCHRI of a person who is an applicant for or holder of a certificate and who is employed by or is an applicant for employment by a district. *Education Code 22.0831(c)*

Noncertified Employees

Applicability

This section applies to a person who is not an applicant for or holder of a certificate from SBEC and who, on or after January 1, 2008, is offered employment by:

1. A district; or
2. A shared services arrangement, if the employee's or applicant's duties are or will be performed on school property or at another location where students are regularly present.

[For noncertified employees of a district or shared services arrangement hired before January 1, 2008, see All Other Employees, below.]

Information to DPS and TEA

Before or immediately after employing or securing the services of a person subject to this section, a district shall send or ensure that the person sends to DPS information that DPS requires for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide the Texas Education Agency (TEA) with the name of a person to whom this section applies. TEA shall examine the CHRI of the person and notify the district if the person may not be hired or must be discharged under Education Code 22.085.

Employment Pending Review

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

Criminal History

A district shall obtain all CHRI that relates to a person subject to this section through the clearinghouse and shall subscribe to the CHRI of that person. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0833; 19 TAC 153.1109(d)

Districts of Innovation

A prohibition, restriction, or requirement imposed by Education Code Chapter 22, Subchapter C (Criminal History Records) on an

open-enrollment charter school applies to the same extent to a district of innovation or other charter entity.

The failure of a district of innovation to provide information required under Education Code 22.0832 may result in termination of the district 's designation as a district of innovation. [See AF]

Education Code 22.0815

Substitute Teachers

This section applies to a person who is a substitute teacher for a district or shared services arrangement.

Applicability

For purposes of the CHRI review requirements, a "substitute teacher" is a teacher who is on call or on a list of approved substitutes to replace a regular teacher and has no regular or guaranteed hours. A substitute teacher may be certified or noncertified.

Information to DPS and TEA

A district shall send or ensure that a person to whom this section applies sends to DPS information required for obtaining NCHRI, which may include fingerprints and photographs.

A district shall provide TEA with the name of a person to whom this section applies. TEA shall examine the CHRI and certification records of the person and notify the district if the person:

1. May not be hired or must be discharged as provided by Education Code 22.085; or
2. May not be employed as a substitute teacher because the person's educator certification has been revoked or is suspended.

Employment Pending Review

After the required information is submitted, the person may begin employment, but that employment is conditional upon the review of that person's CHRI by TEA and must be terminated if TEA makes a determination that the employee or applicant is ineligible for employment.

Criminal History

A district shall obtain all CHRI that relates to a person to whom this section applies through the clearinghouse. A district may require the person to pay any fees related to obtaining the CHRI.

Education Code 22.0836; 19 TAC 153.1101(5), .1111(d)

Student Teachers

Applicability

This section applies to a person participating in an internship consisting of student teaching to receive a teaching certificate.

Criminal History

A student teacher may not perform any student teaching until:

1. The student teacher has provided to a district a driver's license or another form of identification containing the person's

photograph issued by an entity of the United States government; and

2. The district has obtained from DPS all CHRI that relates to a student teacher. A district may also obtain CHRI relating to a student teacher from any other law enforcement agency, criminal justice agency, or private consumer reporting agency. A district may require a student teacher to pay any costs related to obtaining the CHRI.

Education Code 22.0835

Coordination of Efforts

TEA, SBEC, a district, and a shared services arrangement may coordinate as necessary to ensure that criminal history reviews authorized or required under Education Code Chapter 22, Subchapter C are not unnecessarily duplicated. *Education Code 22.0833(h)*

All Other Employees

A district shall obtain CHRI that relates to a person who is not subject to an NCHRI review under Education Code Chapter 21, Subchapter C and who is an employee of:

1. The district; or

2. A shared services arrangement, if the employee's duties are performed on school property or at another location where students are regularly present.

A district may obtain the CHRI from:

1. DPS;

2. A law enforcement or criminal justice agency; or

3. A private consumer reporting agency [see Consumer Credit Reports, below].

Education Code 22.083(a), (a-1); Gov't Code 411.097

Note: For criminal history record provisions regarding volunteers, see GKG. For provisions on employees of entities that contract with a district, see CJA.

Confidentiality of Record

CHRI that a district obtains from DPS, including any identification information that could reveal the identity of a person about whom CHRI is requested and information that directly or indirectly indicates or implies involvement of a person in the criminal justice system:

1. Is for the exclusive use of the district; and

2. May be disclosed or used by the district only if, and only to the extent, disclosure is authorized or directed by a statute, rule, or order of a court of competent jurisdiction.

For purposes of these confidentiality provisions, "criminal history record" information does not refer to any specific document provided by DPS, but to the information contained, wholly or partly, in a document's original form or any subsequent form or use.

A district or an individual may not confirm the existence or nonexistence of CHRI to any person who is not eligible to receive the information.

Gov't Code 411.084

CHRI obtained by a district, in the original form or any subsequent form, may not be released to any person except the individual who is the subject of the information, TEA, or SBEC, or by court order. The CHRI is not subject to disclosure under Government Code Chapter 552 (Public Information Act).

An employee of a district may request from the district a copy of any CHRI related to that employee that the district has obtained from DPS. The district may charge a fee to provide the information, not to exceed the actual cost of copying the CHRI.

Gov't Code 411.097(d), (f)

Destruction of CHRI

A district shall destroy CHRI obtained from DPS on the earlier of:

1. The date the information is used for the authorized purpose; or
2. The first anniversary of the date the information was originally obtained.

Gov't Code 411.097(d)(3)

Confidentiality of Information Obtained from Applicant or Employee

A district may not release information collected about a person in order to obtain CHRI, including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, except:

1. To comply with Government Code Chapter 22, Subchapter C (criminal records);
2. By court order; or
3. With the consent of the person who is the subject of the information.

In addition, the information is not subject to disclosure under Government Code Chapter 552.

The district shall destroy the information not later than the first anniversary of the date the information is received.

Education Code 22.08391

Unauthorized Disclosure of CHRI

A person commits a Class B misdemeanor if the person knowingly or intentionally:

1. Obtains CHRI in an unauthorized manner, uses the information for an unauthorized purpose, or discloses the information to a person who is not entitled to the information; or
2. Violates a DPS rule adopted under Government Code Chapter 411, Subchapter F.

A person commits a second degree felony if the person:

1. Obtains, uses, or discloses CHRI for remuneration or for the promise of remuneration; or
2. Employs another person to obtain, use, or disclose CHRI for remuneration or for the promise of remuneration.

Gov't Code 411.085

Refusal to Hire Convicted Applicants

A district shall discharge or refuse to hire an employee or applicant for employment if the district obtains information through a CHRI review that the employee or applicant has been:

1. Convicted of or placed on deferred adjudication community supervision for an offense requiring registration as a sex offender under Code of Criminal Procedure Chapter 62; or
2. Convicted of:
    a. A felony under Title 5, Penal Code, if the victim of the offense was under 18 years of age at the time the offense was committed; or
    b. An offense under the laws of another state or federal law that is equivalent to an offense under item 1 or 2a, above.

Exception

However, a district is not required to refuse to hire an applicant if the person committed an offense under Title 5, Penal Code and:

1. The date of the offense is more than 30 years before the date the person's employment will begin; and

2. The applicant for employment satisfied all terms of the court order entered on conviction.

Certification to Commissioner

Each school year, the superintendent shall certify to the commissioner that the district has complied with the above provisions.

Sanctions

SBEC may impose a sanction on an educator who does not refuse to hire an applicant for employment if the educator knew that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor in accordance with Education Code 21.009(e), or knew or should have known, through a CHRI review, that the applicant has been convicted of or placed on deferred adjudication community supervision for an offense described above.

SBEC may impose a sanction on a superintendent who falsely or inaccurately certified to the commissioner that the district had complied with Education Code 22.085. [See Certification to Commissioner, above]

Termination for Failure to Disclose

A district may discharge an employee if the district obtains information of the employee's conviction of a felony or misdemeanor involving moral turpitude that the employee did not disclose to SBEC or to the district. An employee so discharged is considered to have been discharged for misconduct for the purposes of Labor Code 207.044 (unemployment compensation).

Education Code 22.085; 19 TAC 249.15(b)(12), (14) [See DF]

Pre-employment Affidavit

An applicant for a certified or licensed position [see Professional Personnel at DBA(LEGAL)] with a school district, including a district of innovation, must submit, using a form adopted by TEA, a pre-employment affidavit disclosing whether the applicant has ever been charged with, adjudicated for, or convicted of having an inappropriate relationship with a minor.

An applicant who answers affirmatively concerning an inappropriate relationship with a minor must disclose in the affidavit all relevant facts pertaining to the charge, adjudication, or conviction, including, for a charge, whether the charge was determined to be true or false.

An applicant is not precluded from being employed based on a disclosed charge if the district determines based on the information disclosed in the affidavit that the charge was false.

A determination that an employee failed to disclose required information is grounds for termination of employment.

SBEC may revoke the certificate of an administrator if the board determines it is reasonable to believe that the administrator employed an applicant for a position described by Education Code 21.003(a) or (b) despite being aware that the applicant had been adjudicated for or convicted of having an inappropriate relationship with a minor.

Education Code 21.009

Do Not Hire Registry

TEA shall develop and maintain an internet portal through which required reports may be confidentially and securely filed and TEA makes available:

1. The registry of persons who are not eligible to be employed in public schools; and
2. Information indicating that a person is under investigation.

Education Code 22.095

TEA shall maintain and make available through its internet portal a registry of persons who are not eligible to be employed by a district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement.

A district, district of innovation, open-enrollment charter school, other charter entity, regional education service center, or shared services arrangement shall discharge or refuse to hire a person listed on the registry.

The registry must list:

1. An employee of an open enrollment charter school determined by TEA under Education Code 22.0832 as a person who would not be eligible for educator certification based on their NCHRI;
2. A noncertified person determined by TEA to be not eligible for employment based on the person's CHRI, as provided by Education Code 22.0833 [see DBAA];
3. A person who is not eligible for employment based on CHRI received by TEA under Education Code 21.058(b) indicating that a certified employee is required to register as a sex offender;
4. A person whose certification or permit is revoked by SBEC on a finding that the person engaged in misconduct described by Education Code 21.006(b)(2)(A) or (A-1) [see DHB]; and

5. A noncertified person who is determined by the commissioner under Education Code 22.094 to have engaged in misconduct described by Education Code 22.093(c)(1)(A) or (B) [see DHC].

Education Code 22.092

Commercial Driver License Drug and Alcohol Clearinghouse

The U.S. Department of Transportation (DOT) operates and maintains a national clearinghouse for records relating to alcohol and controlled substances testing of commercial motor vehicle operators in order to improve compliance with DOT's alcohol and controlled substances testing program applicable to commercial motor vehicle operators [see DHE] and to enhance the safety of roadways by reducing accidents and injuries involving the misuse of alcohol or use of controlled substances by operators of commercial motor vehicles. *49 U.S.C. 31306a*

Pre-employment Query Required

A district must not employ a driver subject to controlled substances and alcohol testing under 49 C.F.R. Part 382 to perform a safety-sensitive function without first conducting a pre-employment query of the federal Drug and Alcohol Clearinghouse to obtain information about the driver's previous test results.

Annual Query Required

A district must conduct a query of the federal Drug and Alcohol Clearinghouse at least once per year for information for all employees subject to controlled substance and alcohol testing under 49 C.F.R. Part 382 to determine whether information exists about those employees.

Prohibition

A district may not allow a driver the district employs or intends to hire or use to perform any safety-sensitive function if the results of a Clearinghouse query demonstrate that the driver has a prohibited test result.

Recordkeeping Required

A district must retain for three years a record of each query and all information received in response to each query made under this section.

49 C.F.R. 382.701

Consumer Credit Reports

Definitions

"Adverse action" includes a denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee.

"Consumer report" includes any information from a consumer reporting agency that is used or expected to be used as a factor in establishing the person's eligibility for employment.

"Consumer reporting agency" is an agency that, for monetary fees, dues, or on a cooperative nonprofit basis, regularly assembles or

evaluates consumer credit information or other information on consumers for the purpose of furnishing consumer reports to third parties.

"Employment purposes" when used in connection with a consumer report means a report used for the purpose of evaluating a person for employment, promotion, reassignment, or retention as an employee.

15 U.S.C. 1681a

Obtaining Reports

A district may not procure a consumer report for employment purposes unless:

1. The district has provided the applicant or employee a written disclosure that a consumer report may be obtained for employment purposes; and
2. The applicant or employee has authorized in writing the procurement of the consumer report.

Adverse Action

Before taking any adverse action based on the consumer report, a district shall provide the applicant or employee a copy of the consumer report and a written description of the person's rights under the Fair Credit Reporting Act, as prescribed by the Federal Trade Commission.

15 U.S.C. 1681b(b)(2)

Disposal of Records

A district must properly dispose of a consumer report by taking reasonable measures to protect against unauthorized access to or use of the information.

"Dispose" includes discarding or abandoning the consumer report, or selling, donating, or transferring any medium, including computer equipment, upon which the consumer report is stored.

Examples of reasonable measures include:

1. Burning, pulverizing, or shredding papers containing a consumer report so the information cannot practicably be read or reconstructed;
2. Destroying or erasing electronic media containing a consumer report so that the information cannot practicably be read or reconstructed; or
3. After due diligence, entering into and monitoring compliance with a contract with another party engaged in the business of record destruction to dispose of the consumer report.

16 C.F.R. 682.3

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA] The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

Pay Administration

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The classification of each job title within the compensation plan shall be based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or semi-monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. Any pay adjustments for individual employees shall be determined within the approved budget following established procedures.

Midyear Pay Increases

Contract Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements.]

Noncontract Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

Pay During Closing

If the Board chooses to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure. [See EB for the authority to close schools.]

Fair Labor Standards Act

Minimum Wage and Overtime

Unless an exemption applies, a district shall pay each of its employees not less than minimum wage for all hours worked. *29 U.S.C. 206(a)(1)*

Unless an exemption applies, a district shall pay an employee not less than one and one-half times the employee's regular rate of pay for all hours worked in excess of 40 in any workweek. *29 U.S.C. 207(a)(1); 29 C.F.R. pt. 778*

Breaks for Nonexempt Employees

Rest periods of up to 20 minutes must be counted as hours worked. Coffee breaks or time for snacks are rest periods, not meal periods. *29 C.F.R. 785.18*

Bona fide meal periods of 30 minutes or more are not counted as hours worked if the employee is completely relieved from duty. The employee is not relieved from duty if the employee is required to perform any duties, whether active or inactive, while eating. For example, an office employee who is required to eat at his or her desk is working while eating. It is not necessary that an employee be permitted to leave the premises if the employee is otherwise completely freed from duties during the meal period. *29 C.F.R. 785.19*

Compensatory Time

Accrual

Nonexempt employees may receive, in lieu of overtime compensation, compensatory time off at a rate of not less than one and one-half hours for each hour of overtime work, pursuant to an agreement or understanding arrived at between the employer and employee before the performance of the work. Such agreement or understanding may be informal, such as when an employee works overtime knowing that the employer rewards overtime with compensatory time.

An employee may accrue not more than 240 hours of compensatory time. If the employee's overtime work included a public safety activity, an emergency response activity, or a seasonal activity, the employee may accrue not more than 480 hours of compensatory time. After the employee has reached these limits, the employee shall be paid overtime compensation for additional overtime work.

Payment for Accrued Time

Compensation paid to an employee for accrued compensatory time shall be paid at the regular rate earned by the employee at the time of payment. An employee who has accrued compensatory time off shall be paid for any unused compensatory time upon separation from employment at the rates set forth at 29 U.S.C. 207(o)(4).

Use

An employee who has requested the use of compensatory time shall be permitted to use such time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the district.

The Fair Labor Standards Act (FLSA) does not prohibit a district from compelling the use of accrued compensatory time.

29 U.S.C. 207(o); Christensen v. Harris Cnty., 529 U.S. 576 (2000); Houston Police Officers' Union v. City of Houston, 330 F.3d 298 (5th Cir. 2003)

Exempt Employees

The minimum wage and overtime provisions do not apply to any employee employed in a bona fide executive, administrative, or professional capacity. *29 U.S.C. 213(a)(1)*

Academic Administrators

The term ''employee employed in a bona fide administrative capacity'' includes an employee:

1. Compensated on a salary or fee basis at a rate of not less than $684 per week, exclusive of board, lodging, or other facilities; or on a salary basis which is at least equal to the entrance salary for teachers in the district by which employed; and

2. Whose primary duty is performing administrative functions directly related to academic instruction or training in a district or department or subdivision thereof.

"Performing administrative functions directly related to academic instruction or training'' means work related to the academic operations and functions in a school rather than to administration along the lines of general business operations. Such academic administrative functions include operations directly in the field of education. Jobs relating to areas outside the educational field are not within the definition of academic administration.

Employees engaged in academic administrative functions include:

1. The superintendent or other head of an elementary or secondary school system, and any assistants, responsible for administration of such matters as curriculum, quality and methods of instructing, measuring and testing the learning potential and achievement of students, establishing and maintaining academic and grading standards, and other aspects of the teaching program;

2. The principal and any vice principals responsible for the operation of an elementary or secondary school;

3. Academic counselors who perform work such as administering school testing programs, assisting students with academic problems and advising students concerning degree requirements; and

4. Other employees with similar responsibilities.

Jobs relating to building management and maintenance, jobs relating to the health of the students, and academic staff such as social workers, psychologists, lunchroom managers, or dietitians do not perform academic administrative functions, although such employees may qualify for another exemption.

29 C.F.R. 541.204

Salary Basis

To qualify as an exempt executive, administrative, or professional employee, the employee must be compensated on a salary basis, unless the employee is a teacher. Subject to the exceptions listed in the rule, an employee must receive the full salary for any week in which the employee performs any work, without regard to the number of days or hours worked. A district that makes improper deductions from salary shall lose the exemption if the facts demonstrate that the district did not intend to pay exempt employees on a salary basis. *29 C.F.R. 541.600, .602(a), .603*

Partial-Day Deductions

A district employee who otherwise meets the salary basis requirements shall not be disqualified from exemption on the basis that the employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the employee's pay to be reduced or the employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because:

1. Permission for its use has not been sought or has been sought and denied;
2. Accrued leave has been exhausted; or
3. The employee chooses to use leave without pay.

Deductions from the pay of a district employee for absences due to a budget-required furlough shall not disqualify the employee from being paid on a salary basis except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

29 C.F.R. 541.710

Safe Harbor Policy

If a district has a clearly communicated policy that prohibits improper pay deductions and includes a complaint mechanism, reimburses employees for any improper deductions, and makes a good faith commitment to comply in the future, the district will not lose the exemption unless the district willfully violates the policy by con-

tinuing to make improper deductions after receiving employee complaints.

The best evidence of a clearly communicated policy is a written policy that was distributed to employees before the improper pay deductions by, for example, providing a copy of the policy to employees upon hire, publishing the policy in an employee handbook, or publishing the policy on a district's intranet.

29 C.F.R. 541.603(d)

Teachers

The term ''employee employed in a bona fide professional capacity'' includes any employee with a primary duty of teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in an elementary or secondary school system by which the employee is employed. The salary basis requirements do not apply to teaching professionals.

Exempt teachers include:

1. Regular academic teachers;
2. Teachers of kindergarten or nursery school pupils;
3. Teachers of gifted or disabled children;
4. Teachers of skilled and semi-skilled trades and occupations;
5. Teachers engaged in automobile driving instruction;
6. Home economics teachers; and
7. Vocal or instrumental music instructors.

Those faculty members who are engaged as teachers but also spend a considerable amount of their time in extracurricular activities such as coaching athletic teams or acting as moderators or advisors in such areas as drama, speech, debate, or journalism are engaged in teaching. Such activities are a recognized part of the schools' responsibility in contributing to the educational development of the student.

The possession of an elementary or secondary teacher's certificate provides a clear means of identifying the individuals contemplated as being within the scope of the exemption for teaching professionals. Teachers who possess a teaching certificate qualify for the exemption regardless of the terminology (e.g., permanent, conditional, standard, provisional, temporary, emergency, or unlimited) used by the state to refer to different kinds of certificates. However, a teacher who is not certified may be considered for

exemption, provided that such individual is employed as a teacher by the employing school or school system.

29 C.F.R. 541.303

Wage and Hour Records

A district shall maintain and preserve payroll or other records for nonexempt employees containing the information required by the regulations under the FLSA. *29 C.F.R. 516.2(a)*

Payday Law Exemption

The Texas Payday Law does not apply to the state or a political subdivision. *Labor Code 61.003*

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 E: INSTRUCTION

EA	INSTRUCTIONAL GOALS AND OBJECTIVES
EB	SCHOOL YEAR
EC	SCHOOL DAY
ED	ORGANIZATION OF INSTRUCTION
EE	INSTRUCTIONAL ARRANGEMENTS
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EHA	Basic Instructional Program
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EHBC	Compensatory Services and Intensive Programs
EHBCA	Accelerated Instruction
EHBD	Federal Title I
EHBE	Bilingual Education/ESL
EHBF	Career and Technical Education
EHBG	Prekindergarten

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SECTION E: INSTRUCTION

EHBH	Other Special Populations
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EHDD	College Course Work/Dual Credit
EHDE	Distance Learning
EHDF	Local Remote Learning Program
EI	ACADEMIC ACHIEVEMENT
EIA	Grading/Progress Reports to Parents
EIAA	Examinations
EIAB	Makeup Work
EIB	Homework
EIC	Class Ranking
EID	Honor Rolls
EIE	Retention and Promotion
EIF	Graduation
EK	TESTING PROGRAMS
EKB	State Assessment
EKBA	English Learners/Emergent Bilingual Students
EKC	Reading Assessment
EKD	Mathematics Assessment
EL	CAMPUS OR PROGRAM CHARTERS
ELA	Partnership Charters
EM	MISCELLANEOUS INSTRUCTIONAL POLICIES
EMA	Academic Freedom
EMB	Teaching About Controversial Issues
EMD	Ceremonies and Observances
EMG	Non-Service Animals
EMI	Study of Religion

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)

Instructional Materials

Instructional materials selected for use in the public schools shall be furnished without cost to students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment [see CMD]. *Education Code 31.001*

Parental Access

A parent is entitled to:

1. Review all teaching materials, instructional materials, including while the child is participating in virtual or remote learning, and other teaching aids used in the classroom of the parent's child;
2. Review each test administered to the child after the test is administered; and
3. Observe virtual instruction while the parent's child is participating in virtual or remote learning to the same extent the parent would be entitled to observe in-person instruction of the child.

A district shall make teaching materials and tests readily available for parental review and may specify reasonable hours for such review.

Taking Home Materials

A student's parent is entitled to request that a district allow the student to take home any instructional materials used by the student. Subject to the availability of the instructional materials, a district or school shall honor the request. A student who takes home instructional materials must return the instructional materials to school at the beginning of the next school day if requested to do so by the student's teacher.

Students Without Reliable Access to Technology

A district must provide the instructional materials to the student in printed format if the student does not have reliable access to technology at the student's home. This requirement does not require a

district to purchase printed copies of instructional materials that the district would not otherwise purchase. A district may comply with this requirement by providing the student a printout of the relevant electronic instructional materials.

Learning Management System or Online Portal

A district that uses a learning management system or any online learning portal to assign, distribute, present, or make available instructional materials as defined by Education Code 31.002 [see EFA] to students shall provide login credentials to the system or portal to each student's parent.

Education Code 26.006

Harmful Materials

"Harmful material" means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Obscene

"Obscene" means material or a performance:

1. The average person, applying contemporary community standards, would find that taken as a whole appeals to the prurient interest in sex;
2. Depicts or describes
    a. Patently offensive representations or descriptions of ultimate sexual acts, normal or perverted, actual or simulated, including sexual intercourse, sodomy, and sexual bestiality; or
    b. Patently offensive representations or descriptions of masturbation, excretory functions, sadism, masochism, lewd exhibition of the genitals, the male or female genitals in a state of sexual stimulation or arousal, covered male genitals in a discernibly turgid state or a device designed and marketed as useful primarily for stimulation of the human genital organs; and
3. Taken as a whole, lacks serious literary, artistic, political, and scientific value.

Penal Code 43.21(1)

Information Collection and Access

U.S. ED–Funded Surveys (PPRA)

Consent Required

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the U.S. Department of Education (ED), to submit to a survey, analysis, or evaluation that reveals information concerning the topics listed at Protected Information, below, without the prior consent of the student (if the student is an adult or emancipated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent. *20 U.S.C. 1232h(b)*

Parental Inspection

All instructional materials, including teacher's manuals, films, tapes, or other supplementary material, that will be used in connection with any survey, analysis, or evaluation as part of any program funded in whole or in part by the U.S. ED shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)*

Information Collection Funded by Other Sources

Policies

Except as provided by 20 U.S.C. 1232h(a) or (b) [see U.S. ED Funded Surveys, above], as a condition of receiving funds for a program funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), regarding the following:

1. The parent's right to inspect a survey created by a third party before the survey is administered or distributed by a school to the student and any applicable procedures for granting a request by a parent for reasonable access to such survey within a reasonable period of time after the request is received.
2. A district's arrangements to protect student privacy in the event a survey containing one or more of the items listed under Protected Information, below, is administered or distributed to a student.
3. The parent's right to inspect any instructional material used in the educational curriculum for the student and any applicable procedures for granting a request by a parent for reasonable access to instructional material within a reasonable period of time after the request is received.
4. The administration of physical examinations or screenings that a district may administer to the student.
5. The collection, disclosure, or use of personal information collected from students for the purpose of marketing or selling that information. This provision does not apply to use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for or to students or educational institutions, such as recruiters, book clubs, curriculum and instruc-

tional materials used by schools, sale by students of products or services to raise funds for school-related or education-related activities, or student recognition programs.

6. The parent's right to inspect any instrument used in collection of personal information in item 5 above, before the instrument is administered and any applicable procedures for granting a request by a parent for reasonable access to such instrument within a reasonable period of time after the request is received.

A district need not develop and adopt new policies if TEA or the district had in place, on January 8, 2002, policies covering the requirements of 20 U.S.C. 1232h(c)(1). [See CRD, FFAA, FL, and FNG]

Parental Notification

A district shall provide for reasonable notice of the adoption or continued use of such policies directly to the parents of the students enrolled in schools served by the district. At a minimum, a district shall:

1. Provide notice at least annually, at the beginning of the school year and within a reasonable time after any substantive change in the policies; and

2. Offer an opportunity for the parent to opt the student out of participation in an activity described below.

A district shall directly notify the parent of a student, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when activities, described below, are scheduled or expected to be scheduled. The following activities require notification under this section:

1. Activities involving the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information.

2. The administration of any survey containing one or more items described at Protected Information, below.

3. Any nonemergency, invasive physical examination or screening that is required as a condition of attendance, administered and scheduled by the school in advance, and not necessary to protect the immediate health and safety of the student or of other students.

20 U.S.C. 1232h(c)(1)–(4) [See FFAA]

Protected Information

Protected information addressed by 20 U.S.C. 1232h includes:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom respondents have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

20 U.S.C. 1232h(b), (c)(1)(B)

"Personal Information" Defined

The term "personal information" means individually identifiable information, including a student's:

1. First and last name;
2. Home or physical address, including street name and city or town;
3. Telephone number; or
4. Social security identification number.

20 U.S.C. 1232h(c)(6)(E)

Driver Education

A school district shall consider offering a driver education and traffic safety course during each school year. If the district offers the course, the district may:

1. Conduct the course and charge a fee for the course in the amount determined by the Texas Education Agency (TEA) to be comparable to the fee charged by a driver education provider that holds a license under Education Code Chapter 1001; or
2. Contract with a driver education provider that holds a license under Education Code Chapter 1001 to conduct the course.

Education Code 29.902(c)

[For more information regarding driver education safety program requirements, see 16 Administrative Code Chapter 84.]

Life Skills Programs

A district may provide an integrated program of educational and support services for students who are pregnant or who are parents. If a district provides such a program, the program shall include all of the following:

1. Individual counseling, peer counseling, and self-help programs.
2. Career counseling and job readiness training.
3. Day care for the students' children on the campus or at a day care facility in close proximity to the campus.
4. Transportation for children of students to and from the campus or day care facility.
5. Transportation for students, as appropriate, to and from the campus or day care facility.
6. Instruction related to knowledge and skills in child development, parenting, and home and family living.
7. Assistance to students in the program in obtaining available services from government agencies or community service organizations, including prenatal and postnatal health and nutrition programs.

A district shall solicit recommendations for obtaining community support for the students and their children in the life skills programs.

A district may operate a shared services arrangement program to operate a life skills program for student parents.

Education Code 29.085 [See EHBC and FNE]

School-Based Savings Program

A district may establish a school-based savings program to facilitate increased awareness of the importance of saving for higher education and facilitate personal financial literacy instruction. A district may offer the program in conjunction with a personal financial literacy course under Education Code 28.0021 [see EHAC].

A school-based savings program may, through partnerships with appropriate institutions, promote:

1. General savings, by offering savings accounts or certificates of deposit through partner financial institutions; or
2. Savings dedicated for higher education, by offering through partner institutions the following accounts or bonds the primary purpose of which must be to pay expenses associated with higher education:
    a. An account authorized under Section 529, Internal Revenue Code of 1986;
    b. A Coverdell education savings account established under 26 U.S.C. Section 530;
    c. A certificate of deposit;
    d. A savings account; and
    e. A Series I savings bond.

A district establishing a program:

1. Shall seek to establish partnerships with appropriate institutions that are able to offer an account or bond above; and
2. May seek to establish partnerships with public sector partners, private businesses, nonprofit organizations, and philanthropic organizations in the community.

A partnership established between a district and:

1. An appropriate institution may allow a student in the program or the student and an adult in the student's family jointly to have an opportunity to establish an account or purchase a bond; and
2. An appropriate institution, public sector partner, private business, or nonprofit or philanthropic organization may provide:

a. A structure for the management of the program; and

b. Incentives that encourage contribution to a school-based account or purchase of a bond, including incentives that provide matching funds or seed funding.

Education Code 28.0024

Local Credit Courses

A district may offer courses for local credit in addition to those in the required curriculum. The State Board of Education shall:

1. Be flexible in approving a course for credit for high school graduation; and

2. Approve courses in cybersecurity for credit for high school graduation.

Education Code 28.002(f) [See EIF]

Apprenticeships

A district may offer a course or other activity, including an apprenticeship or training hours needed to obtain an industry-recognized credential or certificate, that is approved by the board for credit without obtaining State Board of Education approval if the district meets the requirements in Education Code 28.002(g-1) and (g-2).

A district shall annually report to TEA the names of the locally developed courses, programs, institutions of higher education, and internships in which the district's students have enrolled under this section. TEA shall make information provided under this section available to other districts.

Education Code 28.002(g-1)–(g-2); 19 TAC 74.11(n)

Cybersecurity

A district may offer a course in cybersecurity that is approved by the board for credit without obtaining State Board of Education approval if the district partners with a public or private institution of higher education that offers an undergraduate degree program in cybersecurity to develop and provide the course. *Education Code 28.002(g-3)*

A district shall annually report to TEA the names of cybersecurity courses approved by the board for credit and institutions of higher education in which the district's students have enrolled as authorized above. TEA shall make information provided under this section available to other districts. *19 TAC 74.11(o)*

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 who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;

10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;

11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

12. 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

13. 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.

The special education teacher or special education provider that participates in the ARD committee meeting must be appropriately certified or licensed as required by 34 C.F.R. 300.18 and 300.156.

19 TAC 75.1023(d)(1), 89.1050(c); 20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321;

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)

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 timeline 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 timelines established by 19 Administrative Code 89.1011(c) and (e). The timeline 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 deter-

mines that an evaluation is not necessary, the timeline 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.

A student with a disability who has an IEP in place from a previous in- or out-of-state district and who enrolls in a new district during the summer is not considered a transfer student for the purposes of this provision or for 34 C.F.R. 300.323(e) or (f). For these students, the new district must implement the IEP from the previous district in full on the first day of class of the new school year or must convene an ARD committee meeting during the summer to revise the student's IEP for implementation on the first day of class of the new school year.

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 is completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full and Individual Initial Evaluation).

When a student who is homeless or in substitute care is eligible for special education and transfers into a new district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C* [See FDD]

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;
2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state

or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;

10. If the ARD committee determines that a student is in need of 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 the Texas Education Agency (TEA) under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

IEP Supplement

For each child who was enrolled in a district's special education program during the 2019–20 school year or the 2020–21 school year, the district shall prepare a supplement to be included with the written statement of the IEP. For more information about the required supplement, see Education Code 29.0052 and the commis-

sioner rules, when adopted. This requirement expires September 1, 2023. *Education Code 29.0052*

Supplemental Special Education Services

The ARD committee of a student approved for participation in the supplemental special education services and instructional materials program shall provide to the student's parent at an ARD committee meeting for the student:

1. Information regarding the types of supplemental special education services available under the program and provided by agency-approved providers for which an account maintained under Education Code 29.042(b) for the student may be used; and

2. Instructions regarding accessing the account.

The supplemental special education services and instructional materials program (SSES) expires September 1, 2024.

Education Code 29.048

A district shall notify parents and guardians of students served by special education of the SSES program and how to apply.

A student's ARD committee may not consider a student's current or anticipated eligibility for any supplemental special education instructional materials or services that may be provided under the SSES program when developing or revising a student's IEP, when determining a student's educational setting, or in the provision of a free appropriate public education.

19 TAC 102.1601(i)-(j)

Behavioral Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan is appropriate for a student for whom the committee has developed an IEP. *Education Code 29.005(g)*

If the committee makes that determination, the behavior improvement plan or behavioral intervention plan shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student.

If a behavior improvement plan or a behavioral intervention plan is included as part of a student's IEP, the ARD committee shall review the plan at least annually, and more frequently if appropriate, to address:

1. Changes in a student's circumstances that may impact the student's behavior, such as:

a. The placement of the student in a different educational setting;

b. An increase or persistence in disciplinary actions taken regarding the student for similar types of behavioral incidents;

c. A pattern of unexcused absences; or

d. An unauthorized, unsupervised departure from an educational setting; or

2. The safety of the student or others.

19 TAC 89.1055(g); Education Code 29.005(h)

Translation of IEP into Native Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

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)

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Parental Consent Not Required

An employee of a district is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used for a purpose related to the promotion of student safety under Education Code 29.022. *Education Code 26.009(b)*

Video Surveillance of Special Education Settings

In order to promote student safety, on receipt of an authorized written request, a district shall provide equipment, including a video camera, to the campus in the district specified in the request.

Classroom or Other Setting

A campus that receives equipment shall place, operate, and maintain one or more video cameras in self-contained classrooms and other special education settings in which a majority of the students in regular attendance are provided special education and related services and are assigned to one or more self-contained classrooms or other special education settings for at least 50 percent of the instructional day, provided that:

1. A campus that receives equipment as a result of the request by a parent or staff member is required to place equipment only in classrooms or settings in which the parent's child is in regular attendance or to which the staff member is assigned, as applicable; and

2. A campus that receives equipment as a result of the request by a board of trustees, principal, or assistant principal is required to place equipment only in classrooms or settings identified by the requestor, if the requestor limits the request to specific classrooms or settings subject to Education Code 29.022.

Education Code 29.022(a)

Definitions

“Incident” means an event or circumstance that:

Incident

1. Involves alleged “abuse” or “neglect,” as described in Family Code 261.001, of a student by a staff member of the district or alleged “physical abuse” or “sexual abuse,” as described in Family Code 261.410, of a student by another student; and

2. Allegedly occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted.

Other Special Education Setting

“Other special education setting” means a classroom on a separate campus (i.e., a campus that serves only students who receive special education and related services) of a district—including a room attached to the classroom or setting used for time-out—in which a

majority of the students in regular attendance are provided special education and related services, are assigned to the setting for at least 50 percent of the instructional day, and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Residential care and treatment facility—separate campus; or
2. Off home campus—separate campus.

Parent "Parent" means a person described in Education Code 26.002, whose child receives special education and related services in one or more self-contained classrooms or other special education settings. "Parent" also means a student who receives special education and related services in one or more self-contained classrooms or other special education settings and who is 18 years of age or older or whose disabilities of minority have been removed for general purposes under Family Code, Chapter 31, unless the student has been determined to be incompetent or the student's rights have been otherwise restricted by a court order.

School Business Day "School business day" means a day that campus or district administrative offices are open.

Self-contained Classroom "Self-contained classroom" means a classroom on a regular campus (i.e., a campus that serves students in general education and students in special education), including a room attached to the classroom used for time-out, but not including a classroom that is a resource room instructional arrangement under Education Code 48.102, in which a majority of the students in regular attendance are provided special education and related services for at least 50 percent of the instructional day and have one of the following instructional arrangements/settings described in the student attendance accounting handbook:

1. Self-contained (mild/moderate/severe) regular campus;
2. Full-time early childhood (preschool program for children with disabilities) special education setting;
3. Residential care and treatment facility—self-contained (mild/moderate/severe) regular campus;
4. Residential care and treatment facility—full-time early childhood special education setting;
5. Off home campus—self-contained (mild/moderate/severe) regular campus; or
6. Off home campus—full-time early childhood special education setting.

Staff Member	"Staff member" means a teacher, a related service provider, a paraprofessional, a counselor, or an educational aide assigned to work in the self-contained classroom or other special education setting.
Time-out	"Time-out" has the meaning assigned by Education Code 37.0021.
Video Camera	"Video camera" means a video surveillance camera with audio recording capabilities.
Video Equipment	"Video equipment" means one or more video cameras and any technology and equipment needed to place, operate, and maintain video cameras as required by Education Code 29.022 and 19 Administrative Code 103.1301. "Video equipment" also means any technology and equipment needed to store and access video recordings as required. *19 TAC 103.1301(b); Education Code 29.022*
Administrative Coordinator	Each district shall designate an administrator at the primary administrative office of the district with responsibility for coordinating the provision of equipment to schools and campuses. *Education Code 29.022(a-2)*
Authorized Requestors	The following people may request in writing that equipment be provided to a campus at which one or more children receive special education services in a qualifying classroom or setting: 1. A parent of a child who receives special education services for the campus at which the child receives those services; 2. The board of trustees for one or more specified campuses; 3. The principal or assistant principal for their campus; and 4. A staff member assigned to work with one or more children receiving special education services for the campus at which the staff member works. *Education Code 29.022(a-1)*
Processing the Request	A written request must be submitted and acted on as follows: 1. A parent, staff member, or assistant principal must submit a request to the principal or the principal's designee of the campus addressed in the request, and the principal or designee must provide a copy of the request to the district's designated administrator; 2. A principal must submit a request by the principal to the district's designated administrator; and

3. A board of trustees must submit a request to the district's designated administrator, and the administrator must provide a copy of the request to the principal or the principal's designee of the campus addressed in the request.

A campus shall operate and maintain the camera in the classroom or setting as long as the classroom or setting continues to satisfy these requirements, for the remainder of the school year in which the campus received the request, unless the requestor withdraws the request in writing.

Education Code 29.022(a-3)–(b)

Video Camera Coverage

The video cameras must be capable of:

1. Covering all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out; and

2. Recording audio from all areas of the classroom or setting, including a room attached to the classroom or setting used for time-out.

The inside of a bathroom or any area in the classroom or other special education setting in which a student's clothes are changed may not be visually monitored, except for incidental coverage of a minor portion of a bathroom or changing area because of the layout of the classroom or setting.

Education Code 29.022(c)–(c-1)

Written Notice

Before a campus activates a video camera in a classroom or special education setting, the campus shall provide written notice of the placement to all campus staff and to the parents of each student attending class or engaging in school activities in the classroom or setting.

If for any reason a campus will discontinue operation of a video camera during a school year, not later than the fifth school day before the date the operation of the video camera will be discontinued, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue unless requested by a person eligible to make a request. Not later than the tenth school day before the end of each school year, the campus must notify the parents of each student in regular attendance in the classroom or setting that operation of the video camera will not continue during the following

school year unless a person eligible to make a request for the next school year submits a new request.

Education Code 29.022(b), (d)

Retention Period

A district shall retain video recorded from a video camera for at least three months after the date the video was recorded.

If a person requests to view a video recording from a video camera, a district must retain the recording from the date of receipt of the request until the person has viewed the recording and a determination has been made as to whether the recording documents an alleged incident. If the recording documents an alleged incident, the district or campus shall retain the recording until the alleged incident has been resolved, including the exhaustion of all appeals.

Education Code 29.022(e)–(e-1)

Gifts, Grants, and Donations

A district may solicit and accept gifts, grants, and donations from any person to implement the requirements of Education Code 29.022 and 19 Administrative Code 103.1301. A district is not permitted to use Individuals with Disabilities Education Act, Part B, funds or state special education funds to implement these requirements. *19 TAC 103.1301(d)*

No Waiver of Immunity

The requirements described by Education Code 29.022 do not:

1. Waive any immunity from liability of a district, or of district officers or employees; or
2. Create any liability for a cause of action against a district or against district officers or employees.

No Monitoring

A district may not:

1. Allow regular or continual monitoring of video recorded under Education Code 29.022; or
2. Use video for teacher evaluation or for any other purpose other than the promotion of safety of students receiving special education services.

Education Code 29.022(g)–(h)

Confidentiality

A video recording of a student made under this provision is confidential and may not be released or viewed except as provided below.

Limited Release

A district shall release a recording for viewing by:

1. An employee who is involved in an alleged incident that is documented by the recording and has been reported to the district, on request of the employee;

2. A parent of a student who is involved in an alleged incident that is documented by the recording and has been reported to the district or campus, on request of the parent;

3. Appropriate Department of Family and Protective Services (DFPS) personnel as part of an investigation of alleged or suspected abuse or neglect of a child under Family Code 261.406;

4. A peace officer, a school nurse, a district administrator trained in de-escalation and restraint techniques as provided by commissioners rule, or a human resources staff member designated by the board in response to a report of an alleged incident or an investigation of district personnel or a report of alleged abuse committed by a student; or

5. Appropriate agency or State Board for Educator Certification personnel or agents as part of an investigation.

A contractor or employee performing job duties relating to the installation, operation, or maintenance of video equipment or the retention of video recordings who incidentally views a video recording does not violate these confidentiality provisions.

Education Code 29.022(i)–(i-1); 19 TAC 103.1301(h)–(i)

Duty to Report

If a person described by item 4 or 5, above, views a video recording and has cause to believe that the recording documents possible abuse or neglect of a child under Family Code Chapter 261, the person must submit a report to the Texas Department of Family and Protective Services or other authority in accordance with the local policy adopted under 19 Administrative Code 61.1051 (Reporting Child Abuse and Neglect) and Family Code Chapter 261 [see FFG].

19 TAC 103.1301(j); Education Code 29.022(j)

Use in Disciplinary Actions Against District Personnel

If a person described by items 3, 4, or 5, above, views the recording and believes that it documents a possible violation of district or campus policy, the person may allow access to the recording to appropriate legal and human resources personnel of the district to the extent not limited by the Family Educational Rights and Privacy Act (FERPA) or other law. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student may be used in a disciplinary action against district personnel and must be released in a legal proceeding at the request of a

parent of the student involved in the incident documented by the recording. A recording believed to document a possible violation of district policy relating to the neglect or abuse of a student must be released for viewing by the district employee who is the subject of the disciplinary action at the request of the employee. *19 TAC 103.1301(k)*

Federal Law / FERPA

19 Administrative Code 103.1301(j) (child abuse reporting) and (k) (disciplinary actions against personnel) do not limit the access of a student's parent to a record regarding the student under FERPA or other law. To the extent any provisions in Education Code 29.022 and 19 Administrative Code 103.1301 conflict with FERPA or other federal law, federal law prevails. *19 TAC 103.1301(l)*

District Policy

A district must adopt written policies relating to the placement, operation, and maintenance of video cameras under Education Code 29.022 and 19 Administrative Code 103.1301. At a minimum, the policies must include:

1. A statement that video surveillance is for the purpose of promoting student safety in certain self-contained classrooms and other special education settings;

2. Information on how a person may appeal an action by the district that the person believes to be in violation of this section or a policy adopted in accordance with this section, including the appeal and expedited review processes under 19 Administrative Code 103.1303 (Commissioner's Review of Actions Concerning Video Cameras in Special Education Settings) and the appeals process under Education Code 7.057;

3. A requirement that the district provide a response to a request made under this section not later than the seventh school business day after receipt of the request by the person to whom it must be submitted under Education Code 29.022(a-3) (at Limited Release, above) that authorizes the request or states the reason for denying the request;

4. Except as provided by item 6 of this provision, a requirement that a campus begin operation of a video camera in compliance with this provision not later than the 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the request is authorized unless the Texas Education Agency (TEA) grants an extension of time;

5. A provision permitting the parent of a student whose admission, review, and dismissal (ARD) committee has determined that the student's placement for the following school year will

be in a classroom or other special education setting in which a video camera may be placed under this section to make a request for the video camera by the later of:

a. The date on which the current school year ends; or

b. The tenth school business day after the date of the placement determination by the ARD committee;

6. A requirement that, if a request is made by a parent in compliance with item 5 of this provision, unless TEA grants an extension of time, a campus begins operation of a video camera in compliance with this provision not later than the later of:

   a. The tenth school day of the fall semester; or

   b. The 45th school business day, or the first school day after the 45th school business day if that day is not a school day, after the date the request is made;

7. The procedures for requesting video surveillance and the procedures for responding to a request for video surveillance;

8. The procedures for providing advanced written notice to the campus staff and the parents of the students assigned to a self-contained classroom or other special education setting that video and audio surveillance will be conducted or cease in the classroom or setting, including procedures for notice, in compliance with Education Code 29.022(b), of the opportunity to request continued video and audio surveillance if video and audio surveillance will otherwise cease;

9. A requirement that video cameras be operated at all times during the instructional day when one or more students are present in a self-contained classroom or other special education setting in which video cameras are placed;

10. A statement regarding the personnel who will have access to video equipment or video recordings for purposes of operating and maintaining the equipment or recordings;

11. A requirement that a campus continue to operate and maintain any video camera placed in a self-contained classroom or other special education setting for as long as the classroom or setting continues to satisfy the requirements in Education Code 29.022(a), for the remainder of the school year in which the campus received the request, unless the requester withdraws the request in writing;

12. A requirement that video cameras placed in a self-contained classroom or other special education setting be capable of

recording video and audio of all areas of the classroom or setting, except that no visual monitoring of bathrooms and areas in which a student's clothes are changed may occur. Incidental visual coverage of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is permitted only to the extent that such coverage is the result of the layout of the classroom or setting. Audio recording of the inside of a bathroom or any area of the classroom or other special education setting in which a student's clothes are changed is required;

13. A statement that video recordings must be retained for at least three months after the date the video was recorded and that video recordings will be maintained in accordance with the requirements of Education Code 29.022(e-1), when applicable;

14. A statement that the regular or continual monitoring of video is prohibited and that video recordings must not be used for teacher evaluation or monitoring or for any purpose other than the promotion of student safety;

15. At the district's discretion, a requirement that campuses post a notice at the entrance of any self-contained classroom or other special education setting in which video cameras are placed stating that video and audio surveillance are conducted in the classroom or setting;

16. The procedures for reporting an allegation to the district that an incident occurred in a self-contained classroom or other special education setting in which video surveillance under Education Code 29.022 and 19 Administrative Code 103.1301 is conducted;

17. The local grievance procedures for filing a complaint alleging violations of Education Code 29.022, and/or 19 Administrative Code 103.1301; and

18. A statement that video recordings made under Education Code 29.022 and 19 Administrative Code 103.1301 are confidential and a description of the limited circumstances under which the recordings may be viewed.

19 TAC 103.1301(g)

Governmental Record

A video recording under this section is a governmental record only for purposes of Penal Code 37.10.

Operation of Camera

These provisions apply to the placement, operation, and maintenance of a video camera in a self-contained classroom or other

special education setting during the regular school year and extended school year services.

A video camera placed under this section is not required to be in operation for the time during which students are not present in the classroom or other special education setting.

Education Code 29.022(s)–(t)

Exclusions

A district is not required to provide video equipment to a campus of another district or charter school or to a nonpublic school. *19 TAC 103.1301(c)*

Dispute Resolution

The special education dispute resolution procedures in 34 Code of Federal Regulations 300.151–.153 and 300.504–.515 do not apply to complaints alleging that a district has failed to comply with Education Code 29.022 and 19 Administrative Code 103.1301. Complaints alleging violations of those sections must be addressed through the district's local grievance procedures or other dispute resolution channels. *19 TAC 103.1301(e)*

Denial of Request

The following standards and procedures apply to a denial of a request for placement of a video camera under Education Code 29.022(a), or to the denial of a request to release a video or to view a video made under Education Code 29.022(i) or (l)(2).

Exhaustion of Administrative Remedies

Once a request for placement of a video camera or a request to release a video is administratively denied, the requester must exhaust administrative remedies through the district's grievance process even if the requester opts for the expedited review process. However, a district, parent, staff member, or administrator may request an expedited review even before the local remedies are exhausted.

After local remedies are exhausted by filing a grievance with the board and obtaining a board determination, the requester may appeal the denial to the commissioner of education under Education Code 7.057 by filing a petition for review.

Proper Request

In a case where there is a denial of a request for the placement of a video camera, the commissioner will determine whether the person requesting placement is a person allowed to request placement under Education Code 29.022(a-1) (see Limited Release, above) and whether the requester made a proper request under Education Code 29.022(a-3) (see Processing the Request, above).

Cost

The commissioner will not consider the cost to the district of installing cameras or releasing video.

Release Determination

In a case where there is a denial of a request to release a video, the commissioner will determine whether the requester is a person allowed to receive a video under Education Code 29.022(i) (described at Limited Release, above).

Timelines for Petition for Review

The following timelines are established for filing a petition for review:

1. A petition for review shall be filed with the commissioner within ten calendar days of the decision of the board denying the request being first communicated to the requester or requester's counsel, whichever occurs first. The petition for review shall be made in accordance with 19 Administrative Code 157.1073(c) (hearings brought under Education Code 7.057) and may include a request for expedited review.
2. The district's answer and local record shall comply with 19 Administrative Code 157.1052(b) and (c) and 19 Administrative Code 157.1073(d) and shall be filed with the commissioner within ten calendar days of the district receiving notification from the commissioner of the appeal.
3. The procedures specified in 19 Administrative Code 157.1059; .1061; and .1073(e)–(h), (j), and (k) apply to a case brought to the commissioner under this section.

Expedited Review

A request for expedited review is governed by the following.

1. The expedited review process is designed to allow a requester to promptly receive a preliminary judgment from the commissioner as to a decision to deny a request for the installation of cameras or a decision to deny a request to release a video while at the same time respecting the school grievance process. The expedited review process does not apply to a request to only view a video. Invoking the expedited review process results in a prompt initial determination. However, the final commissioner's determination is to be based on a substantial evidence review of the district's grievance record. This allows for a full record to be developed at the district level and does not require the requester and the district to make an evidentiary record before TEA in Austin, Texas. Because the requirements of Education Code 7.057 are met when the board's decision is heard by the commissioner, an appeal to district court is allowed under Education Code 7.057(d). Education Code 29.022 does not by itself allow an appeal to district court.
2. A district, parent, staff member, or administrator may request an expedited review. Any request for an expedited review

shall include the names, telephone numbers, and addresses of all interested parties to the request. “Interested parties” are all persons who brought the grievance, all persons who have testified or provided written statements as part of the grievance process, and the district. The request for expedited review shall specify whether the district denied a request for the placement of a video camera or the district denied a request to release a video and briefly describe why that decision is either correct or incorrect.

3. A request for expedited review shall be filed with the commissioner no earlier than 14 business days after a request for placement of a video camera or a request to release a video is administratively denied under Education Code 29.022(i) or (l)(2) (see Limited Release and Process, above), and no later than the fifth business day after a board resolves a grievance as to a request for placement of a video camera or a request to release a video. A request for expedited review shall be filed with the commissioner electronically as provided on TEA’s Division of Hearings and Appeals website or by U.S. Mail, facsimile, hand-delivery, or by a commercial delivery service.

4. Whenever an interested party files a document with the commissioner, with the exception of the request for expedited review, the interested party shall send the same document to all other interested parties by the same method that the document was sent to the commissioner. Hand-delivery of the document by the next day may be substituted for service by facsimile delivery.

5. If a request for expedited review is timely filed, the commissioner will establish a briefing schedule and will send to all interested parties a notice that an expedited review has been filed, which will include relevant statutes and rules. Any interested party who knows of any additional interested parties who have not been notified will promptly inform the commissioner in writing.

6. All briefing shall clearly state the facts relied upon. Documents relevant to the issues presented may be attached to a brief. All briefing shall provide the reasons why the commissioner should or should not grant the request for expedited review. Citations to statutes, rules, commissioner decisions, and case law are important to identify the legal basis for the claims made.

7. All interested parties who are in favor of granting the request for expedited review shall file briefing at the time specified for the requester of the expedited review.

8. All interested parties who are opposed to granting the request for expedited review shall file briefing at the same time.

9. Briefing is not limited to the issues specifically raised in the pleadings in the case. However, no new arguments may be raised in the reply briefs. Reply briefs may contain new citations to the record and legal authority as to issues previously raised.

10. A preliminary judgment shall be issued based on the briefing of the interested parties. The preliminary judgment will be sent to the requestor, the district, and all interested parties. If it is determined that a district is not likely to prevail on the issue of a request for the placement of video cameras or the issue of a request to view a video under full review, the district will fully comply with Education Code 29.022.

11. After a preliminary judgment is made, a final judgment will be made in accordance with the procedures set forth in 19 Administrative Code 103.1303(b)(1)–(5) (the Denial of Request Review process).

19 TAC 103.1303(b)

Extension of Time

A request by a district for an extension of time to begin the operation of a video camera under Education Code 29.022 shall be made and decided using the following procedures.

Request

Any request by a district for an extension of time to begin the operation of a video camera shall be filed with the commissioner prior to the 45th school business day after a request to begin operating a video camera is received. However, a district should request an extension of time as soon as it determines that an extension of time should be filed.

A request for an extension of time to begin the operation of a video camera shall specify why an extension of time should be granted. The request shall include affidavits supporting any factual claims made in the request and reference any legal authority as to why the request should be granted. The request may include a request for expedited review. The request shall name the individual who requested the installation of cameras and provide the individual's address and telephone number. Immediately following the individual's address and telephone number there shall appear in bold type: "You have been identified as the individual who requested the operation of a video camera that is the subject of this request to the

commissioner of education to extend the statutory timeline. You may, but are not required to, participate in the proceedings before the commissioner concerning the school district's request for an extension of time. It is entirely up to you whether and to what extent you wish to participate in these proceedings. The procedures governing these proceedings are found at 19 Texas Administrative Code 103.1303(c) and Texas Education Code 29.022."

A request for an extension of time to begin the operation of a video camera shall list the names, telephone numbers, and addresses of all interested parties to the request. All interested parties include all parents of students in the classroom or other special education setting for which a video camera has been requested and all staff who provided services in a classroom for which a video camera has been requested.

Filing Documents

All documents in a case shall be filed with the Division of Hearings and Appeals, Texas Education Agency, 1701 N. Congress Ave., Austin, Texas 78701, facsimile number (512) 475-3662. Documents shall be filed electronically as provided on the division's website or by mail, delivery, or facsimile. All documents must be actually received by the Division of Hearings and Appeals by the date specified in this section. The mailbox rule does not apply to filings in a case filed under this subsection. Electronic filing is strongly encouraged.

All filings in a case shall be sent to the district, the individual who initially requested the installation of the cameras, and all interested parties who have filed a request to receive documents filed in the case by the same method as the request is filed with the commissioner. Due to the requirements of FERPA, the names, telephone numbers, and addresses of parents and other publicly identifiable student information may not be given to the interested parties. The copies of the filings sent to interested parties shall be redacted to remove all personally identifiable student information.

Filing Responses

Any response to a request for an extension of time to begin the operation of a video camera shall be filed with the commissioner by an interested party within ten calendar days of the filing of the request. If no response to the request is timely filed, the commissioner shall issue a final decision within 20 calendar days of the filing of the request.

A response to a request for an extension of time to begin the operation of a video camera shall specify why an extension of time should or should not be granted. The response shall include affidavits concerning any factual claims made in the request and reference any legal authority as to why the request should or should not

be granted. The response may include a request for expedited review.

Expedited Review

A request for expedited review must be filed with the commissioner within ten calendar days of the filing of the request for an extension of time to begin the operation of a video camera. If a request for expedited review is made, all interested parties shall be notified that they have been identified as interested parties in the request for an extension of time to begin the operation of a video camera. In particular, the interested parties will be informed that it is their choice whether to participate in the proceedings before the commissioner, that it is entirely up to them to determine to what extent they wish to participate in the proceedings, that the procedures governing these proceedings are found in 19 Administrative Code 103.1303 and Education Code 29.022, and that upon their written request filed with the commissioner they will be sent all filings in this case.

If a request for an expedited review is not made, the commissioner shall issue a final decision within 45 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

If a request for expedited review is made, the following procedures shall be followed:

1. Any reply by the district to any response to the request shall be filed with the commissioner within 25 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

2. A preliminary judgment shall be made by the commissioner within 35 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

3. Any interested party or the district may file objections to the preliminary judgment within 40 calendar days of the filing of the request for an extension of time to begin the operation of a video camera.

4. Any reply to an objection to a preliminary judgment must be filed within 45 calendar days of the filing of a request for an extension of time to begin the operation of a video camera.

5. The commissioner shall issue a final decision within 55 calendar days of the filing of the request for an extension of time to begin the operation of a video camera, unless the commissioner determines that an evidentiary hearing would be helpful in deciding the issues raised. If the commissioner decides to hold an evidentiary hearing, the commissioner shall establish the timelines and procedures to be used. Whether to conduct the hearing by telephone or other electronic methods will be considered.

Commissioner Consideration — In making either a preliminary judgment or a final judgment under this subsection, the commissioner will consider whether granting the requested extension is reasonable considering all factors, including contracting statutes, architectural and structural issues, and the difference in costs to the district if a moderate extension of time is granted.

No Appeal — A commissioner's final decision under this provision is not subject to appeal.

19 TAC 103.1303(c)

Designing and Implementing Services

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)*

[See EHBCA for information regarding acceleration instruction and accelerated learning committees.]

Intensive Program of Instruction

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.

State Assessments

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]

Use of State Funds

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

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, including services provided by an instructional coach, 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

Reporting

A district shall report financial information relating to expenditure of the state compensatory education allotment under the Foundation School Program to the Texas Education Agency (TEA), according to standards for financial accounting provided in 19 Administrative Code 109.41 (relating to *Financial Accountability System Resource Guide*). Costs charged to state compensatory education shall be for programs and services that supplement the regular education program. *19 TAC 109.25(a)*

A district shall ensure that supplemental direct costs and personnel attributed to compensatory education and accelerated instruction are identified in district and/or campus improvement plans at the summary level for financial units or campuses. A district shall maintain documentation that supports the attribution of supplemental costs and personnel to compensatory education. A district must also maintain sufficient documentation supporting the appropriate identification of students in at-risk situations, under criteria established in Education Code 29.081 [see At-Risk Student, below]. *19 TAC 109.25(b)*

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)*

At-Risk Student

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Except as provided by TEA rule or if retained in prekindergarten under Education Code 28.02124 [see EIE], 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 an emergent bilingual student, 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;

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; or

15. Is enrolled in a district or a campus that is designated as a dropout recovery school under Education Code 39.0548.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under the adult high school 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)*

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)

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. [See EHDD]

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)*

Accelerated Instruction in Grades 3–8

Each time a student fails to perform satisfactorily on a state assessment instrument in the third, fourth, fifth, sixth, seventh, or eighth grade [see EKB], the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area during the subsequent summer or school year and either:

1. Allow the student to be assigned a classroom teacher who is certified as a master, exemplary, or recognized teacher under the local optional teacher designation system [see DEAA] for the subsequent school year in the applicable subject area; or
2. Provide the student supplemental instruction under Education Code 28.0211(a-4) [see below].

Education Code 28.0211(a-1)

Participation Requirements

Supplemental accelerated instruction may require a student to participate before or after normal school hours and may include participation at times of the year outside normal school operations. *19 TAC 104.1001(c)*

In providing accelerated instruction, a district may not remove a student, except under circumstances for which a student enrolled in the same grade level who is not receiving accelerated instruction would be removed, from:

1. Instruction in the foundation curriculum and enrichment curriculum adopted under Education Code 28.002 [see EHA series] for the grade level in which the student is enrolled; or
2. Recess or other physical activity that is available to other students enrolled in the same grade level.

Education Code 28.0211(a-3)

The foundation curriculum includes English language arts, mathematics, science, and social studies. Courses in the enrichment curriculum include languages other than English; health, with emphasis on physical health, proper nutrition, and exercise; mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision making; suicide prevention; physical education; fine arts; career and technical education; technology applications; religious literature; and personal financial literacy.

In the event that a school week is three or less instructional days, the school is exempt from meeting the requirement of meeting once per week for supplemental accelerated instruction. [See Sup-

plemental Instruction Requirements for Certain Funding, item 3, below.]

19 TAC 104.1001(c)

ARD Committee Determination

For a student served by special education who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) [see EKB], the student's admission, review, and dismissal (ARD) committee must determine the manner in which the student will engage in supplemental accelerated instruction. ARD committees must consider the individual needs of a student with a disability when determining the manner in which supplemental accelerated instruction is to be provided to the student. If supplemental accelerated instruction is to be provided to the student, the supplemental accelerated instruction must meet the requirements outlined in this subsection unless the ARD committee specifically determines that some or all of the requirements for supplemental accelerated instruction would deny the student access to a FAPE. *19 TAC 104.1001(b)(3)*

Supplemental Instruction Requirements for Certain Funding

If a district receives funding under Education Code 29.0881, the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (Div. M, Pub. L. No. 116-260), or the American Rescue Plan Act of 2021 (Pub. L. No. 117-2), then supplemental instruction provided by a district must:

1. Include targeted instruction in the essential knowledge and skills for the applicable grade levels and subject area;
2. Be provided in addition to instruction normally provided to students in the grade level in which the student is enrolled;
3. Be provided for no less than 30 total hours during the subsequent summer or school year and, unless the instruction is provided fully during summer, include instruction no less than once per week during the school year;
4. Be designed to assist the student in achieving satisfactory performance in the applicable grade level and subject area;
5. Include effective instructional materials designed for supplemental instruction;
6. Be provided to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group;
7. Be provided by a person with training in the applicable instructional materials for the supplemental instruction and under the oversight of the district; and

8. To the extent possible, be provided by one person for the entirety of the student's supplemental instruction period.

Education Code 28.0211(a-4)

Supplemental Accelerated Instruction Requirements

Supplemental accelerated instruction shall be based on, but not limited to, targeted instruction in the essential knowledge and skills for the applicable grade levels and subject areas and be provided by a person with training in the applicable instructional materials for the supplemental accelerated instruction and under the oversight of the school district. Supplemental accelerated instruction shall be provided as outlined in items 2–5 and 8 (above), to a student individually or in a group of no more than three students, unless the parent or guardian of each student in the group authorizes a larger group. *19 TAC 104.1001(d)*

Transportation

A district shall provide students required to attend the accelerated programs described above with transportation to those programs if the programs occur outside of regular school hours. *Education Code 28.0211(j)*

Notice to Parents of Performance and Accelerated Instruction

Whenever a district is required to notify a parent or guardian about the requirements related to promotion and accelerated instruction, the district shall make a good-faith effort to ensure that the notice is provided either in person or by regular mail, is clear and easy to understand, and is written in English or in the parent or guardian's native language. *Education Code 28.0211(h)*

Assessments Not Required

Education Code 28.0211 does not require the administration of a fifth or eighth grade assessment instrument in a subject under Education Code 39.023(a) to a student enrolled in the fifth or eighth grade, as applicable, if the student:

1. Is enrolled in a course in the subject intended for students above the student's grade level and will be administered an assessment instrument adopted or developed under Education Code 39.023(a) [see EKB] that aligns with the curriculum for the course in which the student is enrolled; or

2. Is enrolled in a course in the subject for which the student will receive high school academic credit and will be administered an end-of-course (EOC) assessment instrument [see EKB] for the course.

Notwithstanding any other provision of Education Code 28.0211, the student may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument not required to be administered to the student, nor may a student in grade 5 or grade 8 be denied promotion to the next grade on the basis of fail-

ure to perform satisfactorily on a reading or mathematics assessment instrument intended for use above the student's grade level.

Education Code 28.0211(o)–(p)

Accelerated Instruction After EOC Assessments

A district shall provide accelerated instruction to an enrolled student who has taken an EOC assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

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.

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 and must comply with the requirements for accelerated instruction provided under Education Code 28.0211 [see above].

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)*

No Available Test Score

The superintendent of each district shall establish procedures to ensure that each eligible student who is absent or does not receive a test score for any test administration shall receive appropriate supplemental accelerated instruction as warranted on an individual student basis.*19 TAC 104.1001(b)(4)*

Accelerated Learning Committee

A district shall establish an accelerated learning committee for each student who does not perform satisfactorily on the following state assessment instruments [see EKB]:

1. The third grade mathematics or reading assessment;
2. The fifth grade mathematics or reading assessment; or
3. The eighth grade mathematics or reading assessment.

Education Code 28.0211(a)

Composition

The accelerated learning committee shall be composed of the principal or the principal's designee, the student's parent or guardian, and the teacher of the subject of an assessment instrument on which the student failed to perform satisfactorily. The district shall notify the parent or guardian of the time and place for convening the accelerated learning committee and the purpose of the committee. *Education Code 28.0211(c)*

If a student is changing campuses, the committee must include the receiving principal or designee, the sending principal or designee, the receiving content teacher or designee, and the sending content teacher or designee. *19 TAC 104.1001(e)(1)*

Educational Plan

An accelerated learning committee shall, not later than the start of the subsequent school year, develop an educational plan for the student that provides the necessary accelerated instruction to enable the student to perform at the appropriate grade level by the conclusion of the school year. The educational plan must be documented in writing, and a copy must be provided to the student's parent or guardian.

During the school year, the student shall be monitored to ensure that the student is progressing in accordance with the educational plan. The district shall administer to the student the assessment instrument for the grade level in which the student is placed at the time the district regularly administers the assessment instruments for that school year.

The board shall adopt a policy consistent with the grievance procedure adopted under Education Code 26.011 [see FNG] to allow a parent to contest the content or implementation of an educational plan.

Education Code 28.0211(f)–(f-3)

Failure in a Subsequent School Year

If a student who fails to perform satisfactorily on the third, fifth, or eighth grade math or reading assessment fails in the subsequent school year to perform satisfactorily on an assessment instrument in the same subject, the superintendent, or the superintendent's

designee, shall meet with the student's accelerated learning committee to:

1. Identify the reason the student did not perform satisfactorily; and
2. Determine, in order to ensure the student performs satisfactorily on the assessment instrument at the next administration of the assessment instrument, whether the educational plan developed for the student must be modified to provide the necessary accelerated instruction for that student and any additional resources are required for that student.

The superintendent's designee may be an employee of a regional education service center and may not be a person who served on the student's accelerated learning committee.

Education Code 28.0211(f-4)–(f-5)

ARD Determination for Grades 3, 5, and 8

The ARD committee of a student who does not perform satisfactorily on a third, fifth, or eighth grade math or reading assessment must meet to determine the manner in which the student will participate in an accelerated instruction program. *Education Code 28.0211(i)*

Students Who Meet Criteria for the Alternative Assessment

The ARD committee must serve as the accelerated learning committee for students who meet the criteria for participation in alternative assessment instruments under Education Code 39.023(b) [see EKB], who do not perform satisfactorily on a mathematics or reading assessment instrument in grade 3, 5, or 8. The ARD committee must determine the manner in which the student will participate in supplemental accelerated instruction; however, the requirements for supplemental accelerated instruction described by 19 Administrative Code 104.1001(b) do not apply.

ARD Committee Responsibilities

In serving as the accelerated learning committee for a student served by special education, the ARD committee must meet and develop a plan [see Education Plan, above] to determine the manner in which the student will participate in supplemental accelerated instruction, and this meeting must include the required members of a properly constituted ARD committee [see EHBAB].

When the ARD committee for a student served by special education serves as the accelerated learning committee, efforts must be taken to ensure parental participation as specified within the requirements of 19 Administrative Code 89.1050(d) and 34 Code of Federal Regulations 300.322 [see EHBAB].

The ARD committee, serving as the accelerated learning committee, must document decisions regarding supplemental accelerated

instruction in writing and a copy must be provided to the student's parent or guardian. This documentation may either be included in ARD deliberations or as a supplemental attachment to the student's individualized education program.

Dispute Resolution

A parent or guardian of a student served by special education may use a dispute resolution mechanism specified in 19 Administrative Code 89.1150 [see EHBAE] to resolve any dispute between the parent and a public education agency relating to the identification, evaluation, or educational placement of or the provision of a free appropriate public education (FAPE) to a student with a disability. If a parent or guardian of a student served by special education does not agree with the decision of the ARD committee serving as the accelerated learning committee regarding supplemental accelerated instruction, the parent or guardian may follow the district grievance policy [see FNG].

19 TAC 104.1001(f)

Parent Request

Each district shall establish a process allowing for the parent or guardian of a student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment to make a request for district consideration that the student be assigned to a particular classroom teacher in the applicable subject area for the subsequent school year, if more than one classroom teacher is available. *Education Code 28.0211(a-5); 19 TAC 104.1001(g)*

Classroom Assignment

A student who fails to perform satisfactorily on a third, fifth, or eighth grade math or reading assessment and is promoted to the next grade level must be assigned in the subsequent school year in each subject in which the student failed to perform satisfactorily on the applicable assessment instrument to an appropriately certified teacher who meets all state and federal qualifications to teach that subject and grade.

In a manner consistent with federal law and notwithstanding any other law, the commissioner may waive the requirement regarding the assignment of a student to an appropriately certified classroom teacher on the request of a district.

Education Code 28.0211(n)–(n-1)

Students who are deaf or hard of hearing must have an education in which their unique communication mode is respected, used, and developed to an appropriate level of proficiency. *Education Code 29.303*

Personnel

A student who is deaf or hard of hearing must have an education in which teachers, psychologists, speech therapists, progress assessors, administrators, and others involved in education understand the unique nature of deafness and the hard-of-hearing condition. A teacher of deaf or hard-of-hearing students either must be proficient in appropriate language modes or use an interpreter certified in appropriate language modes if certification is available. Regular and special personnel who work with students who are deaf or hard of hearing must be adequately prepared to provide educational instruction and services to those students.

The district shall employ or provide access to appropriate qualified staff with proficient communications skills, consistent with credentialing requirements, to fulfill the responsibilities of the district and shall make positive efforts to employ qualified individuals with disabilities.

Education Code 29.304

Involvement of Others

Students who are deaf or hard of hearing must have an education in which parents or legal guardians and advocates for parents or legal guardians are involved in determining the extent, content, and purpose of programs. Other individuals may be involved at the discretion of parents or legal guardians or the district. *Education Code 29.306*

Students who are deaf or hard of hearing shall be given the opportunity to be exposed to deaf or hard-of-hearing role models. *Education Code 29.307*

Advisory Committee

If the district has students who are deaf or hard of hearing, it shall include in its local special education advisory committee persons who are deaf or hard of hearing and parents or students who are deaf or hard of hearing, if practicable. *Education Code 29.309*

Assessment

The district shall not discriminate on the basis of race, culture, or sex when selecting and administering procedures and materials for assessment and placement of students who are deaf or hard of hearing. *Education Code 29.310(a)*

Placement

A single assessment instrument may not be the sole criterion for determining the placement of a student who is deaf or hard of hearing. *Education Code 29.310(b)*

Procedures and materials for the assessment and placement of a student who is deaf or hard of hearing shall be in the student's preferred mode of communication. All other procedures and materials

	used with any student who is deaf or hard of hearing and who has limited English proficiency shall be in the student's preferred mode of communication. *Education Code 29.310(c)*
Deaf or Hard-of-Hearing Programs	Programs for students who are deaf or hard of hearing must be coordinated with other public and private agencies, including agencies operating early childhood intervention programs, preschools, agencies operating child development programs, nonpublic nonsectarian schools, agencies operating regional occupational centers and programs, and the Texas School for the Deaf. The programs must also be coordinated with postsecondary and adult programs for persons who are deaf or hard of hearing. *Education Code 29.311*
Counseling	Appropriate psychological counseling services for a student who is deaf or hard of hearing shall be made available at the student's school site in the student's primary mode of communication. Appropriate auditory systems shall be used with students who are hard of hearing, if required by the admission, review, and dismissal (ARD) committee. *Education Code 29.312*
Evaluation	The district must provide continuous evaluation of the effectiveness of programs for students who are deaf or hard of hearing. If practicable, the evaluations shall follow program excellence indicators established by TEA. *Education Code 29.313*
Transition to Regular Class	In addition to satisfying requirements under state and federal law for vocational training, the district shall develop and implement a transition plan for transition of students who are deaf or hard of hearing into a regular class program if the students are to be transferred from a special class or center or from a nonpublic, nonsectarian school into a regular class for any part of the school day. The transition plan must provide for activities to integrate the students into the regular education program and to support the transition of the students from the special education program into the regular education program. *Education Code 29.314*
Regional Day School Programs for the Deaf	In accordance with Education Code 30.081 through 30.087, a district shall have access to regional day school programs for the deaf operated by districts at sites previously established by the State Board of Education. Any student who is deaf or hard of hearing with a disability that severely impairs processing linguistic information through hearing, even with recommended amplification, and that adversely affects educational performance shall be eligible for consideration for the Regional Day School Program for the Deaf, subject to the ARD committee recommendations. *19 TAC 89.1080*

Adult Education

A district must provide an adult education program designed to meet the education and training needs of adults to the extent possible using available public and private resources. Bilingual education must be used to instruct students who do not function satisfactorily in English whenever it is appropriate for those students' optimum development. *Labor Code 315.003*

Essential Program Components

An Adult Education and Literacy (AEL) grant recipient shall ensure that essential program components are provided as outlined in the grant application for statewide AEL funds, which include the components described by 40 Administrative Code 805.4. *40 TAC 805.4*

Staff Qualifications

AEL instructional aides, administrative, data entry, proctoring staff, and staff providing support or employment services to students shall have at least a high school diploma or a high school equivalency certificate. AEL directors, supervisors, and staff that oversee program assessment services and/or overall program accountability, and instructors in the content areas of reading, writing, mathematics, and English language acquisition, including substitutes, shall possess at least a bachelor's degree.

Requests for exemptions for staff qualification requirements in individual cases may be submitted to the Texas Workforce Commission for approval. The exemption shall include a justification outlining extenuating circumstances and shall be submitted and approved prior to an individual being placed in the position in question.

Professional Development

The district shall comply with the program requirements for professional development in accordance with 40 Administrative Code 805.21.

Records of staff qualifications and professional development shall be maintained by each grant recipient and shall be available for monitoring.

40 TAC 805.21

Tuition and Fees

Tuition and fees shall not be charged unless a district is statutorily authorized to do so. Funds generated by tuition and fees shall be used for the AEL instructional programs and must be expended before federal and state grant funds, in accordance with 2 Code of Federal Regulations 200.305(b)(5). *40 TAC 805.45*

Reimbursement for Community Education

If a board elects to provide community education for all age groups, it may be eligible for reimbursement for the costs of the program. In order to receive reimbursement, it must submit an application in accordance with TEA rules and reimbursement shall be made to the extent authorized.

Conditions	A district will receive such reimbursement only if it has achieved the level of community services prescribed by TEA in the current or preceding year. *Education Code 29.256*

Innovative Courses

A district may offer innovative courses to enable students to master knowledge, skills, and competencies not included in the essential knowledge and skills of the required curriculum. Applications shall not be approved if the proposed course significantly duplicates the content of a Texas Essential Knowledge and Skills (TEKS)-based course or can reasonably be taught within an existing TEKS-based course.

To request approval for an innovative course from the State Board of Education or the commissioner, a district or organization must submit a request for approval at least six months before planned implementation. The request must address the elements listed at 19 Administrative Code 74.27(a)(4).

To request approval from the commissioner for a career and technical education innovative course, the applying school district or organization must submit with its request for approval evidence that the course is aligned with state and/or regional labor market data.

To request approval of a new innovative course, the applying district or organization must submit with its request for approval evidence that the course has been successfully piloted in its entirety in at least one school in the state of Texas.

With the approval of the board, a district may offer, without modifications, any state-approved innovative course.

19 TAC 74.27(a)(3)–(7)

Magnet Schools or Programs

A district may operate a magnet program, academy, or other innovative program to serve student populations with specialized interests and aptitudes. *19 TAC 74.22(b)*

Award of Credit

The award of credit for a course affirms that a student has satisfactorily met state and local requirements. Any course for which credit is awarded must be provided according to 19 TAC 74.26(a)(1) and (a)(2) [see FDA]. *19 TAC 74.26(a)*

Early Award of Credit

A district may offer courses designated for grades 9–12 in earlier grade levels. A course must be considered completed and credit must be awarded if the student has demonstrated achievement by meeting the standard requirements of the course, including demonstrated proficiency in the subject matter, regardless of the time the student received instruction in the course or the grade level at which proficiency was attained. The academic achievement record (transcript) shall reflect that students have satisfactorily completed courses at earlier grade levels from grades 9–12 and have been awarded state graduation credits. *19 TAC 74.26(b)*

Partial Award

In accordance with a district's local policy, a student who is able to successfully complete only half of a course can be awarded credit proportionately. *19 TAC 74.26(d)*

A district shall award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. *19 TAC 74.26(e)*

Attendance for Credit or Final Grade

Unless credit is awarded by the attendance committee or regained in accordance with a principal's plan [see FEC], a student in any grade level from kindergarten through grade 12 may not be given credit or a final grade for a class unless the student is in attendance for at least 90 percent of the days the class is offered. *Education Code 25.092*

Homeless or Substitute Care

A district shall adopt a local policy to ensure credit, including proportionate credit, has been awarded appropriately to a student who is homeless or in substitute care for coursework completed prior to the student enrolling in or transferring to the district in accordance with 19 Administrative Code 74.26 (Award of Credit).

A district must ensure that student records or transcripts provided by the previous district or charter school are evaluated promptly and are complete, accurate, and up to date.

The receiving district must develop, maintain, and regularly update local records and documentation, including transcripts if applicable, for a student who is homeless or in substitute care.

A district must ensure that the records or transcripts of a student who is homeless or in substitute care and transferring from out of state, out of country, or a Texas nonpublic school are evaluated and the award of credit is determined in a timely manner, as required by 19 Administrative Code 74.26(a)(2). [See FDA]

A district must award credit proportionately to a student who is homeless or in substitute care who successfully completes only half of a course. Districts must evaluate the student record upon a student's enrollment and ensure that proportionate credit has been awarded appropriately.

If a district determines that there are courses in which a student was enrolled but for which the student has not earned credit, the district may use a variety of methods to determine whether the student may be eligible for full or proportionate credit for coursework completed. The award of credit must be based on demonstrated proficiency in all state and local requirements for a course in accordance with 19 Administrative Code 74.26.

A district must provide opportunities for a student who is homeless or in substitute care who enrolls in the district after the start of the school year to be administered credit by examination at any point during the school year, as required by 19 Administrative Code 74.24 (Credit by Examination) [see EHDB and EHDC].

Districts must:

1. Develop processes for students who have credit deficits or incomplete coursework that would impede on-time promotion or graduation to earn credit and implement appropriate academic interventions to address any credit deficiencies identified;

2. Develop and administer a personal graduation plan in accordance with Education Code 28.0212 (see EIF) for each student in junior high or middle school who is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district, or does not perform satisfactorily on a state assessment instrument;

3. Review personal graduation plan options with each student entering grade 9 and with that student's parent or guardian as required by Education Code 28.02121 [see EIF]. Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a personal graduation plan for the student;

4. Ensure that school staff actively engage with the student and the student's parent or guardian, as applicable, to develop a plan to recover credits if the student has credit deficits or incomplete coursework that would impede on-time promotion or graduation; and

5. Comply with Education Code 28.025(i) [see EIF], concerning the award of diplomas for students who are homeless or in substitute care who are in grade 11 or 12.

19 TAC 89.1607

[For information on transition assistance for students who are homeless or in substitute care, including enrollment and placement in education programs and courses, see FFC.]

Graduation Requirements

Credit for courses for high school graduation may be earned only if the student received a grade equivalent to 70 on a scale of 100, based upon the essential knowledge and skills of each course. Credit earned toward state graduation requirements in an accredited school district shall be transferable and must be accepted by any other school district in the state. *19 TAC 74.26(a)(1), (c)*

Academic Achievement Record

Following guidelines developed by the commissioner of education, a district shall use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned.

The academic achievement record (transcript) shall serve as the academic record for each student and shall be maintained permanently by a district.

Any credit earned by a student must be recorded on the academic achievement record (transcript), regardless of when the credit was earned.

A student's performance on a state assessment, including an end-of-course assessment instrument required under Education Code 39.023(c) [see EKB], must be included in the student's academic achievement record (transcript).

Copies of the record shall be made available to students transferring to another district. A district shall respond promptly to all requests for student records from receiving districts. [See also FD, FDA, and FL]

Education Code 28.025(e), 39.023(c-5); 19 TAC 74.5(b)–(d)

Transcript Seals

Students who complete high school graduation requirements shall have attached to the academic achievement record (transcript) a seal approved by the State Board of Education. *19 TAC 74.5(e)*

Endorsement

Students who complete the requirements for an endorsement shall have the endorsement clearly indicated on the academic achievement record (transcript).

Performance Acknowledgment	Students who earn a performance acknowledgment shall have the performance acknowledgment clearly indicated on the academic achievement record (transcript).
Distinguished Level of Achievement	Students who earn the distinguished level of achievement shall have the distinguished level of achievement clearly indicated on the academic achievement record (transcript).
Speech Requirements	Students who demonstrate proficiency in speech as specified in 19 Administrative Code 74.11 shall have completion of the speech requirement clearly indicated on the academic achievement record (transcript).
CPR	Students who complete the required instruction in cardiopulmonary resuscitation (CPR) as specified in 19 Administrative Code 74.38 in grade 9, 10, 11, or 12 shall have completion of the CPR instruction clearly indicated on the academic achievement record (transcript).
Proper Interaction with Peace Officers	Students who complete the required instruction on proper interaction with peace officers shall have completion of the instruction clearly indicated on the academic achievement record (transcript). A district shall clearly indicate on the academic achievement record the year in which the instruction was provided to the student.
Languages Other Than English	Students who satisfy a language other than English graduation credit requirement by successfully completing a dual language immersion program at an elementary school in accordance with 19 Administrative Code 74.12 shall have the credit clearly indicated on the academic achievement record (transcript).
FAFSA/TASFA Completion	A student who completes and submits a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA) or submits the Texas Education Agency-approved opt-out form shall have the completion of the financial aid application requirement clearly indicated on the academic achievement record. *Education Code 28.025; 19 TAC 74.5(f)–(m), .11(b), .39(e)*
Notation on Transcript or Diploma	A district shall ensure that each student's official transcript or diploma indicates whether the student has completed or is on schedule to complete: 1. The recommended or advanced high school curriculum; or 2. For a district that is covered by Education Code 56.304(f)(1) (unavailability of courses), the required portion of the recommended or advanced high school curriculum offered at the district's high school.

The district must include this information on the student's transcript not later than the end of the student's junior year.

Education Code 56.308

Certificate of Coursework Completion

A student who completes all graduation requirements except for required end-of-course assessment instruments may be issued a certificate of coursework completion. The academic achievement record (transcript) shall include a notation of the date a certificate of completion was issued to the student. *19 TAC 74.5(n)* [See FMH for participation in the graduation ceremony.]

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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*

Emergent Bilingual Students

In grades 3–12, an emergent bilingual 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

On request by a district, the commissioner may allow the district to administer an assessment instrument on the first instructional day

of a week if administering the assessment instrument on another instructional day would result in a significant administrative burden due to specific local conditions. *Education Code 39.023(c-3)*

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

Test Administration Training

The commissioner may require training for district employees involved in the administration of the assessment instruments. The commissioner may only require for the employee at each district campus who oversees the administration of the assessment instruments to annually receive the training. The district employee who oversees test administration on a district campus may, with discretion, require other district employees involved in the administration of assessment instruments to repeat the training. *Education Code 39.0304(a), (b-1)–(b-2)*

Notice to Parents and Students

A superintendent shall be responsible for the following in order to provide timely and full notification of graduation requirements:

1. Notifying each student and his or her parent or guardian in writing no later than the beginning of the student's seventh-grade year of the testing requirements for graduation;
2. Notifying each student in grades 7–12 new to the district and his or her parent or guardian in writing of the testing requirements for graduation; and
3. Notifying each student who shall take the tests required for graduation and his or her parent or guardian, as well as out-of-school individuals, of the dates, times, and locations of testing.

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) (emergent bilingual 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 not required to be administered to the student.

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 provide 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) in order to be eligible to receive a Texas diploma, except as described below at Exceptions, Credits Earned Prior to Enrollment, Individual Graduation Committee, and Special Education.

The standard in place when a student first takes an EOC assessment is the standard that will be maintained throughout the student's school career.

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 emergent bilingual students who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

19 TAC 101.3022(a)–(c)

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)*

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 Texas Success Initiative Assessment (TSIA) or a Texas Success Initiative Assessment, Version 2.0 (TSIA2) 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 TSIA or TSIA2 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)*

A student may not graduate under an IGC if the student did not take each required EOC assessment or an approved substitute assessment for each course in which the student was enrolled in a Texas public school for which there is an EOC assessment. A district shall determine whether the student took each required EOC assessment or an approved substitute assessment. For purposes of this provision only, a student who does not make an attempt to take all required EOC assessments may not qualify to graduate by means of an individual graduation committee.

Notwithstanding any action taken by a student's individual graduation committee, a district must provide a student an opportunity to retake an EOC assessment under Education Code 39.023(c) if the student has not previously achieved satisfactory performance on

an assessment for that course. A student is not required to retake a course in order to be administered a retest of an EOC assessment.

19 TAC 101.3022(e)(1), (3)

For provisions related to an IGC and emergent bilingual students, see EKBA.

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. [See EIF]

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)

For more information on graduation requirements for special education students, see EIF.

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 perfor-

mance 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 charter school or private school. The scoring contractor will provide districts with the results of the machine-scorable assessments within a 21-day period following the close of the testing window. 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(a)–(d)

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), 39.023(e)*

Note: For information on instructional requirements for students who fail to perform satisfactorily on a state assessment instrument, see EHBC and EHBCA.

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(e)

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 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)–(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 39.003(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)(8)

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]

General Eligibility

A board or its designee shall admit into the public schools of a district free of tuition all persons who are over five and younger than 21 years of age on September 1 of any school year in which admission is sought, and may admit a person who is at least 21 and under 26 for the purpose of completing the requirements for a high school diploma, if any of the following conditions exist:

Student and Parent

The person and either parent reside in the district.

Conservator

The person does not reside in the district, but one of the parents resides in the district and that parent is a joint managing conservator or the sole managing conservator or possessory conservator of the person.

Guardian or Person Having Lawful Control

The person and his or her guardian or other person having lawful control under an order of a court reside in the district.

Students Living Separate and Apart

The person is under the age of 18 and has established a separate residence in the district apart from his or her parent, guardian, or other person having lawful control under an order of a court and has established that the person's presence in the district is not for the primary purpose of participation in extracurricular activities. A board is not required to admit such person, however, if the person has:

1. Engaged in conduct that resulted in removal to a disciplinary alternative education program or expulsion within the preceding year;
2. Engaged in delinquent conduct or "conduct in need of supervision" and is on probation or other conditional release for that conduct; or
3. Been convicted of a criminal offense and is on probation or other conditional release.

Education Code 25.001(a)–(b), (d)

Students Who Are Homeless

The person is homeless. [See also FDC]

1. "Child who is homeless," "person who is homeless," and "student who is homeless" have the meaning assigned to the term homeless children and youths under the McKinney-Vento Homeless Assistance Act.
2. "Homeless children" under the McKinney-Vento Homeless Assistance Act, means children or youths who lack a fixed, regular, and adequate nighttime residence; and includes:

a. Children who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; or are abandoned in hospitals;

b. Children who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;

c. Children who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

d. Migratory children living in circumstances described above. “Migratory child’’ means a child who made a qualifying move in the preceding 36 months:

(1) As a migratory agricultural worker or a migratory fisher; or

(2) With, or to join, a parent or spouse who is a migratory agricultural worker or a migratory fisher. [See EEB]

Education Code 5.001(1-a), 25.001(b)(5); 20 U.S.C. 6399; 42 U.S.C. 11434a(2)

[For information regarding the transfer of records and other transition requirements for a student who is homeless, see FFC.]

Foreign Exchange Students

The person is a foreign exchange student placed with a host family that resides in the district by a nationally recognized foreign exchange program, unless the district has applied for and been granted a waiver by the commissioner of education because:

1. This requirement would impose a financial or staffing hardship on the district;

2. The admission would diminish the district’s ability to provide high-quality education services for the district’s domestic students; or

3. The admission would require domestic students to compete with foreign exchange students for educational resources.

Education Code 25.001(b)(6), (e)

Students in Residential Facility	The person resides at a residential facility, as defined in Education Code 5.001, located in the district. For purposes of enrollment, a person who resides in a residential facility is considered a resident of the district in which the facility is located. *Education Code 25.001(b)(7), 29.012(c)*
Students Over 18	The person resides in the district and is 18 or older or the person's disabilities of minority have been removed. *Education Code 25.001(b)(8)*
Resident Grandparent	The person does not reside in the district but the grandparent of the person: 1. Resides in the district; and 2. Provides a substantial amount of after-school care for the person as determined by the board. *Education Code 25.001(b)(9)*
Residence Homestead	The person and either parent of the person reside in a residence homestead, as defined by Tax Code 11.13(j), that is located on a parcel of property any part of which is located in the district. *Education Code 25.001(b)(10)*
Proof of Eligibility	A district may require evidence that a person is eligible to attend the public schools of the district at the time it considers an application for admission of the person. A board or its designee shall establish minimum proof of residency acceptable to a district. A board or its designee may make reasonable inquiries to verify a person's eligibility for admission. When admission is sought under the provision at Students Living Separate and Apart above, a board shall determine whether an applicant qualifies as a resident of a district and may adopt reasonable guidelines for making that determination as necessary to protect the best interest of students. *Education Code 25.001(c), (d)*
"Residence" Defined	"Residence" requires living in the district and having the present intention to remain there. *Martinez v. Bynum, 461 U.S. 321 (1983*) A district may withdraw any student who ceases to be a resident. *Daniels v. Morris, 746 F.2d 271 (5th Cir. 1984)*
Active-Duty Parent	A person whose parent or guardian is an active-duty member of the armed forces of the United States, including the state military forces or a reserve component of the armed forces, may establish residency for purposes of eligibility of admission by providing to the district a copy of a military order requiring the parent's or guardian's transfer to a military installation in or adjacent to the district 's attendance zone. *Education Code 25.001(c-1)*

A person who establishes residency under Education Code 25.001(c-1) shall provide to the district proof of residence in the district's attendance zone not later than the tenth day after the arrival date specified in the military order. For purposes of this provision, "residence" includes residence in a military temporary lodging facility. *Education Code 25.001(c-2)*

Immigration Status

Denying enrollment based upon immigration status to children who are not legally admitted into the United States violates the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. *Plyler v. Doe, 457 U.S. 202 (1982)*

High School Equivalency Certificate

A student who has received a high school equivalency certificate is entitled to enroll in a public school in the same manner as any other student who has not received a high school diploma. *Education Code 29.087(h)*

Substitute for Parent or Guardian

A board by policy may allow a person showing evidence of legal responsibility for a child other than an order of a court to substitute for a guardian or other person having lawful control of the child under court order. *Education Code 25.001(j)*

Authorization Agreement

"Adult caregiver" means an adult person whom a parent has authorized to provide temporary care for a child under Family Code Chapter 34. *Family Code 34.0015(1)*

A parent, as defined in Family Code 101.024, or both parents of a child may enter into an authorization agreement with an adult caregiver to authorize the adult caregiver to perform acts described in Family Code 34.002 in regard to the child, such as:

1. Authorizing medical, dental, psychological, or surgical treatment and immunization of the child, including executing any consents or authorizations for the release of information as required by law relating to the treatment or immunization;
2. Enrolling the child in the district; and
3. Authorizing the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

Family Code 34.002

A parent may enter into an authorization agreement with an adult caregiver with whom a child is placed under a parental child safety placement agreement approved by the Department of Family and Protective Services (DFPS) to allow the person to perform the acts described above with regard to the child during an investigation of

abuse or neglect or while the department is providing services to the parent. *Family Code 34.0021*

The authorization agreement must conform to the requirements of Family Code Chapter 34.

A child who is the subject of an authorization agreement is not considered to be placed in foster care and the parties to the agreement are not subject to any law or rule governing foster care providers. *Family Code 34.0022(b)*

An authorization agreement does not affect the rights of the child's parent or legal guardian regarding the care, custody, and control of the child, and does not mean that the adult caregiver has legal custody of the child. *Family Code 34.007(b)*

Only one authorization agreement may be in effect for a child at any time. Execution of a subsequent authorization agreement does not by itself supersede, invalidate, or terminate a prior authorization agreement. An authorization agreement is void if it is executed while a prior authorization agreement remains in effect. *Family Code 34.002(d), .008(f)*

An authorization agreement is for a term of six months and renews automatically for six-month terms unless an earlier expiration date is stated in the agreement, the agreement is terminated under Family Code 34.008, or a court authorizes continuation. *Family Code 34.0075*

Immunity

A person who is not a party to the authorization agreement who relies in good faith on the authorization agreement, without actual knowledge that the authorization agreement is void, revoked, or invalid, is not subject to civil or criminal liability to any person, and is not subject to professional disciplinary action, for that reliance if the agreement is completed as required by Family Code Chapter 34. *Family Code 34.007(a)*

Note: The Authorization Agreement for Nonparent Relative (PDF)[1] is available on the DFPS website.

Temporary Authorization for Care

A person eligible to consent to treatment of a child under Family Code 32.001 or a person eligible to enter an authorization agreement [see Authorization Agreement, above] may seek a court order for temporary authorization for care of a child by filing a petition in the district court in the county in which the person resides if:

1. The child has resided with the person for at least the 30 days preceding the date the petition was filed; and

2. The person does not have an authorization agreement or other signed, written documentation from a parent, conservator, or guardian that enables the person to provide necessary care for the child.

Family Code 35.001–.002

The order may authorize the petitioner to, among other things:

1. Consent to medical, dental, psychological, and surgical treatment and immunization of the child;
2. Enroll the child in the district; and
3. Authorize the child to participate in age-appropriate extracurricular, civic, social, or recreational activities, including athletic activities.

A temporary authorization order does not affect the rights of the child's parent, conservator, or guardian regarding the care, custody, and control of the child, and does not establish legal custody of the child. *Family Code 35.007(b)*

Immunity

A person who relies in good faith on a temporary authorization order is not subject to civil or criminal liability to any person, or to professional disciplinary action. *Family Code 35.007(a)*

Students in Foster Care

A child placed in foster care by an agency of the state or a political subdivision shall be permitted to attend schools in the district in which the foster parents reside free of any charge to the foster parents or to the agency. A durational residence requirement may not be used to prohibit that child from fully participating in any activity sponsored by a district. *Education Code 25.001(f)*

A student who was enrolled in a primary or secondary public school before the student entered the conservatorship of DFPS and who is placed at a residence outside the attendance area for a school or outside a district is entitled to continue to attend the school in which the student was enrolled immediately before entering conservatorship until the student successfully completes the highest grade level offered by the school at the time of placement without payment of tuition. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g)*

If a student who is in the conservatorship of DFPS is enrolled in a primary or secondary public school, other than the school in which the student was enrolled at the time the student was placed in the conservatorship of DFPS, the student is entitled to continue to at-

tend that school without payment of tuition until the student successfully completes the highest grade level offered by the school at the time of enrollment in the school, even if the child's placement is changed to a residence outside the attendance area for that school or outside the district. The student is entitled to continue to attend the school regardless of whether the student remains in the conservatorship of DFPS for the duration of the student's enrollment in the school. *Education Code 25.001(g-1)*

A written case plan for any child in foster care under the responsibility of the state must include a plan for ensuring the educational stability of the child while in foster care, including:

1. Assurances that each placement of the child in foster care takes into account the appropriateness of the current educational setting and the proximity to the school in which the child in enrolled at the time of placement; and

2. An assurance that the appropriate state agency has coordinated with a district to ensure that the child remains in the school in which the child is enrolled at the time of each placement; or if remaining in that school is not in the best interests of the child, assurances by the state agency and the district to provide immediate and appropriate enrollment in a new school, with all of the educational records of the child provided to the school.

42 U.S.C. 675(1)(G), 675a [See CNA]

[For information regarding the transfer of records and other transition requirements for a student who is in substitute care, see FFC.]

Transfers from Other States

A district shall charge tuition for a student who resides in a residential facility and whose maintenance or expenses are paid in whole or in part by another state or the United States. Any such tuition charge must be submitted to the commissioner for approval. The attendance of students admitted under this provision shall not be counted for purposes of allocating state funds to a district. *Education Code 25.003*

Students Holding F-1 Student Visas

If a student is required, as a condition of obtaining or holding the appropriate U.S. student visa, to pay tuition to the district that the student attends to cover the cost of the student’s education provided by the district, the district shall accept tuition for the student in an amount equal to the full unsubsidized per capita cost of providing the student’s education for the period of the student's attendance at school in the district.

The commissioner shall develop guidelines for determining the amount of the full unsubsidized per capita cost of providing a stu-

dent's education. A district may not accept tuition in an amount greater than the amount computed under the commissioner's guidelines unless the commissioner approves a greater amount as a more accurate reflection of the cost of education to be provided by the district.

The attendance of a student for whom a district accepts tuition is not counted for purposes of allocating state funds to the district.

Education Code 25.0031

Note: Enrolling students with F-1 visas is optional. If the district is interested in enrolling students with F-1 visas, it must comply with the federal Student and Exchange Visitor Program[2] (SEVP) under the Department of Homeland Security.

Texas Juvenile Justice Department

A school-age child of an employee of the Texas Juvenile Justice Department (TJJD) residing in an adjacent district may attend school in a district free of charge to his or her parents or guardian. Any tuition required by the admitting district shall be paid by the district from which the student transfers out of any funds appropriated to the TJJD facility. *Education Code 25.042*

Enrollment

A child must be enrolled by the child's parent, guardian, or other person with legal control under a court order. A district shall record the name, address, and date of birth of the person enrolling the child. *Education Code 25.002(f)*

Legal Surname

A student must be identified by the student's legal surname as it appears on the student's birth certificate or other document suitable as proof of the student's identity, or in a court order changing the student's name. *Education Code 25.0021*

Required Documentation

If a parent or other person with legal control of a child enrolls the child in a public school, the parent or other person, or the district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.
3. A record showing that the child has the immunizations required by Education Code 38.001, proof that the child is not

required to be immunized, or proof that the child is entitled to provisional admission. [See FFAB]

Education Code 25.002(a)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

A parent or other person with legal control of a child under a court order must furnish information under items 1 and 2 not later than the 30th day after the date a child is enrolled in a public school.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1)

Residential Facility

Except for a juvenile pre-adjudication secure detention facility or a juvenile post-adjudication secure correctional facility, a residential facility shall provide to a district that provides educational services to a student placed in the facility any information retained by the facility relating to:

1. The student's school records, including records regarding special education eligibility or services, behavioral intervention plans, school-related disciplinary actions, and other documents related to the student's educational needs;

2. Any other behavioral history information regarding the student that is not confidential under another law; and

3. The student's record of convictions or the student's probation, community supervision or parole status, as provided to the facility, if necessary to provide education services to the student.

Education Code 29.012(f), (g)

Summer School Enrollment

A district shall permit a person who is eligible under Education Code 25.001 [see General Eligibility, above] to attend school in the district but who is not enrolled in school in the district to enroll in a district summer school course on the same basis as a district student, including satisfaction of any course eligibility requirement and payment of any fee authorized under Education Code 11.158 [see FP] that is charged in connection with the course.

This requirement does not apply to enrollment in a Summer Intensive Mathematics Instruction Program under Education Code 29.088, a Summer Intensive Science Instruction Program under Education Code 29.090, or in a similar intensive program.

Education Code 25.008

Enrollment in Prekindergarten and Kindergarten

A parent or guardian may elect for a student to enroll in prekindergarten, if the student would have been eligible to enroll in prekindergarten during the previous school year under Education Code 29.153(b) [see EHBG] and the student has not yet enrolled in kindergarten, or enroll in kindergarten, if the student would have been eligible to enroll in kindergarten in the previous school year and has not yet enrolled in first grade. *Education Code 28.02124* [See EIE]

Food Allergy Information

On enrollment, a district shall request, by providing a form or otherwise, that a parent or other person with legal control of the child under a court order disclose whether the child has a food allergy or a severe food allergy that, in the judgment of the parent or other person with legal control, should be disclosed to the district to enable the district to take any necessary precautions regarding the child's safety [see FB and FFAF]; and specify the food to which the child is allergic and the nature of the allergic reaction.

The district shall maintain the confidentiality of the provided information, and may disclose the information to teachers, school counselors, school nurses, and other appropriate school personnel only to the extent consistent with district policy under Education Code 38.009 and permissible under the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. [See FL]

"Severe food allergy" means a dangerous or life-threatening reaction of the human body to a food-borne allergen introduced by inhalation, ingestion, or skin contact that requires immediate medical attention.

Education Code 25.0022(a)–(c)

Child in DFPS Possession

A district shall enroll a child without the required documentation if DFPS has taken possession of the child. DFPS shall ensure that the required documentation is furnished to a district not later than the 30th day after the date the child is enrolled. *Education Code 25.002(g)*

Inconsistent Documentation

If a child is enrolled under a name other than the name that appears in the identifying documents or records, a district shall notify the missing children and missing persons information clearinghouse of the child's name as shown on the identifying records and the name under which the child is enrolled.

Missing Documentation

If the required documents and other records are not furnished to a district within 30 days after enrollment, the district shall notify the police department of the city or the sheriff's department of the county in which the district is located and request a determination of whether the child has been reported as missing.

Education Code 25.002(b)–(c)

Parent Contact Information

The parent of a student enrolled in a district shall provide in writing to the district:

1. On enrollment of the student in the district and not later than two weeks after the beginning of each school year, the parent's address, phone number, and email address; and
2. If the parent's contact information changes during the school year, not later than two weeks after the date the information changes, the parent's updated information.

Education Code 26.0125

Students Under 11

On enrollment of a child under 11 years of age in a school for the first time at the school, the school shall:

1. Request from the person enrolling the child the name of each previous school attended by the child;
2. Request from each school identified in item 1 the school records for the child and, if the person enrolling the child provides copies of previous school records, request verification from the school of the child's name, address, date, and grades and dates attended; and
3. Notify the person enrolling the student that not later than the 30th day after enrollment, or the 90th day if the child was not born in the United States, the person must provide:
    a. A certified copy of the child's birth certificate; or
    b. Other reliable proof of the child's identity and age and a signed statement explaining the person's inability to produce a copy of the child's birth certificate.

If a person enrolls a child under 11 years of age in school and does not provide the valid prior school information or documentation required, the school shall notify the appropriate law enforcement agency before the 31st day after the person fails to comply.

Code of Criminal Procedure 63.019

False Information

When accepting a child for enrollment, a district shall inform the parent or other person enrolling the child that presenting a false

document or false records in connection with enrollment is a criminal offense under Penal Code 37.10 (Tampering with Governmental Records) and that enrolling the child under false documents makes the person liable for tuition or other costs as provided below. *Education Code 25.002(d)*

In addition to the penalty under Penal Code 37.10, a person who knowingly falsifies information on a form required for a student's enrollment in a district is liable to the district if the student is not eligible for enrollment but is enrolled on the basis of false information. For the period during which the ineligible student is enrolled, the person is liable for the maximum tuition fee a district may charge [see FDA] or the amount a district has budgeted per student as maintenance and operating expense, whichever is greater. *Education Code 25.001(h)*

A district may include on its enrollment form notice of the legal penalties and liability for falsifying information on the form. *Education Code 25.001(i)*

Placement of Transfers

Credits and Records

A district shall accept all credits earned toward state graduation requirements by students in accredited Texas school districts, including credits earned in accredited summer school programs. Credits earned in local credit courses may be transferred at a district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

A district shall grant a student credit toward the academic course requirements for high school graduation for courses the student successfully completes in TJJD educational programs. *Education Code 30.104(a)*

Each district shall consider course credit earned by a student while in a juvenile justice alternative education program as credit earned in a district school. *Education Code 37.011(d)*

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

[For information regarding educational placement of students who are homeless or in substitute care, see FFC.]

Foundation School Program

A person is entitled to the benefits of the available school fund for a school year if:

1. On September 1 of the year, the person:
   a. Is at least five years of age and under 21 years of age, and has not graduated from high school;
   b. Is at least 21 years of age and under 26 years of age and is admitted by a school district to complete the requirements for a high school diploma; or
   c. Is at least 18 years of age and under 50 years of age and is enrolled in an adult education program provided under the adult high school charter school program under Education Code Chapter 12, Subchapter G.
2. The person is enrolled in prekindergarten under Education Code 29.153 [see EHBG].
3. The person is younger than five years of age and performs satisfactorily on the state assessment instrument administered to third graders and a district has adopted a policy to admit students younger than five years of age.
4. The person is enrolled in the first grade and is at least six years of age at the beginning of the current school year or has been enrolled in the first grade, or has completed kindergarten, in the public schools of another state before transferring to a Texas public school.

Education Code 25.001(a), 48.003

Screening

The principal of each district school shall ensure that each student admitted to that school has complied with requirements for screening of special senses and communication disorders, spinal screening, and a risk assessment for Type 2 diabetes, or has submitted an affidavit of exemption. *Health and Safety Code 36.005, 37.002, 95.003(c)* [See FFAA]

Pest Control Information

Chief administrators or the integrated pest management (IPM) coordinators of schools must notify the parents or guardians of children attending the facility in writing that pesticides are periodically applied indoors and outdoors, and that information on the times and types of applications and prior notification is available upon request. Such notification must be made at the time of the students' registration. Telephonic, written, or electronic notification of planned applications will meet the notification requirements. *4 TAC 7.148(c); Occupations Code 1951.455(b)* [See CLB]

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[1] Authorization Agreement for Nonparent Relative (PDF): https://www.dfps.state.tx.us/Application/Forms/showFile.aspx?NAME=2638.pdf

[2] Student and Exchange Visitor Program: https://www.ice.gov/sevis

Persons Age 21 and Over

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

Registration Forms

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

In accordance with administrative regulations, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency. The District may investigate stated residency as necessary.

Minor Living Apart

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

Extracurricular Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

Nonresident Student in Grandparent's After-School Care

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.

"Accredited" Defined

For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

Grade-Level Placement

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the

grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student enrolling in a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

1. Scores on achievement tests, which may be administered by appropriate District personnel.
2. Recommendation of the sending school.
3. Prior academic record.
4. Chronological age and social and emotional development of the student.
5. Other criteria deemed appropriate by the principal.

Transfer of Credit

Accredited Texas Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or Nonaccredited Schools

Before recognizing credit in a course earned in an accredited nonpublic school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to ensure credit, including proportionate credit, is awarded appropriately for all subjects and courses taken prior to enrollment.

[See EI]

Withdrawal

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

Agreement Between Districts

The boards of two or more adjoining school districts or the boards of county school trustees of two or more adjoining counties may, by agreement and in accordance with Education Code 25.032–.034, arrange for the transfer and assignment of any student from the jurisdiction of one board to that of another. In the case of the transfer and assignment of a student under this provision, the participating governing boards shall also agree to the transfer of school funds or other payments proportionate to the transfer of attendance. *Education Code 25.035*

Initiated by Student or Parent

Any student, other than a high school graduate, who is under 21 years of age and eligible for enrollment on September 1, may transfer to another Texas district, provided that both the receiving district and the applicant's parent, guardian, or person having lawful control agree in writing to the transfer. *Education Code 25.036* [See also FD]

Transfer to a District Offering In-Person Instruction

If a district provides notice to the parent or person standing in parental relation to a student enrolled in the district of the district's intent to offer only virtual instruction for more than one grading period during a school year, the student may transfer for that school year to another district that offers in-person instruction during that school year and accepts the student's transfer.

"Virtual instruction" means instructional activities delivered to students primarily over the internet.

A student who transfers to another school district under this section may not be charged tuition. The student is included in the average daily attendance of the district in which the student attends school.

Education Code 25.045

Basis for Transfer

A board or its designee must make transfer decisions on an individual basis and may not consider as a factor in arriving at any decision regarding assignments any matter relating to the national origin of the student or the student's ancestral language. *Education Code 25.032* [See FDAA]

Transportation

A board may establish and operate an economical public school transportation system outside the district if students enrolled in the district reside outside the district and the district meets the requirements of Education Code 34.007(a)(3) [see CNA]. *Education Code 34.007(a)*

Funding for Transfers

Upon the filing and certification of any transfer, the state per capita apportionment shall transfer with the student. For purposes of computing state allotments to districts eligible under the Foundation School Program, the student's attendance prior to the date of transfer shall be counted by the sending district and the student's

attendance after transfer shall be counted by the receiving district. *Education Code 25.037*

Credits and Records

Credits earned in local credit courses may be transferred at the enrolling district's discretion. Transfer students shall not be prohibited from attending school pending receipt of transcripts or academic records from the district the student previously attended. *19 TAC 74.26(a)(1)*

Nonpublic Schools

Records and transcripts of students from Texas nonpublic schools or from out of state or out of the country (including foreign exchange students) shall be evaluated, and students shall be placed promptly in appropriate classes. A district may use a wide variety of methods to verify the content of courses for which a transfer student has earned credit. *19 TAC 74.26(a)(2)*

Tuition Fee for Transfer Students

A receiving district may charge a tuition fee to the extent that the district's actual expenditure per student in average daily attendance exceeds the sum of state available school fund apportionment benefits transferred under Education Code 25.037. However, unless a tuition fee is prescribed and set out in a transfer agreement prior to its execution by the parties, no increase in tuition charge shall be made for the year of that transfer that exceeds the tuition charge, if any, of the preceding school year. *Education Code 25.038*

Transfers to Adjoining States

Note: The following provision applies to a district located on the border of an adjoining state.

Any student who would be entitled to attend the public school of any district situated on the border of Louisiana, Arkansas, Oklahoma, or New Mexico and who may find it more convenient to attend the public school in a district in one of those contiguous states, may have the state and county per capita apportionment of the available school funds paid to the school district of the contiguous state and may have additional tuition, if necessary, paid by the district of residence on such terms as may be agreed upon by the trustees of the receiving district and the trustees of the residence district. *Education Code 25.040*

Contracts for Education Outside Districts

Note: The following section applies only to districts that do not offer all grades, kindergarten–grade 12.

A district that does not offer each grade, kindergarten–grade 12, may provide by contract for students residing in the district who are at grade levels not offered by the district to be educated at those grade levels in one or more other districts. In each contract, the

districts also shall agree to the transfer of school funds or other payments proportionate to the transfer of attendance.

Tuition

The district in which the students reside shall pay tuition to any district with which it has a contract under this section for each of its students attending school in that district at a grade level for which the district has contracted. The amount of the tuition paid may not exceed the greater of the amount provided for by Education Code 25.038 [see above], or an amount specified by commissioner rule [see below].

A district is not required to pay tuition to any district with which it has not contracted for the attendance by any of its students at a grade level for which it has contracted under this provision with another district.

A contract under this provision may not be for a period exceeding five years.

Education Code 25.039

Definitions

"Home district" means a district of residence of a transferring student.

"Receiving district" means a district to which a student is transferring for the purpose of obtaining an education.

"Tuition" means an amount charged to the home district by the receiving district to educate the transfer student.

Tuition Allotment of the Home District

For the purposes of calculating the tuition allotment of the home district as authorized by Education Code 48.154, the amount of tuition that may be attributed to a home district for a transfer student in payment for that student's education may not exceed an amount per enrollee calculated for each receiving district. The calculated limit applies only to tuition paid to a receiving district for the education of a student at a grade level not offered in the home district. Tuition may be set at a rate higher than the calculated limit if both districts enter a written agreement, but the calculated tuition limit will be used in the calculation of the tuition allotment for the home district. The calculation will use the most currently available data in an ongoing school year to determine the limit that applies to the subsequent school year. For purposes of this provision, the number of students enrolled in a district will be appropriately adjusted to account for students ineligible for the Foundation School Program funding and those eligible for half-day attendance.

Calculated Tuition Limit

The calculated tuition limit is the sum of the excess maintenance and operations (M&O) revenue per enrollee and the excess debt

revenue per enrollee, as calculated in 19 Administrative Code 61.1012(b)(2)–(3).

Notification and Appeal Process

In the spring of each school year, the commissioner will provide each district with its calculated tuition limit and a worksheet with a description of the derivation process. A district may appeal to the commissioner if it can provide evidence that the use of projected student counts from the LPE in making the calculation is so inaccurate as to result in an inappropriately low authorized tuition charge and undue financial hardship. A district that used significant nontax sources to make any of its debt service payments during the base year for the computation may appeal to the commissioner to use projections of its tax collections for the year for which the tuition limit will apply. The commissioner's decision regarding an appeal is final.

19 TAC 61.1012

Note: For more information regarding support services for students experiencing homelessness, including provisions regarding district liaisons and transition services, see FFC.

Children Who Are Homeless

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district serving children who are homeless shall, according to the child's best interest:

1. Continue the child's education in the school of origin for the duration of homelessness:
    a. If the child's family becomes homeless between academic years or during an academic year; and
    b. For the remainder of the academic year, if the child becomes permanently housed during an academic year; or
2. Enroll the child in any school that nonhomeless students who live in the attendance area in which the child is actually living are eligible to attend.

42 U.S.C. 11432(g)(3)(A) [For definition of "children who are homeless," see FD]

Definitions

Unaccompanied Youth

"Unaccompanied youth" includes a child who is homeless or youth not in the physical custody of a parent or guardian. *42 U.S.C. 11434A*

Enrollment

"Enroll" and "enrollment" include attending classes and participating fully in school activities.

School of Origin

"School of origin" means the school that the child attended when permanently housed or the school in which the child was last enrolled, including a preschool.

When the child completes the final grade level served by the school of origin, the term "school of origin" shall include the designated receiving school at the next grade level for all feeder schools.

42 U.S.C. 11432(g)(3)(I)

School Stability

In determining the best interest of a child who is homeless, a district shall:

1. Presume that keeping the child in the school of origin is in the child's best interest, except when doing so is contrary to the

request of the child's parent or guardian, or (in the case of an unaccompanied youth) the youth;

2. Consider student-centered factors related to the child's best interest, including factors related to the impact of mobility on achievement, education, health, and safety of children who are homeless, giving priority to the request of the child's parent or guardian or the unaccompanied youth;

3. If, after conducting the best interest determination based on consideration of the presumption in item 1 above and the student-centered factors in item 2 above, the district determines that it is not in the child's best interest to attend the school of origin or the school requested by the parent or guardian or the unaccompanied youth, provide the parent, guardian, or unaccompanied youth with a written explanation of the reasons for its determination, in a manner and form understandable to such parent, guardian, or unaccompanied youth, including information regarding the right to appeal as set forth at Enrollment Disputes, below; and

4. In the case of an unaccompanied youth, ensure that the homeless liaison [see FFC] assists in placement and enrollment decisions under these provisions, gives priority to the views of such unaccompanied youth, and provides the notice to such youth of the right to appeal as set forth at Enrollment Disputes, below.

42 U.S.C. 11432(g)(3)(B)

Contact Information

A district may require the parent or guardian of a child who is homeless to submit contact information. *42 U.S.C. 11432(g)(3)(H)*

Immediate Enrollment

The school selected in accordance with these provisions shall immediately enroll a child who is homeless, even if the child:

1. Is unable to produce records normally required for enrollment, such as previous academic record, records of immunization and other required health records, proof of residency, or other document; or

2. Has missed application or enrollment deadlines during any period of homelessness.

42 U.S.C. 11432(g)(3)(C)

Enrollment Disputes

If a dispute arises over eligibility, or school selection or enrollment in a school:

1. The child shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

2. The parent or guardian of the child or an unaccompanied youth shall be provided with a written explanation of any decisions related to school selection or enrollment made by the district, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions.

3. The parent, guardian, or unaccompanied youth shall be referred to the homeless liaison [see FFC], who shall carry out the dispute resolution process as expeditiously as possible after receiving notice of the dispute; and

4. In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.

42 U.S.C. 11432(g)(3)(E) [See FNG]

School Placement

As a condition of receiving funds under the McKinney-Vento Act, TEA shall submit to the U.S. Secretary of Education a plan that includes assurances that a district will adopt policies and practices to ensure that children who are homeless are not stigmatized or segregated on the basis of their status as homeless. *42 U.S.C. 11432(g)(1)(J)(i)*

The choice regarding placement shall be made regardless of whether the child lives with the parents who are homeless or has been temporarily placed elsewhere. *42 U.S.C. 11432(g)(3)(F)*

Records

Academic

The enrolling school shall immediately contact the school last attended by the child to obtain relevant academic and other records. *42 U.S.C. 11432(g)(3)(C)(ii)*

Health

If the child needs to obtain immunizations or other required health records, the enrolling school shall immediately refer the child's parent or guardian or an unaccompanied youth to the district homeless liaison [see FFC] who shall assist in obtaining necessary immunizations or screenings, or immunization or other required health records. [See also FFAB] *42 U.S.C. 11432(g)(3)(C)(iii)*

Maintenance

Any record ordinarily kept by a school, including immunization or other required health records, academic records, birth certificates, guardianship records, and evaluation for special services or programs, regarding each child who is homeless shall be maintained so that the records involved are available, in a timely fashion, when a child enters a new school or district, and in a manner consistent

with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g) [see FL]. *42 U.S.C. 11432(g)(3)(D)*

Privacy

Information about the living situation of a child who is homeless shall be treated as a student education record and shall not be deemed to be directory information under FERPA. [See FL] *42 U.S.C. 11432(g)(3)(G)*

Comparable Services

The district shall provide a child who is homeless with services that are comparable to services offered to other students in the school in which the child is enrolled, including:

1. Transportation services;
2. Educational services for which the child meets the eligibility criteria;
3. Programs in career and technical education;
4. Programs for gifted and talented students; and
5. School nutrition programs.

42 U.S.C. 11432(g)(4)

Coordination

A district serving children who are homeless shall coordinate:

1. The provision of services with local social services agencies and other agencies or entities providing services to children who are homeless and their families; and
2. Transportation, transfer of school records, and other interdistrict activities with other local educational agencies.

Housing Assistance

If applicable, a district shall coordinate with state and local housing agencies responsible for developing the comprehensive housing affordability strategy described in the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705), to minimize educational disruption for children who become homeless.

Purpose

The coordination shall be designed to:

1. Ensure that children who are homeless are promptly identified and have access to, and are in reasonable proximity to, available education and related support services; and
2. Raise the awareness of school personnel and service providers of the effects of short-term stays in a shelter and other challenges associated with homelessness.

Children who are Homeless with Disabilities

For children who are to be assisted both under the McKinney-Vento Act and under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) or section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), a district shall coordinate provision of services under the McKinney-Vento Act with the provision of programs for children with disabilities served by that district and other involved local educational agencies. [See EHBA series]

42 U.S.C. 11432(g)(5)

Barriers to Enrollment

A district shall review and revise any policies that may act as barriers to the identification or enrollment of children who are homeless. A district shall give consideration to issues concerning transportation, immunization, residency, birth certificates, school records and other documentation, and guardianship. A district shall give special attention to ensuring the identification, enrollment, and attendance of children who are homeless who are not currently attending school*. 42 U.S.C. 11432(g)(7)*

Website Information on Local Programs

Each campus within a district with 3,000 or more students and located in a county with a population of at least 50,000 that maintains an internet website shall post on the campus website information regarding local programs and services, including charitable programs and services, available to assist students who are homeless.

A campus shall make a good faith effort to compile information and shall post the information compiled in a format and style that is easily understandable by students or parents, as appropriate based on the grade levels the campus offers.

A representative of a local program or service available to assist students who are homeless may request to have information concerning the program or service posted on a campus website. A campus may determine the information that is posted on its website and is not required to post information as requested by the representative.

The district is not liable for any harm to a student that results in connection with a local program or service referred to on the website of a campus.

Education Code 33.906

Other Related Policies:

- AID—Federal Accountability Standards
- CNA—Student Transportation

- EHBD—Federal Title I Programs
- FB—Equal Educational Opportunities
- FD—Admissions
- FFAB—Immunizations
- FFC—Student Support Services
- FL—Student Records
- FP—Student Fees, Fines, and Charges

Note: The Board has adopted an innovation plan[1] that affects application of provisions in this legally referenced policy.

Compulsory Attendance

Students who are at least six years of age, or who have been previously enrolled in first grade, and who have not yet reached their 19th birthday shall attend school for the entire period the program is offered, unless exempted as indicated below. On enrollment in prekindergarten or kindergarten, a student shall attend school. *Education Code 25.085(a)–(c)*

Voluntary Enrollment of Students 19 and Over

A person who voluntarily enrolls in school or voluntarily attends school after the person's 19th birthday shall attend school each school day for the entire period the program of instruction is offered. A board may adopt a policy requiring the student who is under 21 years of age to attend school until the end of the school year.

After the third unexcused absence of a person who voluntarily enrolls, a district shall issue a warning letter to the person that states the person's enrollment may be revoked for the remainder of the school year if the person has more than five unexcused absences in a semester.

A district may revoke for the remainder of the school year the enrollment of a person who has more than five unexcused absences in a semester, except a school district may not revoke the enrollment of a person under this provision on a day on which the person is physically present at school.

A person whose enrollment is revoked for exceeding this limit may be considered an unauthorized person on school grounds for the purposes of Education Code 37.107 regarding trespassing.

As an alternative to revoking a person's enrollment, a school district may impose a behavior improvement plan described by Education Code 25.0915(a-1)(1).

Education Code 25.085(e)–(h)

Accelerated / Compensatory Programs

Unless specifically exempted, a student must also attend:

1. An extended-year program for which the student is eligible that is provided by a district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Education Code 29.084 [see EHBC];

2. An accelerated reading instruction program to which the student has been assigned under Education Code 28.006(g) [see EKC];

3. An accelerated instruction program to which the student is assigned under Education Code 28.0211 [see EIE];

4. A basic skills program to which the student is assigned under Education Code 29.086 [see EHBC]; or

5. A summer program provided:

   a. To a student placed in in-school suspension or other alternative setting, other than a disciplinary alternative education program (DAEP), who has been offered the opportunity to complete before the beginning of the next school year each course in which the student was enrolled at the time of removal. *Education Code 37.021* [See FO]

   b. To a student removed to a DAEP who has been offered an opportunity to complete coursework before the beginning of the next school year. *Education Code 37.008(l)* [See FOCA]

Education Code 25.085(d)

Additional Instructional Days

Notwithstanding any other provision in Education Code 25.085, a student enrolled in a district is not required to attend school for any additional instructional days described by Education Code 48.0051 [See Incentive for Additional Instructional Days at FEB(LEGAL)]. *Education Code 25.085(i)*

Exemptions

A student is exempt from compulsory attendance requirements under the following statutory provisions.

Equivalency Diploma

A student is exempt from compulsory attendance requirements if the student is at least 17 years of age and has been issued a high school equivalency certificate or diploma.

Private or Home School

A student is exempt from compulsory attendance requirements if the student attends a private or parochial school that includes in its course a study of good citizenship.

A student in a home school shall be exempt from compulsory attendance if he or she is pursuing in good faith a curriculum consisting of books, workbooks, other written materials (including those that appear on an electronic screen of either a computer or video tape monitor), or any combination of these. The curriculum shall be designed to meet basic education goals of reading, spelling, gram-

	mar, mathematics, and a study of good citizenship. *Tex. Educ. Agency v. Leeper, 893 S.W.2d 432 (Tex. 1994)*
Special Education—Nondistrict Placement	A student is exempt from compulsory attendance requirements if the student is eligible to participate in a district's special education program under Education Code 29.003 and cannot be appropriately served by the resident district.
Medical Condition	A student is exempt from compulsory attendance requirements if the student has a temporary and remediable physical or mental condition that makes attendance infeasible and the student has a certificate from a qualified physician specifying the temporary condition, indicating the prescribed treatment, and covering the anticipated period of absence for the purpose of receiving and recuperating from remedial treatment.
Expulsion—No JJAEP	A student is exempt from compulsory attendance requirements if the student is expelled in accordance with legal requirements in a district that does not participate in a mandatory juvenile justice alternative education program. [See FOD]
17-Year-Old in GED Course	A student is exempt from compulsory attendance requirements if the student is at least 17 years old, is attending a course of instruction to prepare for the high school equivalency examinations, and: 1. Has the permission of the student's parent or guardian to attend the course; 2. Is required by court order to attend the course; 3. Has established a residence separate and apart from the student's parent, guardian, or other person having lawful control of the student; or 4. Is homeless.
High School Replacement Programs	A student is exempt from compulsory attendance requirements if the student is enrolled in the Texas Academy of Leadership in the Humanities, Texas Academy of Mathematics and Science, or Texas Academy of International Studies.
16-Year-Old in GED Program or Job Corps	A student is exempt from compulsory attendance requirements if the student is at least 16 years old and is attending a course of instruction to prepare for the high school equivalency examinations, if: 1. The student is recommended to take the course by a public agency that has supervision or custody of the student under a court order; or

2. The student is enrolled in a Job Corps training program under the Workforce Investment Act of 1998, 29 U.S.C. 2801. [Note: The Workforce Investment Act of 1998 has been repealed.]

Other Exemption

A student is exempt from compulsory attendance requirements if the student is specifically exempted under another law.

Education Code 25.086

Excused Absences for Compulsory Attendance Determinations

Note: Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) *Student Attendance and Accounting Handbook*.[2]

A district shall excuse a student from attending school for the following purposes, including travel for those purposes.

1. Observing religious holy days;
2. Attending a required court appearance;
3. Appearing at a governmental office to complete paperwork required in connection with the student's application for United States citizenship.
4. Taking part in a United States naturalization oath ceremony;
5. Serving as an election clerk [see Early Voting Clerks, below]; or
6. If a student is in the conservatorship of the Department of Family and Protective Services (DFPS), participating, as determined and documented by DFPS, in an activity:
    a. Ordered by a court under Family Code Chapter 262 or 263, provided that it is not practicable to schedule the participation outside of school hours, or
    b. Required under a service plan under Family Code Chapter 263, Subchapter B.

Education Code 25.087(b)(1)

Health-Care Appointments

A district shall excuse a student from attending school for a temporary absence resulting from an appointment with a health-care professional for the student or the student's child if the student commences classes or returns to school on the same day of the appointment. "Temporary absence" includes the temporary absence of a student diagnosed with autism spectrum disorder on the day of the student's appointment with a health-care practitioner to receive a generally recognized service for persons with autism spectrum disorder, including applied behavioral analysis, speech

therapy, and occupational therapy. *Education Code 25.087(b)(2)–(b-3)*

Serious or Life-Threatening Illness

A district shall excuse an absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible, if the student or the student's parent or guardian provides a certification from a physician licensed to practice medicine in Texas specifying the student's illness and the anticipated period of the student's absence relating to the illness or related treatment. *Education Code 25.087(b)(3)*

Higher Education Visits

A district may excuse a student from attending school to visit an institution of higher education accredited by a generally recognized accrediting organization during the student's junior and senior years of high school for the purpose of determining the student's interest in attending the institution of higher education, provided that:

1. The district may not excuse for this purpose more than two days during the student's junior year and two days during the student's senior year; and
2. The district adopts:
    a. A policy to determine when an absence will be excused for this purpose; and
    b. A procedure to verify the student's visit at the institution of higher education.

Education Code 25.087(b-2)

Early Voting Clerks

A district may adopt a policy excusing a student from attending school for service as a student early voting clerk in an election. A district may excuse a student for serving as an election clerk [see Election Clerks, above] or early voting clerk for a maximum of two days in a school year. *Education Code 25.087(b-1), (e)*

Military Dependents

A district shall excuse a student whose parent, stepparent, or legal guardian is an active duty member of the uniformed services and has been called to duty for, is on leave from, or immediately returned from continuous deployment of at least four months outside the locality where the parent, stepparent, or guardian regularly resides, to visit with the student's parent, stepparent, or guardian. A district may not excuse a student under this provision more than five days in a school year. An excused absence under this provision must be taken not earlier than the 60th day before the date of deployment or not later than the 30th day after the date of return from deployment. *Education Code 25.087(b-4)* [See FDD]

Enlistment in Armed Services	A district shall excuse a student who is 17 years of age or older from attending school to pursue enlistment in a branch of the armed services of the United States or the Texas National Guard, provided that: 1. The district may not excuse for this purpose more than four days of school during the period the student is enrolled in high school; and 2. The district verifies the student's activities related to pursuing enlistment in a branch of the armed services or the Texas National Guard. A district shall adopt procedures to verify a student's activities as described in these provisions. *Education Code 25.087(b-5), (b-6)*
Visit to a Driver's License Office	A district may excuse a student who is 15 years of age or older from attending school to visit a driver's license office to obtain a driver's license or learner license, provided that the district may not excuse more than one day of school during the period the student is enrolled in high school for each of the following purposes: obtaining a driver's license; or obtaining a learner license. The district must verify the student's visit to the driver's license office in accordance with procedures adopted by the district. *Education 25.087(b-7)*
Taps at Military Funeral	In addition, a district may excuse a student in grades 6 through 12 for the purpose of sounding "Taps" at a military honors funeral held in this state for a deceased veteran. *Education Code 25.087(c)*
No Penalty	A student whose absence is excused for a reason described beginning at Excused Absences for Compulsory Attendance Determinations, above, may not be penalized for that absence and shall be counted as if the student attended school for purposes of calculating the average daily attendance of students in the district.
Make-Up Work	The student shall be allowed a reasonable time to make up schoolwork missed on the days described above. If the student satisfactorily completes the work, the days of absence shall be counted as days of compulsory attendance. *Education Code 25.087(d)*
Other Excused Absences	A person required to attend school may be excused for temporary absence resulting from any cause acceptable to the teacher, principal, or superintendent of the school in which the person is enrolled. *Education Code 25.087(a)*

Notices to Parents

Warning Notice

A district shall notify a student's parent in writing at the beginning of the school year that, if the student is absent from school on ten or more days or parts of days within a six-month period in the same school year, the student's parent is subject to prosecution under Education Code 25.093, and the student is subject to referral to a truancy court for truant conduct under Family Code 65.003(a).

Notice of Absences

A district shall notify a student's parent if the student has been absent from school, without excuse under Education Code 25.087, on three days or parts of days within a four-week period. The notice must:

1. Inform the parent that:
    a. It is the parent's duty to monitor the student's school attendance and require the student to attend school;
    b. The student is subject to truancy prevention measures under Education Code 25.0915; and
2. Request a conference between school officials and the parent to discuss the absences.

The fact that a parent did not receive the notices described above is not a defense for the parent's failure to require a child to attend school nor for the student's failure to attend school.

Education Code 25.095

Non-Attendance

Parent Liability

A parent or person standing in parental relation commits an offense if:

1. A warning notice is issued;
2. The parent with criminal negligence fails to require the child to attend school as required by law; and
3. The child has absences for the amount of time specified under Family Code 65.003(a).

The attendance officer [see FED] or other appropriate school official shall file a complaint against the parent in an appropriate court, as permitted under Education Code 25.093.

Affirmative Defense—Parent

It is an affirmative defense to prosecution that one or more of the absences required to be proven was excused by a school official or should be excused by the court. A decision by the court to excuse an absence for this purpose does not affect the ability of a district to determine whether to excuse the absence for another purpose.

Education Code 25.093

Student Liability

A child engages in truant conduct if the child is required to attend school under the compulsory attendance laws, and fails to attend school on ten or more days or parts of days within a six-month period in the same school year. Truant conduct may be prosecuted only as a civil case in a truancy court. *Family Code 65.003(a)–(b)*

"Child" means a person who is 12 years of age or older and younger than 19 years of age. *Family Code 65.002(1)*

Truancy Courts

The following are designated as truancy courts:

1. The constitutional county court in a county with a population of 1.75 million or more;
2. Justice courts; and
3. Municipal courts.

A truancy court has exclusive original jurisdiction over cases involving allegations of truant conduct.

Family Code 65.004(a)–(b)

Affirmative Defense—Student

It is an affirmative defense to an allegation of truant conduct that one or more of the absences required to be proven:

1. Have been excused by a school official or by the court;
2. Were involuntary; or
3. Were due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

The affirmative defense is not available if, after deducting the absences described above, there remains a sufficient number of absences to constitute truant conduct.

In asserting an affirmative defense, the burden is on the child to show by a preponderance of the evidence that the absence has been or should be excused, was involuntary, or was due to the child's voluntary absence from the child's home because of abuse, as defined by Family Code 261.001.

A decision by the court to excuse an absence does not affect the ability of the district to determine whether to excuse the absence for another purpose.

Family Code 65.003(c)–(f)

Truancy Prevention Measures

If a student fails to attend school without excuse on three or more days or parts of days within a four-week period but does not fail to attend school for the time described below, the district shall initiate

truancy prevention measures on the student. [See FED] *Education Code 25.0915(a-4)*

District Complaint or Referral

If a student fails to attend school without excuse on ten or more days or parts of days within a six-month period in the same school year, a district shall within ten school days of the student's tenth absence refer the student to a truancy court for truant conduct under Family Code 65.003(a). [See FED] *Education Code 25.0951(a)*

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[1] Innovation Plan: https://www.wacoisd.org

[2] TEA *Student Attendance Accounting Handbook*: https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook

Note: The Board has adopted an innovation plan[1] that affects application of provisions in this legally referenced policy.

Additional information regarding attendance accounting requirements is found in the Texas Education Agency's (TEA) *Student Attendance and Accounting Handbook*.[2]

Uniform Accounting System

Each district shall use a uniform accounting system adopted by the commissioner for the data required to be reported for the Public Education Information Management System. *Education Code 48.008(b)*

Student Attendance Accounting Handbook

The commissioner will annually establish student attendance accounting guidelines and procedures to be used by a district to maintain records and make reports on student attendance and student participation in special programs.

The standard procedures that a district must use to maintain records and make reports on student attendance and student participation in special programs are described in the official TEA publication *Student Attendance Accounting Handbook.* A copy of the *Student Attendance Accounting Handbook* is available on the TEA website with information related to financial compliance.

Data from previous school years will continue to be subject to the student attendance accounting handbook as the handbook existed in those years.

19 TAC 129.1025

Incentive for Additional Instructional Days

The commissioner shall adjust the average daily attendance of a district under Education Code 48.005 in the manner provided by Education Code 48.0051(b) if the district:

1. Provides the minimum number of minutes of operational and instructional time required under Education Code 25.081 and commissioner rules adopted under that section over at least 180 days of instruction; and

2. Offers an additional 30 days of half-day instruction for students enrolled in prekindergarten through fifth grade.

Education Code 48.0051(a)

Funding for Off-Campus Programs

Funding eligibility for a student participating in an off-campus program will include time instructed in the off-campus program. A campus may choose an alternate attendance-taking time for a group of students that is scheduled to be off-campus during the regular attendance-taking time. The alternate attendance-taking time will be in effect for the period of days or weeks for which the

group is scheduled to be off-campus during the regular attendance-taking time (for example, for the semester or for the duration of employment). This alternate attendance-taking time may not be changed once it is selected for a particular group of students. If attendance is taken at an off-campus location, the district must ensure that attendance is taken in accordance with the *Student Attendance Accounting Handbook*.

For a district to receive FSP funding for a student participating in an off-campus program, the district must have documentation of an agreement between the district and the college.

19 TAC 129.1031(c)–(d) [See EHDD]

[For information regarding funding for virtual instruction and remote learning programs, see EHDE and EHDF.]

Disasters

The commissioner may adjust the average daily attendance of a district all or part of which is located in an area declared a disaster area by the governor under Government Code Chapter 418 if the district experiences a decline in average daily attendance that is reasonably attributable to the impact of the disaster.

The commissioner may make the adjustment under this section for the two-year period following the date of the governor's initial proclamation or executive order declaring the state of disaster.

Education Code 48.006(a), (c)

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[1] Innovation Plan: https://www.wacoisd.org

[2] TEA *Student Attendance Accounting Handbook*: https://tea.texas.gov/finance-and-grants/financial-compliance/student-attendance-accounting-handbook

Note: See FB for the application of Section 504 of the Rehabilitation Act to students who qualify for individualized health plans.

Diabetes Management and Treatment Plan

The parent or guardian of a student who will seek care for diabetes while at school or while participating in a school activity, and the physician responsible for the student's diabetes treatment, shall develop a diabetes management and treatment plan (DMTP).

Required Elements

The DMTP must:

1. Identify the health-care services the student may receive at school;
2. Evaluate the student's ability to manage and level of understanding of the student's diabetes; and
3. Be signed by the parent or guardian and the physician.

Submission to School

The parent or guardian must submit the DMTP to the school, and the school must review the plan:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls after the beginning of the school year; or
3. As soon as practicable following a diagnosis of diabetes for the student.

Health and Safety Code 168.002

Individualized Health Plan

Upon receiving the student's DMTP, the school principal, or designee, and the school nurse, if a school nurse is assigned to the school, shall develop an individualized health plan (IHP) for the student. The IHP shall be developed in collaboration with the student's parent or guardian and, to the extent practicable, the physician responsible for the student's diabetes treatment and one or more of the student's teachers.

A student's IHP must incorporate components of the student's DMTP, including the information required under Health and Safety Code 168.002(b) [see Required Elements, above].

Health and Safety Code 168.001(3), .003

Independent Monitoring and Treatment

In accordance with the student's IHP, a school shall permit the student to attend to the management and care of the student's diabetes, which may include:

1. Performing blood glucose level checks;

2. Administering insulin through the insulin delivery system the student uses;

3. Treating hypoglycemia and hyperglycemia;

4. Possessing on the student's person at any time any supplies or equipment necessary to monitor and care for the student's diabetes; and

5. Otherwise attending to the management and care of the student's diabetes in the classroom, in any area of the school or school grounds, or at any school-related activity.

Health and Safety Code 168.008

Required Care

Each school shall adopt a procedure to ensure that a school nurse or at least one unlicensed diabetes care assistant (UDCA) is present and available to provide the required care to a student with diabetes during the regular school day. A district may not restrict the assignment of a student with diabetes to a particular campus on the basis that the campus does not have the required UDCAs. *Health and Safety Code 168.007(c)–(d)*

If a school nurse is assigned to a campus and the nurse is available, the nurse shall perform the tasks necessary to assist a student with diabetes in accordance with the student's IHP.

School Nurse Not Available

If a school nurse is not assigned to the campus or a school nurse is not available, a UDCA shall perform the tasks necessary to assist the student in accordance with the student's IHP and in compliance with any guidelines provided during UDCA training. A UDCA may perform these tasks only if the parent or guardian of the student signs an agreement that:

1. Authorizes a UDCA to assist the student; and

2. States that the parent or guardian understands that a UDCA is not liable for civil damages [see Immunity from Liability, below].

Health and Safety Code 168.007(a)

If a school nurse is not assigned to a campus:

1. A UDCA must have access to an individual with expertise in the care of persons with diabetes, such as a physician, a registered nurse, a certified diabetes educator, or a licensed dietitian; or

2. The principal must have access to the physician responsible for the student's diabetes treatment.

Health and Safety Code 168.007(b)

Unlicensed Diabetes Care Assistants

At each school in which a student with diabetes is enrolled, the principal, or designee, shall:

1. Seek school employees who are not health-care professionals to serve as UDCAs and to care for students with diabetes; and

2. Make efforts to ensure the school has:

    a. At least one UDCA if a full-time nurse is assigned to the school; and

    b. At least three UDCAs if a full-time nurse is not assigned to the school.

"School employee" means a person employed by a school, a local health department that assists the school under Health and Safety Code Chapter 168 (Care of Students with Diabetes), or another entity with whom the school has contracted to perform its duties under that chapter.

"Unlicensed diabetes care assistant" means a school employee who has successfully completed the required training [see UDCA Training, below].

A school employee may not be subject to any penalty or disciplinary action for refusing to serve as a UDCA.

A UDCA shall serve under the supervision of the principal.

Health and Safety Code 168.001(5)–(6), .003–.004

UDCA Training

If a school nurse is assigned to a campus, the nurse shall coordinate the training of school employees acting as UDCAs. Training for UDCAs must be provided by a health-care professional with expertise in the care of persons with diabetes or by a school nurse. The training must include instruction in the elements set forth at Health and Safety Code 168.005(d).

Training must be provided before the beginning of the school year or as soon as practicable following:

1. The enrollment of a student with diabetes at a campus that previously had no students with diabetes; or

2. A diagnosis of diabetes for a student at a campus that previously had no students with diabetes.

The school nurse or principal shall maintain a copy of the training guidelines and any records associated with the training.

Health and Safety Code 168.005

Note: Guidance for the care of students with diabetes is available on the Texas Department of State Health Services (TDSHS) website.[1]

Information to Employees

A district shall provide to each district employee who is responsible for providing transportation for a student with diabetes or supervising a student with diabetes during an off-campus activity a one-page information sheet that:

1. Identifies the student who has diabetes;
2. Identifies potential emergencies that may occur as a result of the student's diabetes and the appropriate responses to such emergencies; and
3. Provide the telephone number of a contact person in case of an emergency involving the student with diabetes.

Health and Safety Code 168.006

Immunity from Liability

A school employee may not be subject to any disciplinary proceeding, as defined by Education Code 22.0512(b), resulting from any action taken in compliance with Health and Safety Code Chapter 168. The requirements of Chapter 168 are considered to involve the employee's judgment and discretion and are not considered ministerial acts for purposes of immunity under Education Code 22.0511. *Health and Safety Code 168.009(a)* [See DG]

A school nurse is not responsible for and may not be subject to disciplinary action under Occupations Code Chapter 301 for actions performed by a UDCA. *Health and Safety Code 168.009(b)*

A UDCA who assists a student as provided above [see Required Care, above] in compliance with the student's IHP:

1. Is not considered to be engaging in the practice of professional or vocational nursing under Occupations Code Chapter 301 or other state law; and
2. Is exempt from any applicable state law or rule that restricts the activities that may be performed by a person who is not a health-care provider.

A UDCA may exercise reasonable judgment in deciding whether to contact a health-care provider in the event of a medical emergency involving a student with diabetes.

Health and Safety Code 168.007(e)–(f)

Students at Risk for Anaphylaxis

The board shall adopt and administer a policy for the care of students with a diagnosed food allergy at risk for anaphylaxis based on Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[2] developed by the commissioner of state health services. A district shall annually review the policy and, as necessary, revise its policy for the care of students with a diagnosed food allergy at risk for anaphylaxis to ensure the policy is consistent with the most current version of the guidelines.

This section does not waive any liability or immunity of the district or its officers or employees or create any liability for or a cause of action against the district or its officers or employees.

Notwithstanding any other law, these provisions do not create a civil, criminal, or administrative cause of action or liability or create a standard of care, obligation, or duty that provides the basis for a cause of action.

Education Code 38.0151(a)–(b), (d), (i)–(j)

A district that provides for the maintenance, administration, and disposal of epinephrine auto-injectors under Education Code Chapter 38, Subchapter E [see FFAC] is not required to comply with Education Code 38.0151. *Education Code 38.0151(f)*

Website Requirements

Each school year, the board shall post a summary of the guidelines on the district's website [see CQA], including instructions on obtaining access to the complete guidelines document. The district's website must be accessible by each student enrolled in the district and a parent or guardian of each student. Any forms used by a district requesting information from a parent or guardian enrolling a child with a food allergy in the district must include information to access on the district's website a summary of the guidelines and instructions on obtaining access to the complete guidelines document. *Education Code 38.0151(g)*

Seizure Management and Treatment Plan

The parent or guardian of a student with a seizure disorder may seek care for the student's seizures while the student is at school or participating in a school activity by submitting to the district at which the student is enrolled a copy of a seizure management and treatment plan developed by the student's parent or guardian and the physician responsible for the student's seizure treatment. The plan must be submitted to and reviewed by the district:

1. Before or at the beginning of the school year;
2. On enrollment of the student, if the student enrolls in the district after the beginning of the school year; or
3. As soon as practicable following a diagnosis of a seizure disorder for the student.

Plan Requirements

A seizure management and treatment plan must:

1. Identify the health-care services the student may receive at school or while participating in a school activity;
2. Evaluate the student's ability to manage and level of understanding of the student's seizures; and
3. Be signed by the student's parent or guardian and the physician responsible for the student's seizure treatment.

Education Code 38.032(a)–(b)

Immunity

The care of a student with a seizure disorder by a district employee under a seizure management plan submitted under Education Code 38.032 is incident to or within the scope of the duties of the employee's position of employment and involves the exercise of judgment or discretion on the part of the employee for purposes of Education Code 22.0511, regarding immunity from liability.

The immunity from liability provided by Education Code 22.0511 applies to an action or failure to act by a district employee in administering a medication, assisting with self-administration, or otherwise providing for the care of a student under a seizure management plan submitted for the student.

Education Code 38.032(c)–(d)

[See DMA for seizure recognition and related first aid training.]

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[1] TDSHS guidance for the care of students with diabetes: https://www.dshs.texas.gov/diabetes/diabetes-children

[2] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Liaison for Court-Related Students

A district shall appoint at least one educator, as defined by Education Code 5.001(5), to act as a liaison officer for court-related students. The liaison officer shall provide counseling and other services for court-related students and their parents to establish or reestablish normal attendance and progress in school. *Education Code 37.014*

Liaison for Students Who Are Homeless

As a condition of receiving funds under the McKinney-Vento Homeless Assistance Act (McKinney-Vento Act), a district shall designate an appropriate staff person, able to carry out the required duties, as the district liaison for homeless children. A district will adopt policies and practices to ensure participation by the liaison in professional development and other technical assistance activities provided and approved by the statewide coordinator for education of homeless children and youths. *42 U.S.C. 11432(g)(1)(J)* [See FDC for more information regarding McKinney-Vento Act requirements.]

Notice

A district shall inform school personnel, service providers, and advocates working with homeless families, parents and guardians of homeless children, and homeless children of the duties of the liaison. [See FD for definition of “homeless children.”]

Duties

The liaison shall ensure that:

1. Homeless children are identified by school personnel and through outreach and coordination activities with other entities and agencies;
2. Homeless children are enrolled in, and have a full and equal opportunity to succeed in, district schools;
3. Homeless families and homeless children have access to and receive educational services for which they are eligible, including services through Head Start programs (including Early Head Start programs) under the Head Start Act, early intervention services under Part C of the Individuals with Disabilities Education Act, and other district preschool programs;
4. Homeless families and homeless children receive referrals to health care, dental, mental health and substance abuse, housing, and other appropriate services;
5. The parents or guardians of homeless children are informed of the available educational and related opportunities and are provided meaningful opportunities to participate in the education of their children;
6. Public notice of the educational rights of homeless children is disseminated in locations frequented by parents or guardians

of such children, and unaccompanied youths, including schools, shelters, public libraries, and soup kitchens, in a manner and form understandable to the parents and guardians of homeless children, and unaccompanied youths;

7. Enrollment disputes are mediated;

8. The parent or guardian of a homeless child, and any unaccompanied youth, are fully informed of all transportation services, including transportation to the school of origin, and are assisted in accessing transportation to the school of enrollment;

9. School personnel providing services under the McKinney-Vento Act receive professional development and other support; and

10. Unaccompanied youths:

    a. Are enrolled in school;

    b. Have opportunities to meet the same challenging state academic standards as the state establishes for other children; and

    c. Are informed of their status as independent students under section 480 of the Higher Education Act of 1965 and that the youths may obtain assistance from the liaison to receive verification of such status for purposes of the Free Application for Federal Student Aid.

42 U.S.C. 11432(g)(6)(A), (B)

Determination of Homeless Status

A liaison who receives training under 42 U.S.C. 11432(f)(6) may affirm, without further action by the Department of Housing and Urban Development, that a child who is eligible for and participating in a district program, or the immediate family of such a child, who meets the eligibility requirements of the McKinney-Vento Act for an authorized program or service under Title IV of the Act, is eligible for such program or service. *42 U.S.C. 11432(g)(6)(D)*

Liaison for Children in State Conservatorship

Each district shall appoint at least one employee to act as a liaison officer to facilitate the enrollment in or transfer to a public school of a child in the district who is in the conservatorship of the state and submit the liaison's name and contact information to the Texas Education Agency (TEA) in a format and under the schedule determined by the commissioner of education.

TEA shall provide information to the liaisons on practices for facilitating the enrollment in or transfer to a public school of children who are in the conservatorship of the state.

Education Code 33.904

Transition to Higher Education

A district, in coordination with the Department of Family and Protective Services (DFPS), shall facilitate the transition of each child enrolled in the district who is eligible for a tuition and fee waiver under Education Code 54.366, and who is likely to be in the conservatorship of DFPS on the day preceding the child's 18th birthday to an institution of higher education by:

1. Assisting the child with the completion of any applications for admission or financial aid;
2. Arranging and accompanying the child on campus visits;
3. Assisting the child in researching and applying for private or institution-sponsored scholarships;
4. Identifying whether the child is a candidate for appointment to a military academy;
5. Assisting the child in registering and preparing for college entrance examinations, including, subject to the availability of funds, arranging for the payment of any examination fees by DFPS; and
6. Coordinating contact between the child and a liaison designated by the Higher Education Coordinating Board for students who were formerly in the conservatorship of DFPS.

Family Code 264.1212 [See FFEA]

Transition Assistance for Highly Mobile Students

Definitions

Educational and Course Programs

"Educational and course programs" means programs intended to provide instruction to students in conjunction with or outside of the required curriculum, which may include, but are not limited to, gifted and talented services, bilingual or special language services for emergent bilingual students, career and technical education, and early college high school.

Enrollment Conference

"Enrollment conference" means a student-centered meeting between key district staff and the newly enrolled student and/or the student's parent or guardian that occurs within the first two weeks of enrollment, as soon as feasible, at a new school to collaboratively ease transitions; identify the student's academic strengths and extracurricular interests; introduce school processes and opportunities for engagement; and identify any interventions and additional support services (e.g., special education or Section 504

services, academic and/or behavioral interventions, social and emotional needs, college and career readiness). The student's attendance in the conference should be addressed on a case-by-case basis.

Records "Records" means documents in printed or electronic form that include, but are not limited to, student transcripts; individual course grades; academic achievement records; course credits, whether full or partial; individualized education program referrals; intervention data; immunizations; state assessment scores; student attendance data; disciplinary reports; graduation endorsements; special education/Section 504 committee records; performance acknowledgements; and personal graduation plans.

Welcome Packet "Welcome packet" means a compilation of district and community resources provided to new students within the first two weeks of enrollment at a new school that helps to familiarize the student with the school.

19 TAC 89.1601(2), (4), (9), (11)

Transfer of Student Records

Each district shall ensure that school records for students who are identified as homeless or in substitute care are transferred to the student's new school after receiving a request for records. Student records must be requested, sent, and received using the Texas Records Exchange (TREx) system.

Each district is required to transfer student records within ten working days of receipt of a request from a district to which a student who is homeless or in substitute care enrolls, as required by Education Code 25.002(a-1) [see FD(LEGAL)]. The discretionary authority under Education Code 31.104(d) [see CMD(LEGAL)] to withhold records of a student if the student has not returned or paid for instructional materials or technological equipment does not exempt a district from the mandatory provision to send records to another public school in which the student enrolls.

If a district fails to receive the required information within ten working days, the requesting district may report the noncompliant district to the division responsible for TREx Support at TEA.

Proof of enrollment in a different district permits retroactive withdrawal to the date a student enrolled in the new school. The date of enrollment in the new district is considered the date of withdrawal from the previous district.

19 TAC 89.1603

Systems and Procedures

A district shall develop systems to ease transition of a student who is homeless or in substitute care during the first two weeks of enrollment at a new school. These systems shall include the following:

1. Welcome packets containing applicable information regarding enrollment in extracurricular activities, club activities, information on fee waivers, tutoring opportunities, the student code of conduct, available student supports, and contact information for key school staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists;

2. Introductions for new students that maintain student privacy and confidentiality to the school environment and school processes by district faculty, campus-based student leaders, or ambassadors; and

3. Mechanisms to ensure that a process is in place for all students who qualify to receive nutrition benefits upon enrollment, as all students who are homeless or in substitute care are eligible for United States Department of Agriculture Child Nutrition Programs. The process must expedite communication with the district nutrition coordinator to ensure that eligible students are not charged in error or experience delays in receiving these benefits.

19 TAC 89.1605(a)

A district must provide professional development opportunities and resources to support key staff members such as principals, registrars, counselors, designated liaisons, nutrition coordinators, and transportation specialists on local processes and procedures for facilitating successful school transitions for students who are homeless or in substitute care.

A district must use the TREx, the Personal Identification Database (PID), or the Person Enrollment Tracking (PET) application to facilitate records transfer and expedite coordination and communication between the sending and receiving schools. In cases where records from the student's previous school are missing or cannot be located, a district should use the Texas Student Data System (TSDS) Unique ID application to identify where the student was previously enrolled.

19 TAC 89.1605(c)–(d)

Enrollment Conference

A district shall convene an enrollment conference within the first two weeks or as soon as feasible, after a student who is homeless or in substitute care enrolls at a new school. The convening of the

enrollment conference shall not delay or impede the enrollment of the student.

The student's attendance in the conference should be addressed on a case-by-case basis. The enrollment conference may be used in conjunction with an existing meeting that is designed for similar purposes for newly enrolled students.

The enrollment conference shall address the student's credit recovery, credit completion, attendance plans and trauma-informed interventions, interests and strengths, discipline or behavior concerns, previous successes, college readiness, and social and emotional supports as well as district policies relating to transfers and withdrawals and communication preferences with parents or guardians.

The enrollment conference may be comprised of:

1. School administrators;
2. McKinney-Vento or foster care liaisons;
3. Social workers;
4. Teachers;
5. School counselors;
6. Dropout prevention specialists;
7. Attendance/truancy officers;
8. The relative caregiver, foster placement caregiver, or DFPS caseworker;
9. The DFPS designated educational decision-maker;
10. The DFPS caseworker, Court Appointed Special Advocates (CASA) volunteer, or other volunteers, as applicable; and
11. A parent or guardian, unless the caseworker indicates the parent's or guardian's rights to participate have been restricted by the court.

19 TAC 89.1605(b)

Educational Placement

A district must establish procedures to receive, review, and assess student records for the initial course and educational program placement for a student who is homeless or in substitute care upon enrollment at a new school.

A district must ensure that a student who is homeless or in substitute care has the opportunity to pursue the same endorsement cat-

egories, to the extent possible. If only one endorsement is offered, it must be multidisciplinary studies.

To the extent possible, a district shall ensure the continuation of a student's course and educational programs, if appropriate, from the previous district by placing the student in comparable courses and programs for which they are eligible.

A district shall promote placement in academically challenging and career preparation courses.

19 TAC 89.1609

[For award of credit for students who are homeless or in substitute care, see EI. For special education services for students who are homeless or in substitute care, see EHBAA.]

Access to Educational and Extracurricular Programs and Courses

A district must develop processes to increase awareness of opportunities available to students who are homeless or in substitute care to participate in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

A district must identify and remove barriers, whenever possible, to participation by students who are homeless or in substitute care in extracurricular programs, summer programs, credit transfer services, electronic courses, and after-school tutoring programs.

Appropriate district staff must facilitate the process to complete and submit a University Interscholastic League (UIL) waiver of residence application form for a student who is homeless and plans to participate in varsity athletics.

In compliance with Education Code 25.001(f) [see FD], a durational residence requirement may not be used to prohibit a student in substitute care from fully participating in any activity sponsored by the district.

19 TAC 89.1611

Postsecondary Information for Students who are Homeless or in Substitute Care

District counselors or other designated staff shall work with district McKinney-Vento and foster care liaisons to ensure that all students who are identified as homeless or in substitute care graduate with endorsements, if applicable, and have postsecondary plans identified in their personal graduation plans, to the extent required by Education Code 28.02121 [see EIF].

Districts must provide postsecondary counseling in alignment with Education Code 33.007 [see FFEA], for all students, including students who are homeless or in substitute care.

Districts must connect students to college readiness initiatives, campus visits, and other postsecondary preparation opportunities provided by the district.

School counselors must provide information about postsecondary education to the student and the student's parent or guardian during the first school year a student is enrolled in high school and each subsequent year throughout high school. [See FFEA]

Provisions for Students Experiencing Homelessness

McKinney-Vento liaisons must inform unaccompanied homeless youths of their status as independent students for the purpose of applying for financial aid for higher education and provide verification of such status for the Free Application for Federal Student Aid (FASFA), pursuant to 42 United States Code 11432(g)(6)(A)(x)(III).

School counselors must assist and advise students experiencing homelessness with college preparation and readiness, pursuant to 42 United States Code 11432(g)(1)(K).

19 TAC 89.1613(a)–(b)

Provisions for Students in Substitute Care

A district shall ensure that a student in substitute care who is enrolled in grade 11 or 12 is provided information regarding tuition and fee exemptions under Education Code 54.366, for dual-credit or other courses provided by a public institution of higher education for which a high school student may earn joint high school and college credit.

A district shall inform students in substitute care of tuition and fee exemptions under Education Code 54.367, regarding monthly payments, medical assistance benefits, and reimbursement of fees.

A district shall ensure students in substitute care are informed that every higher education institution in Texas has a designated foster care liaison to assist students.

Foster care liaisons are encouraged to support students in substitute care with linking to colleges to develop connections and facilitate effective transitions into postsecondary education.

Foster care liaisons, school counselors, and others must assist students with seeking and applying for all types of scholarships for which the student may qualify.

19 TAC 89.1613(c)

Notice of Events for Students in Substitute Care

A district must provide notice in writing to the educational decision-maker and caseworker of a student who is in substitute care regarding events that may significantly impact the education of the student. *19 TAC 89.1617*

Events that may significantly impact the education of a child include:

1. Requests or referrals for an evaluation under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), or special education under Education Code 29.003 [see EHBAA];
2. Admission, review, and dismissal committee meetings [see EHBAB];
3. Manifestation determination reviews required by Education Code 37.004(b) [see FOF];
4. Any disciplinary actions under Education Code Chapter 37 for which parental notice is required [see FO series];
5. Citations issued for Class C misdemeanor offenses on school property or at school-sponsored activities;
6. Reports of restraint and seclusion required by Education Code 37.0021 [see FO and FOF];
7. Use of corporal punishment as provided by Section 37.0011 [see FO]; and
8. Appointment of a surrogate parent for the child under Education Code 29.0151 [see EHBAE];

Education Code 25.007(b)(10)

Child Welfare Contact

A district receiving Title 1, Part A funds must collaborate with the state or local child welfare agency to designate a point of contact if the child welfare agency notifies the district, in writing, that the agency has designated an employee to serve as a point of contact for the district. *20 U.S.C. 6312(c)(5)(A)*

School-Community Guidance Center

A district may establish a school-community guidance center designed to locate and assist children with problems that interfere with their education, including juvenile offenders and children with severe behavioral problems or character disorders.

Each center shall coordinate efforts of district personnel, local police departments, school attendance officers, and probation officers in working with students, dropouts, and parents in identifying and correcting factors that adversely affect the education of the children.

Education Code 37.051

Upon request from a superintendent, a governmental agency concerned with children that has jurisdiction in a district shall cooperate with the school-community guidance center and shall designate

a liaison to work with the center in identifying and correcting problems affecting school-age children in the district. The governmental agency may establish or finance a school-community guidance center jointly with a district according to terms approved by the governing body of each participating entity. *Education Code 37.053*

Cooperative Programs

A board may develop cooperative programs with state youth agencies for children found to have engaged in delinquent conduct. *Education Code 37.052*

Parental Notice and Access to Information

Before a student is admitted to a school-community guidance center, the administrator of the center shall notify the student's parent or guardian that the student has been assigned to attend the center.

The notice must include:

1. The reason the student has been assigned to the center;
2. A statement that on request the parent or guardian is entitled to be fully informed in writing of any treatment method or testing program involving the student; and
3. A statement that the parent or guardian may request to be advised and to give written, signed consent for any psychological testing or treatment involving the student.

If after notification, the parent refuses to consent to testing or treatment of the student, the center may not provide any further psychological treatment or testing.

A parent or guardian of a student attending a center is entitled to inspect:

1. Any instructional or guidance material to be used by the student, including teachers' manuals, tapes, and films; and
2. The results of any treatment, testing, or guidance method involving the student.

The administrator of the center may set a schedule for inspection of materials that allows reasonable access but does not interfere with the conduct of classes or business activities of the school.

Education Code 37.054

Parental Involvement

On admitting a student to a school-community guidance center, a representative of a district, the student, and the student's parent or legal guardian shall develop an agreement that specifies the responsibilities of the parent and the student. The agreement must include:

1. A statement of the student's behavioral and learning objectives;

2. A requirement that the parent attend specified meetings and conferences for teacher review of the student's progress; and

3. The parent's acknowledgement that the parent understands and accepts the responsibilities imposed by the agreement regarding attendance at meetings and conferences and assistance in meeting objectives, defined by the district, to aid student remediation.

A superintendent may obtain a court order from a district court in the district requiring a parent to comply with such an agreement. A parent who violates such a court order may be punished for contempt of court.

Court Supervision

If a district, the student, and the parent or guardian for any reason fail to reach an agreement, any party may request the juvenile court or its designee to conduct a hearing and enter an order establishing the responsibilities and duties of each of the parties as the court deems appropriate.

Education Code 37.055–.056

Definitions

"Bullying":

Bullying

1. Means a single significant act or a pattern of acts by one or more students directed at another student that exploits an imbalance of power and involves engaging in written or verbal expression, expression through electronic means, or physical conduct that satisfies the applicability requirements below and that:
    a. Has the effect or will have the effect of physically harming a student, damaging a student's property, or placing a student in reasonable fear of harm to the student's person or of damage to the student's property;
    b. Is sufficiently severe, persistent, or pervasive enough that the action or threat creates an intimidating, threatening, or abusive educational environment for a student;
    c. Materially and substantially disrupts the educational process or the orderly operation of a classroom or school; or
    d. Infringes on the rights of the victim at school; and
2. Includes cyberbullying.

Cyberbullying

"Cyberbullying" means bullying that is done through the use of any electronic communication device, including through the use of a cellular or other type of telephone, a computer, a camera, electronic mail, instant messaging, text messaging, a social media application, an internet website, or any other internet-based communication tool.

Applicability

These provisions apply to:

1. Bullying that occurs on or is delivered to school property or to the site of a school-sponsored or school-related activity on or off school property;
2. Bullying that occurs on a publicly or privately owned school bus or vehicle being used for transportation of students to or from school or a school-sponsored or school-related activity; and
3. Cyberbullying that occurs off school property or outside of a school-sponsored or school-related activity if the cyberbullying:
    a. Interferes with a student's educational opportunities; or

b. Substantially disrupts the orderly operation of a classroom, school, or school-sponsored or school-related activity.

Policy

The board shall adopt a policy, including any necessary procedures, concerning bullying that:

1. Prohibits the bullying of a student;
2. Prevents and mediates bullying incidents between students that:
   a. Interfere with a student's educational opportunities; or
   b. Substantially disrupt the orderly operation of a classroom, school, or school-sponsored or school-related activity;
3. Prohibits retaliation against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying;
4. Establishes a procedure for providing notice of an incident of bullying to:
   a. A parent or guardian of the alleged victim on or before the third business day after the date the incident is reported; and
   b. A parent or guardian of the alleged bully within a reasonable amount of time after the incident;
5. Establishes the actions a student should take to obtain assistance and intervention in response to bullying;
6. Sets out the available counseling options for a student who is a victim of or a witness to bullying or who engages in bullying;
7. Establishes procedures for reporting an incident of bullying, including procedures for a student to anonymously report an incident of bullying, investigating a reported incident of bullying, and determining whether the reported incident of bullying occurred;
8. Prohibits the imposition of a disciplinary measure on a student who, after an investigation, is found to be a victim of bullying, on the basis of that student's use of reasonable self-defense in response to the bullying;
9. Requires that discipline for bullying of a student with disabilities comply with applicable requirements under federal law,

including the Individuals with Disabilities Education Act (20 U.S.C. Section 1400 et seq.); and

10. Complies with the minimum standards adopted by the Texas Education Agency (TEA) for a district's policy.

The policy and any necessary procedures must be included annually in the student and employee handbooks and in the district improvement plan under Education Code 11.252. [See BQ]

Note: Minimum Standards for Bullying Prevention[1] are available on TEA's website.

Internet Posting

The procedure for reporting bullying must be posted on a district's internet website to the extent practicable.

Education Code 37.0832

[1] TEA Minimum Standards for Bullying Prevention: https://tea.texas.gov/texas-schools/health-safety-discipline/student-discipline/minimum-standards-for-bullying-prevention

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Minimum Standards

In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.

Retaliation

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Reporting Procedures

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Periodic Monitoring	The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.

Notice of Report

When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.

Prohibited Conduct

The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.

Investigation of Report

The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.

Concluding the Investigation

Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation.

The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.

Notice to Parents

If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action

Bullying

If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.

Discipline

A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action.

The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.

Corrective Action

Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.

Transfers

The principal or designee shall refer to FDB for transfer provisions.

Counseling

The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.

Improper Conduct

If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.

Confidentiality

To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.

Appeal

A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.

Records Retention

Retention of records shall be in accordance with CPC(LOCAL).

Access to Policy and Procedures

This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

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Note: For information regarding law enforcement and schools, see GRAA. For information regarding juvenile law enforcement records, see GBA.

Education Records

"Education Records" Defined

For the purposes of this policy, the term "education records" means those records, files, documents, and other materials that contain information directly related to a student and are maintained by an education agency or institution or by a person acting for such agency or institution.

The term "education records" does not include:

1. Records that are created or received by a district after an individual is no longer a student in attendance and that are not directly related to the individual's attendance as a student.
2. Records made by district personnel that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to anyone other than a temporary substitute for the maker of the record.
3. Records maintained by a law enforcement unit of a district that were created by that law enforcement unit for the purpose of law enforcement.
4. Records on a student who is 18 years of age or older, or who is attending an institution of postsecondary education, that are:
    a. Made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in his or her professional capacity or assisting in a paraprofessional capacity;
    b. Made, maintained, or used only in connection with treatment of the student; and
    c. Disclosed only to individuals providing the treatment. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the agency or institution.
5. Grades on peer-graded papers before they are collected and recorded by a teacher.

20 U.S.C. 1232g; 34 C.F.R. 99.3

Screening Records

The principal of each school shall maintain records of screening for special senses and communication disorders, spinal screening,

and assessment for type 2 diabetes for each student in the school. Records shall be open for inspection by the state or local health department. *20 U.S.C. 1232g; Health and Safety Code 36.006, 37.003, 95.004; 25 TAC 37.145(b)* [See FFAA]

Immunization Records

A district shall maintain an individual immunization record during the period of attendance for each student admitted. The records shall be open for inspection at all reasonable times by the Texas Education Agency or by representatives of local health departments or the Texas Department of State Health Services. A district shall cooperate with other districts in transferring students' immunization records between other schools. Specific approval from students, parents, or guardians is not required prior to making such record transfers. *Education Code 38.002* [See FFAB]

Medical Records

The parent or guardian of a student is entitled to access to the student's medical records maintained by a district. On request of a student's parent or guardian, a district shall provide a copy of the student's medical records to the parent or guardian. A district may not impose a charge that exceeds the amount authorized by Section 552.261 of the Government Code [see GBAA]. *Education Code 38.0095*

Privacy Rule for Non-"Education Records"

To the extent a district is a covered entity under the Health Insurance Portability and Accountability Act (HIPAA), the district must comply with the Privacy Rule, 45 C.F.R. Part 164, with respect to protected health information that is not an education record. *45 C.F.R. 160.103, 164.501* [See CRD]

Food Allergy Information

Information regarding a child's food allergy, regardless of how it is received by the school or school district, shall be retained in the child's student records but may not be placed in the health record maintained for the child by the district.

Exceptions

If the school receives documentation of a food allergy from a physician, that documentation shall be placed in the health record maintained for the child by the district.

A registered nurse may enter appropriate notes about a child's possible food allergy in the health record maintained for the child by the district, including a notation that the child's student records indicate that a parent has notified the district of the child's possible food allergy. [See FD]

Education Code 25.0022(d)–(f)

Assessment Instruments

The results of individual student performance on basic skills assessment instruments or other achievement tests administered by a district are confidential and may be made available only to the student, the student's parent or guardian, and to the school per-

sonnel directly involved with the student's educational program. However, overall student performance data shall be aggregated by ethnicity, sex, grade level, subject area, campus, and district, and made available to the public, with appropriate interpretations, at regularly scheduled board meetings. The information may not contain the names of individual students or teachers. *Education Code 39.030(b)* [See EKB]

Academic Achievement Record (Grades 9–12)

Following guidelines developed by the commissioner of education, a district must use an academic achievement record (transcript) form that includes student demographics, school data, student data, and the record of courses and credits earned. The academic achievement record shall serve as the academic record for each student and must be maintained permanently by the district. A district must ensure that copies of the record are made available for a student transferring from one district to another. To ensure appropriate placement of a transfer student, a district must respond promptly to each request for student records from a receiving district. *19 TAC 74.5(b)–(c)* [See EI]

Enrollment Records

If a parent or other person with legal control of a child enrolls the child in a district school, the parent or other person, or the school district in which the child most recently attended school, shall furnish to the district all of the following:

1. The child's birth certificate, or another document suitable as proof of the child's identity as defined by the commissioner in the *Student Attendance Accounting Handbook*.
2. A copy of the child's records from the school the child most recently attended if he or she was previously enrolled in a school in Texas or in another state.

Education Code 25.002(a)

A district must furnish information under items 1 and 2 not later than the tenth working day after the date the district receives a request for the information.

If a parent or other person with legal control of a child under a court order requests that a district transfer a child's student records, the district to which the request is made shall notify the parent or other person as soon as practicable that the parent or other person may request and receive an unofficial copy of the records for delivery in person to a school in another district.

Education Code 25.002(a-1) [See FD]

Access, Disclosure, and Amendment

Definitions

Attendance

"Attendance" includes, but is not limited to:

1. Attendance in person or by paper correspondence, videoconference, satellite, internet, or other electronic information and telecommunications technologies for students who are not physically present in the classroom; and
2. The period during which a person is working under a work-study program.

Authorized Representative

"Authorized representative" means any entity or individual designated by a state or local educational authority or an agency headed by an official listed in 34 C.F.R. 99.31(a)(3) to conduct—with respect to federal- or state-supported education programs—any audit, evaluation, or any compliance or enforcement activity in connection with federal legal requirements that relate to these programs.

Biometric Record

"Biometric record" means a record of one or more measurable biological or behavioral characteristics that can be used for automated recognition of an individual (e.g., fingerprints, retina and iris patterns, voiceprints, DNA sequence, facial characteristics, and handwriting).

Disclosure

"Disclosure" means to permit access to or the release, transfer, or other communication of personally identifiable information contained in education records by any means, including oral, written, or electronic means, to any party except the party identified as the party that provided or created the record.

Education Program

"Education program" means any program that is principally engaged in the provision of education, including, but not limited to, early childhood education, elementary and secondary education, postsecondary education, special education, job training, career and technical education, and adult education, and any program that is administered by an educational agency or institution.

Parent

"Parent" includes a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian.

Personally Identifiable Information

"Personally identifiable information" includes, but is not limited to:

1. The student's name;
2. The name of the student's parent or other family members;
3. The address of the student or student's family;
4. A personal identifier, such as the student's social security number, student number, or biometric record;

5. Other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;

6. Other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or

7. Information requested by a person who the district reasonably believes knows the identity of the student to whom the education record relates.

Record

"Record" means any information recorded in any way, including, but not limited to, handwriting, print, computer media, video or audio tape, film, microfilm, and microfiche.

34 C.F.R. 99.3

Signed and Dated Written Consent

"Signed and dated written consent" may include a record and signature in electronic form that:

1. Identifies and authenticates a particular person as the source of the electronic consent; and

2. Indicates such person's approval of the information contained in the electronic consent.

34 C.F.R. 99.30(d)

Disclosure With Consent

The parent or eligible student shall provide a signed and dated written consent before a district discloses personally identifiable information from a student's education records, except as provided by 34 C.F.R. 99.31. The written consent must specify the records that may be disclosed, state the purpose of the disclosure, and identify the part or class or parties to whom the disclosure may be made.

When a disclosure is made under written consent, if a parent or eligible student requests, the district shall provide a copy of the records disclosed and if the parent of a student who is not an eligible student requests, the district shall provide the student with a copy of the records disclosed.

34 C.F.R. 99.30(a)–(c)

Access by Parents

A district shall give full rights under these provisions to either parent, unless the district has been provided with evidence that there is a court order, state statute, or legally binding document relating to such matters as divorce, separation, or custody that specifically revokes these rights. *34 C.F.R. 99.4*

A court may order the custodian of records to delete all references in a child's records to the place of residence of either party appointed as conservator before their release to another party appointed as conservator. *Family Code 153.012*

A parent is entitled to access to all written records of a district concerning the parent's child, including attendance records, test scores, grades, disciplinary records, counseling records, psychological records, applications for admission, health and immunization information, teacher and school counselor evaluations, reports of behavioral patterns, and records relating to assistance provided for learning difficulties, including information collected regarding any intervention strategies used with the child.

"Intervention strategy" means a strategy in a multi-tiered system of supports that is above the level of intervention generally used in that system with all children. The term includes response to intervention and other early intervening strategies.

Education Code 26.004

If the education records of a student contain information on more than one student, the parent or eligible student may inspect and review or be informed of only the specific information about that student. *34 C.F.R. 99.12(a)*

Access by Student

"Eligible student" means a student who has reached 18 years of age or is attending an institution of postsecondary education. *34 C.F.R. 99.*3

When a student becomes an eligible student, the rights accorded to, and consent required of, parents under these provisions transfer from the parents to the student.

Nothing in this provision prevents a district from disclosing education records, or personally identifiable information from education records, to a parent without prior written consent of an eligible student if the disclosure meets the conditions in 34 C.F.R. 99.31(a), including if the student is a dependent for tax purposes or in the case of a health or safety emergency.

34 C.F.R. 99.5, .31(a)(8), (a)(10), .36

Disclosure Without Consent

Personally identifiable information in education records shall not be released without the written consent of the student's parents, except to the following.

School Officials

School officials, including teachers, who have legitimate educational interests.

A contractor, consultant, volunteer, or other party to whom a district has outsourced institutional services or functions may be considered a school official under this paragraph provided that the outside party:

1. Performs an institutional service or function for which the district would otherwise use employees;

2. Is under the direct control of the district with respect to the use and maintenance of education records; and

3. Is subject to the requirements of 34 C.F.R. 99.33(a) governing the use and redisclosure of personally identifiable information from education records.

A district must use reasonable methods to ensure that school officials obtain access to only those education records in which they have legitimate educational interests. A district that does not use physical or technological access controls must ensure that its administrative policy for controlling access to education records is effective and that it remains in compliance with the legitimate educational interest requirement.

34 C.F.R. 99.31(a)(1)

An administrator, nurse, or teacher is entitled to access to a student's medical records maintained by a district for reasons determined by district policy. *Education Code 38.009*

Officials of Other Schools

Officials of educational agencies or institutions, including officials of another school or institution of postsecondary education in which the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is for purposes related to the student's enrollment or transfer, provided that a district shall:

1. Make a reasonable attempt to notify the parent or eligible student at the last known address of the parent or eligible student, unless:

    a. The disclosure is initiated by the parent or eligible student; or

    b. The annual notification under 34 C.F.R. 99.7 includes a notice that the district forwards education records to other agencies or institutions that have requested the records and in which the student seeks or intends to enroll or is already enrolled so long as the disclosure is for the purposes related to the student's enrollment or transfer;

2. Give the parent or eligible student, upon request, a copy of the record that was disclosed; and

3. Give the parent or eligible student, upon request, an opportunity for a hearing under 34 C.F.R. Part 99, Subpart C.

34 C.F.R. 99.31(a)(2), .34

Authorized Government Representatives

Authorized representatives of the officials or agencies headed by the Comptroller General of the United States, the Attorney General of the United States, the Secretary of Education, or state and local educational authorities who require access to student or other records necessary in connection with the audit and evaluation of federal- or state-supported education programs or in connection with the enforcement of or compliance with federal legal requirements that relate to such programs. *34 C.F.R. 99.35(a)(1)*

A district may not refuse to report information concerning a student holding an F, J, or M visa on the basis of the Family Educational Rights and Privacy Act (FERPA) and any regulation implementing FERPA. A district is authorized and required to report information that would ordinarily be protected by FERPA only to the extent required by 8 U.S.C. 1372, 8 C.F.R. 214.3(g), or any corresponding regulation. *8 C.F.R. 214.1(h); 8 U.S.C. 1372(c)(2)*

Financial Aid Personnel

Personnel involved with a student's application for, or receipt of, financial aid. *34 C.F.R. 99.31(a)(4)(i)*

Juvenile Justice Officials

State and local officials to whom such information is specifically allowed to be reported or disclosed by state statute if:

1. The allowed reporting or disclosure concerns the juvenile justice system and its ability to effectively serve, prior to adjudication, the student whose records are released; and

2. The officials and authorities to whom such information is disclosed certify in writing to the district that the information will not be disclosed to any other party except as provided under state law without the prior written consent of the parent of the student.

34 C.F.R. 99.31(a)(5)(i), .38

A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Family Code 58.0051 [see GRAC]. *Education Code 37.084(a)*

Organizations Conducting Studies

Organizations conducting studies for, or on behalf of, districts for the purpose of developing, validating, or administering predictive tests, administering student aid programs, and improving instruc-

tion. Such studies must be conducted in a manner that does not permit personal identification of parents and students by individuals other than representatives of the organization that have legitimate interests in the information. Such information must be destroyed when no longer needed for the original purposes of the studies.

The district must enter into a written agreement with the organization that:

1. Specifies the purpose, scope, and duration of the study or studies and the information to be disclosed;
2. Requires the organization to use personally identifiable information from education records only to meet the purpose or purposes of the study as stated in the written agreement;
3. Requires the organization to conduct the study in a manner that does not permit personal identification of parents and students, as defined in this part, by anyone other than representatives of the organization with legitimate interests; and
4. Requires the organization to destroy all personally identifiable information when the information is no longer needed for the purposes for which the study was conducted and specifies the time period in which the information must be destroyed.

A district that enters into an agreement with an organization conducting a study may redisclose personally identifiable information from education records on behalf of educational agencies and institutions that disclosed the information to the district in accordance with the requirements of 34 C.F.R. 99.33(b).

A district is not required to initiate a study or agree with or endorse the conclusions or results of the study.

34 C.F.R. 99.31(a)(6)(i)-(iv)

Accrediting Organizations Accrediting organizations to carry out their accrediting functions. *34 C.F.R. 99.31(a)(7)*

Health or Safety Emergency Appropriate parties, including the student's parents, in connection with an emergency if the knowledge of the information is necessary to protect the health or safety of the student or other individuals.

In making a determination, a district may take into account the totality of the circumstances pertaining to a threat to the health or safety of a student or other individuals. If the district determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records to any person whose knowledge of the information is necessary to protect the health or safety of the student

or other individuals. If, based on the information available at the time of the determination, there is a rational basis for the determination, the United States Department of Education (U.S. ED) will not substitute its judgment for that of the district in evaluating the circumstances and making its determination.

34 C.F.R. 99.31(a)(10), .36(a),(c)

Agriculture Secretary

The Secretary of Agriculture, or authorized representative from the Food and Nutrition Service, for the purposes of conducting program monitoring, evaluations, and performance measurements of districts receiving funding or providing benefits of programs authorized under the National School Lunch Act or the Child Nutrition Act [see COB] for which the results will be reported in an aggregate form, on the conditions as follows:

1. Any data collected under this paragraph shall be protected in a manner that will not permit the personal identification of students and their parents by other than the authorized representatives of the United Stated Secretary of Education; and

2. Any personally identifiable data shall be destroyed when the data are no longer needed for program monitoring, evaluations, and performance measurements.

20 U.S.C. 1232g(b)(1)(K)

Child Welfare Agency

An agency caseworker or other representative of a state or local child welfare agency or tribal organization, who has the right to access a student's case plan, as defined and determined by the state or tribal organization, when the agency or organization is legally responsible, in accordance with state or tribal law, for the care and protection of the student. Education records, or the personally identifiable information contained in such records, of the student shall not be disclosed by the agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by the agency or organization to receive the disclosure. A disclosure must be consistent with state or tribal laws applicable to protecting the confidentiality of a student's education records. *20 U.S.C. 1232g(b)(1)(L)*

Directory Information

Any person requesting directory information after a district has given public notice of that definition. [See Directory Information, below] *34 C.F.R. 99.37*

Information Collection

U.S. ED–Funded Surveys (PPRA)

Under the Protection of Pupil Rights Amendment (PPRA), no student shall be required, as part of any program funded in whole or in part by the U.S. ED, to submit to a survey, analysis, or evaluation that reveals information concerning the following topics without the prior consent of the student (if the student is an adult or emanci-

pated minor), or, in the case of an unemancipated minor, without the prior written consent of the parent:

1. Political affiliations or beliefs of the student or the student's parents.
2. Mental and psychological problems of the student or the student's family.
3. Sex behavior and attitudes.
4. Illegal, anti-social, self-incriminating, and demeaning behavior.
5. Critical appraisals of other individuals with whom students have close family relationships.
6. Legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers.
7. Religious practices, affiliations, or beliefs of the student or student's parent.
8. Income, other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program.

20 U.S.C. 1232h(b)

Funded by Other Sources

Except as provided by 20 U.S.C. 1232h(a) or (b), as a condition of receiving funds from programs funded in whole or in part by the U.S. ED, a district shall develop and adopt policies, in consultation with parents, pursuant to 20 U.S.C. 1232h(c)(1), and provide for parent notification in accordance with 20 U.S.C. 1232h(c)(2). *20 U.S.C. 1232h(c)(1)–(4)* [See EF]

Subpoenaed Records

A district shall release student records in compliance with a judicial order, or pursuant to any lawfully issued subpoena, except when a parent is a party to a court proceeding involving child abuse and neglect (as defined in section 3 of the Child Abuse Prevention and Treatment Act [42 U.S.C. 5101 note]) or dependency matters, and the order is issued in the context of that proceeding, additional notice to the parent by the educational agency or institution is not required. *20 U.S.C. 1232g(b)(1)(J), (b)(2)(B)*

The educational agency or institution may disclose information under this section only if the agency or institution makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action, unless the disclosure is in compliance with:

1. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;

2. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or

3. An ex parte court order obtained by the United States attorney general (or designee not lower than an assistant attorney general) concerning investigations or prosecutions of an offense listed in 18 U.S.C. 2332b(g)(5)(B) or an act of domestic or international terrorism as defined in 18 U.S.C. 2331.

If the district initiates legal action against a parent or student, the district may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the district to proceed with the legal action as plaintiff.

If a parent or eligible student initiates legal action against a district, the district may disclose to the court, without a court order or subpoena, the student's education records that are relevant for the district to defend itself.

34 C.F.R. 99.31(a)(9)

Sex Offenders

A district may disclose personally identifiable information without consent if the disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable federal guidelines. *34 C.F.R. 99.31(a)(16)*

Request Procedure

Upon request of a properly qualified individual, access to a student's education record shall be granted within a reasonable period of time, but not more than 45 days after it has received the request. A district shall respond to reasonable requests for explanations and interpretations of the records. *34 C.F.R. 99.10*

Records Destruction

A district shall not destroy any education records if there is an outstanding request to inspect and review the records. *34 C.F.R. 99.10(e)*

De-Identified Records

A district, or a party that has received education records or information from education records, may release the records or information without the parent's written consent after the removal of all personally identifiable information provided that the district or other party has made a reasonable determination that a student's identity is not personally identifiable, whether through single or multiple

releases, and taking into account other reasonably available information. *34 C.F.R. 99.31(b)(1)*

Education Research

A district, or a party that has received education records or information from education records, may release de-identified student level data from education records for the purpose of education research by attaching a code to each record that may allow the recipient to match information received from the same source, provided that:

1. A district or other party that releases de-identified data under this section does not disclose any information about how it generates and assigns a record code, or that would allow a recipient to identify a student based on a record code;
2. The record code is used for no purpose other than identifying a de-identified record for purposes of education research and cannot be used to ascertain personally identifiable information about a student; and
3. The record code is not based on a student's social security number or other personal information.

34 C.F.R. 99.31(b)(2)

Authenticating Requestors' Identities

A district must use reasonable methods to identify and authenticate the identity of parents, students, school officials, and any other parties to whom the district discloses personally identifiable information from education records. *34 C.F.R. 99.31(c)*

Transfer Not Permitted

Personal information from student education records shall be transferred to a third party only on the condition that such party will not permit any other party to have access to such information without the written consent of the student's parent. If a third party permits access to information in violation of this policy or fails to destroy the information as required by 20 U.S.C. 1232g(b)(1)(F), a district shall not permit access to information from education records to that third party for a period of not less than five years. *20 U.S.C. 1232g(b)(4)(B); 34 C.F.R. 99.33(a)(1)*

A district shall inform a party to whom a disclosure is made of the requirements of 34 C.F.R. 99.33, unless the disclosure is made pursuant to a court order, lawfully issued subpoena, or litigation; the disclosed information is directory information; the disclosure concerns sex offenders; or the disclosure is made to a parent of a student who is not an eligible student or to a student. *34 C.F.R. 99.33(c)–(d)*

A district may disclose personally identifiable information with the understanding that the party receiving the information may make further disclosures of the information on behalf of the district if:

1. The disclosures meet the requirements of 34 C.F.R. 99.31; and

2. The district has complied with the requirements of 34 C.F.R. 99.32(b) regarding the record of disclosure; or a state or local educational authority or federal official or agency listed requesting information through a subpoena or ex parte order has complied with the requirements of 34 C.F.R. 99.32(b)(2).

34 C.F.R. 99.33(b)

Record of Access to Student Records

Each school shall maintain a record, kept with the education record of each student that indicates all individuals, agencies, or organizations that have requested or obtained access to a student's education records, as well as the names of state and local educational authorities and federal officials and agencies listed in 34 C.F.R. 99.31(a)(3) that may make further disclosures of personally identifiable information from the student's education records without consent. A district must obtain a copy of the record of further disclosures maintained by the named authorities, officials, and agencies under 34 C.F.R. 99.32(b)(2) and make it available in response to a parent's request to review the record.

A district must record the following information when it discloses personally identifiable information from education records under the health or safety emergency exception [see Health or Safety Emergency, above]:

1. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and

2. The parties to whom the district disclosed the information.

34 C.F.R. 99.32

The records shall include at least the name of the person or agency that made the request and the legitimate interest the person or agency had in the information. The record will be maintained as long as the district maintains the student's education record. The record of access shall be available only to parents, school officials responsible for custody of the records, and those state, local, and federal officials authorized to audit the operation of the system. *20 U.S.C. 1232g(b)(4)(A); 34 C.F.R. 99.33(a)(2)*

The record shall not include requests for access by, or access granted to, parents of the student or officials of a district, requests accompanied by prior written consent of the parent, requests for directory information, or a party seeking or receiving records in accordance with a subpoena or ex parte order. *34 C.F.R. 99.32(d)*

Right to Amend

The parent of a student whose records are covered by this policy may ask a district to amend the student's record if the parent believes it contains information that is inaccurate, misleading, or in violation of the student's right of privacy or other rights. If a district decides not to amend the education records requested, it shall inform the parent of its decision and his or her right to a hearing to challenge the content of the student's education records. *34 C.F.R. 99.20*

If a district decides to amend the records as a result of the hearing, it shall inform the parent in writing. If, as a result of the hearing, the district decides not to amend the records, it shall inform the parent of the right to place a statement in the records commenting on the contested information and/or stating why the parent disagrees with the decision of the district. Any explanation shall be maintained with the contested part of the record for as long as the record is maintained and shall be disclosed whenever the contested portion of the record is disclosed. *34 C.F.R. 99.21*

Fees for Copies

No fee shall be charged to search for or to retrieve the education records of a student. A fee may be charged for a copy of education records which is made for the parent or an eligible student, unless the imposition of a fee effectively prevents a parent or eligible student from exercising the right to inspect and review those records. *20 U.S.C. 1232g; 34 C.F.R. 99.11; Education Code 26.012*

Records of Students with Disabilities

A district shall permit parents to inspect and review education records collected, maintained, or used for purposes of identifying, evaluating, placing, or educating students with disabilities. *34 C.F.R. 300.613(a)*

Access Rights

In addition to policies applicable to all student records, the following guidelines shall apply when parents of a student with disabilities request to review or inspect district records relating to the education of their child:

1. Parents may request that a representative inspect and review the records. *34 C.F.R. 300.613(b)(3)*

2. A district shall comply with a request without unnecessary delay and before any meeting regarding an individualized education program (IEP) or hearing relating to the identification,

evaluation, or placement of the child, and in no case longer than 45 days after the request. *34 C.F.R. 300.613(a)*

3. A district shall keep a record of persons obtaining access to these student records (except access by parents and authorized employees), including name, date of access, and the purpose for which the person is authorized to use the records. *34 C.F.R. 300.614*

Record Types and Locations — A district shall provide parents on request a list of types and locations of education records. *34 C.F.R. 300.616*

Parental Consent — Parental consent must be obtained before personally identifiable information is used for any purpose other than meeting a requirement under the Individuals with Disabilities Education Act or disclosed to anyone other than officials of agencies collecting or using this information. A district may not release information from these records without parental consent except as provided in FERPA. *34 C.F.R. 300.622*

Confidentiality — A district shall protect the confidentiality of personally identifiable information in collection, storage, disclosure, and destruction of records. One official in a district shall assume responsibility for ensuring confidentiality of personally identifiable information. All persons collecting or using this information shall receive training or instruction concerning the legal requirements involved in handling these records. A district shall maintain for public inspection a current listing of the names and positions of employees who may have access to this information. *34 C.F.R. 300.623*

Information Destruction — A district shall inform parents when personally identifiable information collected, maintained, or used to provide special education and related services is no longer needed to provide educational services to the student. Such information shall be destroyed at the request of the parents.

A permanent record of the student's name, address, phone number, grades, attendance record, classes attended, grade level completed, and year completed may be maintained without time limitation.

34 C.F.R. 300.624

Annual Notification of Rights — A district shall give parents of students in attendance and eligible students in attendance annual notification of their rights under FERPA.

The notice must inform parents or eligible students that they have the right to:

1. Inspect and review the student's education records;
2. Seek amendment of the student's education records that the parent or eligible student believes to be inaccurate, misleading, or otherwise in violation of the student's privacy rights;
3. Consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that the Act and 34 C.F.R. 99.31 authorize disclosure without consent; and
4. File with the U.S. ED a complaint under 34 C.F.R. 99.63 and 99.64 concerning alleged failures by the district to comply with the requirements of the Act and 34 C.F.R. Part 99.

The notice must include all of the following:

1. The procedure for exercising the right to inspect and review education records.
2. The procedure for requesting amendment of records under 34 C.F.R. 99.20.
3. If the district has a policy of disclosing education records under 34 C.F.R. 99.31(a)(1), a specification of criteria for determining who constitutes a school official and what constitutes a legitimate educational interest.

A district may provide this notice by any means that are reasonably likely to inform the parents or eligible students of their rights.

A district shall effectively notify parents who are disabled and parents of students who have a primary or home language other than English.

20 U.S.C. 1232g(e); 34 C.F.R. 99.7

Directory Information

"Directory Information" Defined

"Directory information" means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Directory information includes the student's name, address, telephone listing, electronic mail address, photograph, date and place of birth, dates of attendance, grade level, enrollment status, participation in officially recognized activities and sports, weight and height of members of athletic teams, honors and awards received, and the most recent educational agency or institution attended. "Directory information" does not include a student's:

1. Social security number; or
2. Student identification (ID) number, unless:

a. The student ID number, user ID number, or other unique personal identifier used by a student for purposes of accessing or communicating in electronic systems cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a personal identification number (PIN), password, or other factor known or possessed only by the authorized user; or

b. The student ID number or other unique personal identifier that is displayed on a student ID badge cannot be used to gain access to education records except when used in conjunction with one or more factors that authenticate the user's identity, such as a PIN, password, or other factor known or possessed only by the authorized user.

34 C.F.R. 99.3

Disclosure of Directory Information

A district may release directory information if it has given public notice to parents of students in attendance and eligible students in attendance at the district of:

1. The types of personally identifiable information that it has designated as directory information.
2. A parent's or eligible student's right to refuse to let the district designate any or all of those types of information about the student as directory information.
3. The period of time within which the parent has to notify the district in writing that he or she does not want any or all of those types of information about the student designated as directory information.

Restrictions on the Right of Refusal

A parent or eligible student may not use the right of refusal to opt out of directory information disclosures to prevent a district from disclosing or requiring a student to disclose the student's name, identifier, or institutional email address in a class in which the student is enrolled or to prevent a district from requiring a student to wear, to display publicly, or to disclose a student ID card or badge that exhibits information that may be designated as directory information and that has been properly designated by the district as directory information in the public notice provided under this section.

Former Students

A district may disclose directory information about former students without satisfying the public notice conditions above. However, the district must continue to honor any valid request to opt out of the disclosure of directory information made while a student was in attendance unless the student rescinds the opt-out request.

Confirmation of Identity or Records

A district may not disclose or confirm directory information without meeting the written consent requirements in 34 C.F.R. 99.30 if a student's social security number or other non-directory information is used alone or combined with other data elements to identify or help identify the student or the student's records.

34 C.F.R. 99.3, .37

Homeless Students

Information about a homeless child's living situation shall be treated as a student education record, and shall not be deemed to be directory information. *42 U.S.C. 11432(g)(3)(G)*

Directory Information Designation

A district may designate as directory information any or all information defined as directory information by FERPA. Directory information under that Act that is not designated by a district as directory information for that district is excepted from disclosure by the district under Government Code Chapter 552. [See GBA]

Directory information consented to by a parent for use only for a limited school-sponsored purpose, such as for a student directory, student yearbook, or district publication, if any such purpose has been designated by a district, remains otherwise confidential and may not be released under Government Code Chapter 552.

Annual Notice

A district shall provide the following to the parent of each district student, at the beginning of each school year or on enrollment of the student after the beginning of the school year:

1. A written explanation of the provisions of FERPA regarding the release of directory information about the student; and

2. Written notice of the right of the parent to object to the release of directory information about the student under FERPA.

Contents

The notice must contain:

1. The following statement in boldface type that is 14-point or larger: "Certain information about district students is considered directory information and will be released to anyone who follows the procedures for requesting the information unless the parent or guardian objects to the release of the directory information about this student. If you do not want [insert name of district] to disclose directory information from your child's education records without your prior written consent, you must notify the district in writing by [insert date]. [Insert name of district] has designated the following information as directory information: [Here the district must include any directory information it chooses to designate as directory information for the district, such as a student's name, address, telephone listing, electronic mail address, photograph, degrees, honors,

and awards received, date and place of birth, major field of study, dates of attendance, grade level, most recent education institution attended, participation in officially recognized activities and sports, and the weight and height of members of athletic teams.]";

2. A form, such as a check-off list or similar mechanism, that:

   a. Immediately follows, on the same page or the next page, the required statement; and

   b. Allows a parent to record:

      (1) The parent's objection to the release of all directory information or one or more specific categories of directory information if district policy permits the parent to object to one or more specific categories of directory information;

      (2) The parent's objection to the release of a secondary student's name, address, and telephone number to a military recruiter or institution of higher education; and

      (3) The parent's consent to the release of one or more specific categories of directory information for a limited school-sponsored purpose if such purpose has been designated by the district and is specifically identified, such as for a student directory, student yearbook, or district publication; and

3. A statement that federal law requires districts receiving assistance under the Elementary and Secondary Education Act of 1965 to provide a military recruiter or an institution of higher education, on request, with the name, address, or telephone number of a secondary student unless the parent has advised the district that the parent does not want the student's information disclosed without the parent's prior written consent.

Education Code 26.013

Student Recruiting Information

Notwithstanding the Directory Information provisions above, each district receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) shall provide, on a request made by a military recruiter or an institution of higher education, access to secondary school students' names, addresses, and telephone listings unless a student's parent has submitted the prior consent request below.

Consent to Release

A student who has attained 18 years of age or a parent of a secondary school student may submit a written request to a district that the student's name, address, and telephone listing not be released for purposes described above without prior written consent. Upon receiving such request, a district may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent or student. A district shall notify parents of the option to make a request.

No Opt-In Process

Nothing in this provision shall be construed to allow a district to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process above.

20 U.S.C. 7908

A district shall:

1. Provide to military recruiters the same access to secondary school students as is provided generally to postsecondary educational institutions or to prospective employers of those students; and

2. Upon a request made by military recruiters for military recruiting purposes, provide access to secondary school student names, addresses, electronic mail addresses (which shall be the electronic mail addresses provided by the school, if available), and telephone listings, notwithstanding directory information requirements in FERPA [see above].

A district shall notify parents of their right to submit a request to the district that the student's name, address, electronic mail address, and telephone listing not be released.

10 U.S.C. 503(c)(1)(A)–(B) [See also GKC]

Videotapes and Recordings

A district employee must obtain the written consent of a child's parent before the employee may make or authorize the making of a videotape of a child or record or authorize the recording of a child's voice.

Exceptions

A district employee is not required to obtain the consent of a child's parent before the employee may make a videotape of a child or authorize the recording of a child's voice if the videotape or voice recording is to be used only for:

1. The purposes of safety, including the maintenance of order and discipline in common areas of the school or on school buses;

2. A purpose related to a cocurricular or extracurricular activity;
3. A purpose related to regular classroom instruction;
4. Media coverage of the school; or
5. A purpose related to the promotion of student safety under Education Code 29.022.

Education Code 26.009 [See EHA, EHBAF, FM, and FO]

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 G: COMMUNITY AND GOVERNMENTAL RELATIONS

GA ACCESS TO PROGRAMS, SERVICES, AND ACTIVITIES

GB PUBLIC INFORMATION PROGRAM
GBA Access to Public Information
GBAA Requests for Information
GBB School Communications Program
GBBA News Media Relations

GC PUBLIC NOTICES

GE RELATIONS WITH PARENT ORGANIZATIONS

GF PUBLIC COMPLAINTS

GK COMMUNITY RELATIONS
GKA Conduct on School Premises
GKB Advertising and Fundraising
GKC Visitors
GKD Nonschool Use of School Facilities
GKDA Distribution of Nonschool Literature
GKE Business, Civic, and Youth Groups
GKF Cultural Institutions
GKG School Volunteer Program

GN RELATIONS WITH EDUCATIONAL ENTITIES
GNA Other Schools and Districts
GNB Regional Education Service Centers
GNC Colleges and Universities
GND State Education Agency
GNE Education Accreditation Agencies

GR RELATIONS WITH GOVERNMENTAL ENTITIES
GRA State and Local Governmental Authorities
GRAA Law Enforcement Agencies
GRAC Juvenile Service Providers
GRB Interlocal Cooperation Contracts
GRC Emergency Management

Public Information Defined

For purposes of Government Code Chapter 552 (Public Information Act), "public information" means information that is written, produced, collected, assembled, or maintained under a law or ordinance or in connection with the transaction of official business:

1. By a board;
2. For a board and the board:
    a. Owns the information;
    b. Has a right of access to the information; or
    c. Spends or contributes public money for the purpose of writing, producing, collecting, assembling, or maintaining the information; or
3. By an individual officer or employee of a district in the officer's or employee's official capacity and the information pertains to official business of the district.

"Official business" means any matter over which the board or district has any authority, administrative duties, or advisory duties.

Information is "in connection with the transaction of official business" if the information is created by, transmitted to, received by, or maintained by an officer or employee of the district in the officer's or employee's official capacity, or a person or entity performing official business or a governmental function on behalf of a district, and pertains to official business of the district.

The definition of "public information" above applies to and includes any electronic communication created, transmitted, received, or maintained on any device if the communication is in connection with the transaction of official business.

Gov't Code 552.002(a)–(a-2), .003(2-a)

Forms of Public Information

The general forms in which the media containing public information exist include a book, paper, letter, document, email, internet posting, text message, instant message, other electronic communication, printout, photograph, film, tape, microfiche, microfilm, photostat, sound recording, map, and drawing and a voice, data, or video representation held in computer memory.

The media on which public information is recorded include:

1. Paper;
2. Film;
3. A magnetic, optical, solid state, or other device that can store an electronic signal;

4. Tape;
5. Mylar; and
6. Any physical material on which information may be recorded, including linen, silk, and vellum.

Gov't Code 552.002(b)–(c)

Preservation of Information

A district may determine a time for which information that is not currently in use will be preserved, subject to any applicable rule or law governing the destruction and other disposition of state and local government records or public information.

The provisions of Chapter 441, Government Code and Title 6, Local Government Code (Local Government Records Act), governing the preservation, destruction, or other disposition of records or public information apply to records and public information held by a temporary custodian.

Gov't Code 552.004(a), (c) [See BBI, CPC, DH]

Temporary Custodians

"Temporary custodian" means an officer or employee of a district who, in the transaction of official business, creates or receives public information that the officer or employee has not provided to the officer for public information or the officer's agent. The term includes a former officer or employee who created or received public information in the officer's or employee's official capacity that has not been provided to the officer for public information or the officer's agent. *Gov't Code 552.003(7)*

Ownership of Public Information

A current or former board member or employee of a district does not have, by virtue of the board member's or employee's position or former position, a personal or property right to public information the board member or employee created or received while acting in an official capacity.

Surrender or Return of Public Information

A temporary custodian with possession, custody, or control of public information shall surrender or return the information to the district not later than the 10th day after the date the officer for public information or the officer's agent requests the temporary custodian to surrender or return the information.

Disciplinary Action

A temporary custodian's failure to surrender or return public information as required is grounds for disciplinary action by the district or any other applicable penalties provided by the Public Information Act or other law.

Gov't Code 552.233

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Public Information

See GB(LEGAL) for the definition of public information.

Availability of Public Information

Public information is available to the public at a minimum during the normal business hours of a district. Government Code Chapter 552 (Public Information Act [PIA]) does not authorize the withholding of public information or limit the availability of public information to the public, except as expressly provided by the PIA. *Gov't Code 552.006, .021*

Special Rights of Access

Person Whose Information the District Holds

A person or a person's authorized representative has a special right of access, beyond the right of the general public, to information held by the district that relates to the person and that is protected from public disclosure by laws intended to protect that person's privacy interests. A district may not deny this access on the grounds that the information is considered confidential by privacy principles under the Public Information Act but may assert as grounds for denial other provisions of the PIA or other law not intended to protect the person's privacy interests. Access to information under this provision shall be provided in the manner prescribed by Government Code 552.229 (consent to release) and 552.307 (timely release), below. *Gov't Code 552.023(a), (b), (e)*

Board Members

For information on board members' special access rights to district information, see BBE.

Parents

A district that receives a request from a parent for public information relating to the parent's child shall comply with the Public Information Act. *Education Code 26.0085(e)*

For information on parents' special access rights to their child's education records, see FL.

Information That Must Be Disclosed

The following categories of information are public information and not excepted from required disclosure unless made confidential under the Public Information Act or other law:

1. A completed report, audit, evaluation, or investigation made of, for, or by a board or district, except as provided in Government Code 552.108.
2. The name, sex, ethnicity, salary, title, and dates of employment of each employee and officer of a district.
3. Information in an account, voucher, or contract relating to the receipt or expenditure of public or other funds by a board.

4. The name of each official and the final record of voting on all proceedings of a board.

5. All working papers, research material, and information used to estimate the need or expenditure of public funds or taxes by a board, on completion of the estimate.

6. A description of a district's central and campus organization, including where, from whom, and how the public may obtain information, submit information or requests, and obtain decisions.

7. A statement of the general course and method by which a district's functions are channeled and determined, including the nature and requirements of all formal and informal policies and procedures.

8. A rule of procedure, a description of forms available or the places at which forms may be obtained, and instructions relating to the scope and content of all papers, reports, or examinations.

9. A substantive rule of general applicability adopted or issued by a board as authorized by law, and a statement of general policy or interpretation of general applicability formulated and adopted by the board.

10. Each amendment, revision, or repeal of the information described in items 6–9.

11. Final opinions and orders issued in the adjudication of cases.

12. A policy statement or interpretation adopted or issued by a board.

13. Administrative manuals and instructions to staff that affect a member of the public.

14. Information regarded as open to the public under a district's policies.

15. Information that is in a bill for attorney's fees and that is not privileged under the attorney-client privilege.

16. Information that is also contained in a public court record.

17. A settlement agreement to which a board is a party.

Gov't Code 552.022

Contracting Information

Contracting information, as that term is defined in Government Code 552.003(1-a) [see GBAA], is public and must be released unless excepted from disclosure under the Public Information Act. The exceptions to disclosure provided by Government Code 552.110 (trade secrets) and 552.1101 (proprietary information) do not apply to the types of contracting information listed at Government Code 552.0222(b). *Gov't Code 552.0222(a), (b)* [See GBAA for additional procedures related to contracting information.]

Investment Information

Certain categories of information held by a district relating to its investments, as specified by Government Code 552.0225(b), are public information and not excepted from disclosure under the Public Information Act. *Gov't Code 552.0225*

Confidential Information That Must Not Be Disclosed

A person commits an offense if the person distributes information considered confidential under the terms of the Public Information Act. A violation under this provision also constitutes official misconduct. *Gov't Code 552.352*

Confidential by Law

Information is excepted from public disclosure if it is information considered to be confidential by law, either constitutional, statutory, or by judicial decision. *Gov't Code 552.101*

Note: For confidentiality and access provisions addressed by specific statutes other than Government Code Chapter 552 (Public Information Act), see the applicable policy code.

Privileged Attorney-Client Information

The Texas Rules of Civil Procedure and the Texas Rule of Evidence are "other law" within the meaning of Government Code 552.022 (allowing "other law" to make information confidential from required disclosure). A district does not forfeit the attorney-client privilege by failing to timely request an attorney general's decision, and the privilege is sufficiently compelling to rebut the presumption of public disclosure after an untimely request. *In re City of Georgetown, 53 S.W.3d 328, 336 (Tex. 2001); Paxton v. City of Dallas, 509 S.W.3d 247 (Tex. 2017)*

The attorney-client privilege does not apply if the attorney or attorney's representative acts in a capacity other than that of providing or facilitating professional legal services to the client. *Harlandale Indep. Sch. Dist. V. Cornyn, 25 S.W.3d 328 (Tex. App.–Austin 2000, pet. Denied)*

Closed Meeting Records

The certified agenda or tape recording of a closed meeting is available for public inspection only under a court order issued in litigation in a district court involving an alleged violation of the Open Meetings Act. *Gov't Code 551.104(c); Atty. Gen. ORD 684 (2009)*

[For information regarding minutes or recording of an open meeting, see BE.]

Student Education Records

The Public Information Act does not require the release of information contained in education records of the district, except in conformity with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g (FERPA).

In this provision, "student record" means information that constitutes education records as that term is defined by FERPA or information in a record of an applicant for admission to an educational institution, including a transfer applicant.

Information is confidential and excepted from required disclosure if it is information in a student record at a district.

The district is not prohibited from disclosing or providing information included in an education record if the disclosure or provision is authorized by FERPA or other federal law. In addition, a student record shall be made available on the request of district personnel, the student, the student's parents, legal guardian, or spouse, or a person conducting a child abuse investigation required by Family Code Chapter 261, Subchapter D.

Except as provided by Government Code 552.114(e) (information in enrollment or transfer records, below), a district may redact information in a student record from information required to be disclosed under the Public Information Act without requesting a decision from the attorney general.

Gov't Code 552.026, .114 [See FL]

Enrollment or Transfer Information

If an applicant, or a parent or legal guardian of a minor applicant, for admission to an educational institution funded wholly or partly by state revenue requests information in the record of the applicant, the district shall disclose any information that is related to the application for admission and was provided to the district by the applicant. *Gov't Code 552.114(e)*

Student Victim Information

The name of a person who is enrolled in a public or private primary or secondary school and involved in an improper relationship with an educator as provided by Penal Code 21.12(a) may not be released to the public and is not public information subject to disclosure. *Penal Code 21.12(d)*

The name of a student or minor who is the victim of abuse or unlawful conduct by an educator is not public information subject to disclosure. *Education Code 21.006(h)*

Juvenile Law Enforcement Records

Except as provided by Family Code 58.008(c) (person with a determinate sentence), law enforcement records concerning a child, as defined by Family Code 51.02(2), and information concerning a child that are stored by electronic means or otherwise and from which a record could be generated may not be disclosed to the public. *Family Code 58.008(b)*

Law enforcement records concerning a child may be inspected or copied by:

1. A juvenile justice agency, as defined by Family Code 58.101;
2. A criminal justice agency, as defined by Government Code 411.082;
3. The child;
4. The child's parent or guardian; or
5. The chief executive officer or the officer's designee of a primary or secondary school where the child is enrolled only for the purpose of conducting a threat assessment or preparing a safety plan related to the child. [See FFB]

Family Code 58.008(d), (d-1)

Exclusions

These provisions do not apply to a record relating to a child that is required or authorized to be maintained under the laws regulating the operation of motor vehicles in Texas or subject to disclosure under Code of Criminal Procedure Chapter 62 (registered sex offenders). *Family Code 58.008(a)*

Certain Personnel Information

Note: For previous determinations by the attorney general allowing governmental bodies to withhold specific categories of information in personnel records, including direct deposit forms; employment forms I-9, W-2, W-4; and fingerprints, without the necessity of requesting an attorney general decision, see Attorney General Open Records Decision (ORD) 684 (2009).

Employee Social Security Numbers

The social security number of an employee of a district in the custody of the district is confidential. *Gov't Code 552.147(a-1)*

Invasion of Privacy

Information is excepted from public disclosure if it is information in a personnel file, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, except that all information in the personnel file of a district employee is to be made available to that employee or the employee's designated representative as public information is made available under the Public Information Act. The exception to public disclosure created by this provi-

sion is in addition to any exception created by Government Code 552.024. Public access to personnel information covered by Government Code 552.024 is denied to the extent provided by that provision. *Gov't Code 552.102(a)*

Employee Birth Dates

Disclosure of employee birth dates would constitute a clearly unwarranted invasion of personal privacy, and thus such dates are excepted from disclosure under Government Code 552.102(a). *Texas Comptroller of Public Accts. v. Atty. Gen'l of Texas, 354 S.W.3d 336 (Tex. 2010)*

College Transcripts

Information is excepted from public disclosure if it is a transcript from an institution of higher education maintained in the personnel file of a professional employee, except that this provision does not exempt from disclosure the degree obtained or the curriculum on a transcript in the personnel file of the employee. *Gov't Code 552.102(b)*

Evaluations

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act.

At the request of a school district, open-enrollment charter school, or private school at which a teacher or administrator has applied for employment, a district shall give the requesting district or school a document evaluating the performance of a teacher or administrator employed by the school.

A district shall give the Texas Education Agency (TEA) a document evaluating the performance of a teacher or administrator employed by the district for purposes of an investigation conducted by TEA.

Education Code 21.355(a), (c), (d)

Educator Certification Exam

The results of an educator certification examination are confidential and are not subject to disclosure, unless the disclosure is regarding notification to a parent of the assignment of an uncertified teacher to a classroom as required by Education Code 21.057. *Education Code 21.048(c-1)*

Employee Accused of Improper Relationship with Student

A primary or secondary school may not release externally to the general public the name of an employee who is accused of committing an offense under Penal Code 21.12 (improper relationship between educator and student) until the employee is indicted for the offense. The school may release the name of the accused employee regardless of whether the employee has been indicted for the offense as necessary for the school to:

1. Report the accusation:

a. To TEA, another state agency, or local law enforcement or as otherwise required by law; or

b. To the school's community in accordance with the school's policies or procedures; or

2. Conduct an investigation of the accusation.

Penal Code 21.12(d-1)

Credit Card, Debit Card, Charge Card, and Access Device Numbers

A credit card, debit card, charge card, or access device number that is collected, assembled, or maintained by or for a district is confidential.

"Access device" means a card, plate, code, account number, personal identification number, electronic serial number, mobile identification number, or other telecommunications service, equipment, or instrument identifier or means of account access that alone or in conjunction with another device may be used to:

1. Obtain money, goods, services, or another thing of value; or

2. Initiate a transfer of funds other than a transfer originated solely by paper instrument.

A district may redact credit card, debit card, charge card, or access device numbers from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information required by Government Code 552.136(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.136

Email Addresses of the Public

An email address of a member of the public that is provided for the purpose of communicating electronically with a district is confidential and not subject to disclosure unless the member of the public affirmatively consents to its release.

This confidentiality does not apply to an email address:

1. Provided to a district by a person who has a contractual relationship with the district or by the contractor's agent;

2. Provided to a district by a vendor who seeks to contract with the district or by the vendor's agent;

3. Contained in a response to a request for bids or proposals, contained in a response to similar invitations soliciting offers or information relating to a potential contract, or provided to a

district in the course of negotiating the terms of a contract or potential contract;

4. Provided to a district on a letterhead, coversheet, printed document, or other document made available to the public; or

5. Provided to a district for the purpose of receiving orders or decisions from the district, or for the purpose of providing public comment on or receiving notices related to an application for a license. A "license" under this provision includes a state agency permit, certificate, approval, registration, or similar form of permission required by law.

A district may also disclose an email address for any reason to another governmental body or to a federal agency.

Gov't Code 552.137, 2001.003(2); Atty. Gen. ORD 684 (2009)

Individuals Who Inform of Legal Violations

An informer's name or information that would substantially reveal the identity of an informer is excepted from public disclosure.

"Informer" means a student or former student or an employee or former employee of a district who has furnished a report of another person's possible violation of criminal, civil, or regulatory law to the district or the proper regulatory enforcement authority.

This exception does not apply if the informer:

1. If the informer is a student or former student, and the student, student's legal guardian, or student's spouse consents to disclosure of the student's name;

2. If the informer is an employee or former employee who consents to disclosure of the employee's name; or

3. The informer planned, initiated, or participated in the possible violation.

Information may be made available to a law enforcement agency or prosecutor for official purposes upon proper request, made in compliance with applicable law and procedure. However, this exception does not impair the confidentiality of information considered to be confidential by law, including information excepted from disclosure under the Public Information Act.

Gov't Code 552.135

Crime Victim Information

Address Confidentiality Program

Information relating to a participant in the Address Confidentiality Program for Certain Crime Victims (including from family violence, sexual assault or abuse, stalking, or trafficking of persons under Code of Criminal Procedure Chapter 58, Subchapter B) is confidential, except as provided by Code of Criminal Procedure 58.061, and may not be disclosed under the Public Information Act. *Code of Criminal Procedure 58.060*

Employee Victims

A district employee who is a victim under Code of Criminal Procedure Chapter 56B (Crime Victims' Compensation Act) regardless of whether the employee has filed an application for compensation may elect whether to allow public access to information held by the district that would identify or tend to identify the victim, including a photograph or other visual representation of the victim. The election must be made in writing on a form developed by the district, signed by the employee, and filed with the district before the third anniversary of the latest to occur of one of the following:

1. The date the crime was committed;
2. The date employment begins; or
3. The date the district develops the form and provides it to employees.

If the employee fails to make an election, the identifying information is excepted from disclosure until the third anniversary of the date the crime was committed. In case of disability, impairment, or other incapacity of the employee, the election may be made by the guardian of the employee or former employee.

Gov't Code 552.132(d)

Victims of Certain Crimes

Information is confidential and excepted from public disclosure if the information identifies an individual as a victim of:

1. A criminal offense specified by Government Code 552.1315(a)(1)(A) and (B), or
2. Any criminal offense if the victim was younger than 18 years of age when any element of the offense was committed.

Notwithstanding the above, information may be disclosed:

1. To any victim identified by the information;
2. To the parent or guardian of a victim described by item 2 above who is identified by the information;
3. To a law enforcement agency for investigative purposes; or

4. In accordance with a court order requiring the disclosure.

Gov't Code 552.1315

Location or Layout of Shelter Centers

Information that relates to the location or physical layout of a family violence shelter center or victims of trafficking shelter center is confidential. A district may redact this information from any information the district discloses without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.138(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.138(b-1), (c), (d)*

Criminal History Records

Information collected to comply with Education Code Chapter 22, Subchapter C (criminal records), including the person's name, address, phone number, social security number, driver's license number, other identification number, and fingerprint records, is confidential and may not be released except to comply with Subchapter C, by court order, or with the consent of the person who is the subject of the information. *Education Code 22.08391*

Criminal history record information obtained by the district from the Texas Department of Public Safety may not be disclosed to any person except:

1. The person who is the subject of the information;
2. TEA;
3. The State Board for Educator Certification;
4. The chief personnel officer of the transportation company if the information was obtained under Government Code 411.097(a)(2) with respect to a transportation company that contracts with the district to provide student transportation; or
5. By court order.

Gov't Code 411.097(d)(1) [See CJA, DBAA, and DHB]

Sensitive Crime Scene Image

A sensitive crime scene image in the custody of a district is confidential and excepted from public disclosure, regardless of the date that the image was taken or recorded. A district may not permit a person to view or copy the image unless the person is one of the individuals specified by Government Code 552.1085(d) and the district is not otherwise asserting an exception to disclosure under another provision of the Public Information Act or another law. *Gov't Code 552.1085*

Computer Security

Computer Networks

Information is excepted from public disclosure if it is information that relates to computer network security, to network security information that is restricted under Government Code 2059.055, or to the design, operation, or defense of a computer network.

The following information is confidential:

1. A computer network vulnerability report;
2. Any other assessment of the extent to which data processing operations, a computer, a computer program, network, system, or system interface, or software of a district or of a contractor of a district is vulnerable to unauthorized access or harm, including an assessment of the extent to which a district's or contractor's electronically stored information containing sensitive or critical information is vulnerable to alteration, damage, erasure, or inappropriate use;
3. A photocopy or other copy of an identification badge issued to an official or employee of a district; and
4. Information directly arising from a governmental body's routine efforts to prevent, detect, investigate, or mitigate a computer security incident, including information contained in or derived from an information security log. This does not affect the notification requirements related to a breach of system security as defined by Business and Commerce Code 521.053. [See CQB]

   A district may disclose the information to a bidder if the district determines that providing the information is necessary for the bidder to provide an accurate bid. Such a disclosure is not a voluntary disclosure for purposes of Government Code 552.007 [see Voluntary Disclosure, below].

Gov't Code 552.139

Cybersecurity Information

A cyber threat indicator or defensive measure shared with the federal government under Title 6, United States Code, shall be:

1. Exempt from disclosure under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records; and
2. Withheld, without discretion, from the public under federal freedom of information law and any state or local provision of public information law requiring disclosure of information or records.

6 U.S.C. 1504(d)(4)(B) [See CQB]

Texas VIRT Information

Information written, produced, collected, assembled, or maintained by a participating district or a volunteer from the district in the implementation of Government Code Chapter 2054, Subchapter N-2 (Texas Volunteer Incident Response Team) is confidential and not subject to disclosure under the Public Information Act if the information:

1. Contains the contact information for a volunteer;
2. Identifies or provides a means of identifying a person who may, as a result of disclosure of the information, become a victim of a cybersecurity event;
3. Consists of a participating district's cybersecurity plans or cybersecurity-related practices; or
4. Is obtained from a participating district or from a participating district's computer system in the course of providing assistance under Subchapter N-2.

Gov't Code 2054.52010

Military Discharge Records

A military veteran's Department of Defense Form DD-214 or other military discharge record that first comes into the possession of a district on or after September 1, 2003, is confidential for the 75 years following the date it comes into the possession of a district. During that period, the district may only permit inspection, copying, or disclosure of the information contained in the record only in accordance with Government Code 552.140 or a court order. The district is authorized to withhold a Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of the district on or after September 1, 2003, under this provision without the necessity of requesting an attorney general decision. *Gov't Code 552.140(a), (b); Atty. Gen. ORD 684 (2009)*

Limited Use

A district that obtains this information from another governmental body shall limit the district's use and disclosure of the information to the purpose for which the information was obtained. *Gov't Code 552.140(e)*

Firefighter or EMS Work Schedules

A work schedule or a time sheet of a firefighter or volunteer firefighter or emergency medical services personnel as defined by Health and Safety Code 773.003 is confidential and excepted from public disclosure. *Gov't Code 552.159*

Out-of-State Health-Care Provider Information

Information obtained by a district that was provided by an out-of-state health-care provider in connection with a quality management, peer review, or best practices program that the out-of-state

health-care provider pays for is confidential and excepted from public disclosure. *Gov't Code 552.162*

Applicant for Disaster Recovery Funds

The following information maintained by a district is confidential:

1. The name, social security number, house number, street name, and telephone number of an individual or household that applies for state or federal disaster recovery funds;
2. The name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for state or federal disaster recovery funds; and
3. Any other information the disclosure of which would identify or tend to identify a person or household that applies for state or federal disaster recovery funds.

The street name and census block group of and the amount of disaster recovery funds awarded to a person or household are not confidential after the date on which disaster recovery funds are awarded to the person or household.

Gov't Code 552.160(b), (c)

Threat of Physical Harm

Information in the custody of a district that relates to an employee or officer of the district is excepted from public disclosure if, under the specific circumstances pertaining to the employee or officer, disclosure of the information would subject the employee or officer to a substantial threat of physical harm. *Gov't Code 552.152*

Exceptions to Disclosure

Voluntary Disclosure

The Public Information Act does not prohibit a district or its officer for public information from voluntarily making part or all of its information available to the public, unless the disclosure is expressly prohibited by law or the information is confidential under law. Information voluntarily made available as allowed under this provision must be made available to any person and cannot be withheld from further disclosure. *Gov't Code 552.007; Atty. Gen. ORD 518 (1989)*

Right of Access After 75 Years

Except for social security numbers, the confidentiality provisions of the Public Information Act, or as otherwise provided by law, information that is not confidential but is excepted from required disclosure under Government Code Chapter 552, Subchapter C, is public information and is available to the public on or after the 75th anniversary of the date the information was originally created or received by the district. This paragraph does not limit the authority of a district to establish retention periods for records under applicable law. *Gov't Code 552.0215*

Information Relating to Litigation

Information is excepted from public disclosure if it is information relating to litigation of a civil or criminal nature to which a district is, or

may be, a party or to which an officer or employee of the district, as a consequence of the office or employment, is or may be a party, but only if the litigation is pending or reasonably anticipated on the date the district's public information officer receives the request. *Gov't Code 552.103(a), (c)*

Information Related to Competition or Bidding

Information is excepted from public disclosure if the district demonstrates that the release of the information would harm its interests by providing an advantage to a competitor or bidder in a particular ongoing competitive situation or in a particular competitive situation where the district establishes the situation at issue is set to reoccur or there is a specific and demonstrable intent to enter into the competitive situation again in the future. Required disclosure under Government Code 552.022 does not apply to information that is excepted from required disclosure under this provision.

Parades, Concerts, and Entertainment Events

Information relating to the receipt or expenditure of public or other funds by a district for a parade, concert, or other entertainment event paid for in whole or part with public funds is not excepted from public disclosure. A person, including a district, may not include a provision in a contract related to an event that prohibits or would otherwise prevent the disclosure of this information. A contract provision that violates Government Code 552.104(c) is void.

Gov't Code 552.104

Certain Information on Real or Personal Property

Information is excepted from public disclosure if it is information relating to the location of real or personal property for a public purpose prior to public announcement of the project, or information relating to appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property. *Gov't Code 552.105*

Drafts Involving Legislation

A draft or working paper involved in the preparation of proposed legislation is excepted from public disclosure. *Gov't Code 552.106*

Certain Legal Information

Information is excepted from public disclosure if it is not privileged information but information that an attorney of a district is prohibited from disclosing because of a duty to the board under the Texas Rules of Evidence or the Texas Disciplinary Rules of Professional Conduct, or information that a court order has prohibited from disclosure. *Gov't Code 552.107*

Certain Law Enforcement Information

Information (other than basic information about an arrested person, an arrest, or a crime) held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from public disclosure if:

1. Release of the information would interfere with the detection, investigation, or prosecution of crime; or

2. It is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication.

An internal record or notation of a law enforcement agency that is maintained for internal use in matters relating to law enforcement or prosecution is excepted from public disclosure if:

1. Release of the internal record or notation would interfere with law enforcement or prosecution; or

2. The internal record or notation relates to law enforcement only in relation to an investigation that did not result in conviction or deferred adjudication.

Gov't Code 552.108; Houston Chronicle Publ'g Co. v. City of Houston, 536 S.W.2d 559 (Tex. 1976)

Private Correspondence of Elected Official

Private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy are excepted from public disclosure. *Gov't Code 552.109; Industrial Foundation of the South v. Texas Indus. Acc. Bd., 540 S.W.2d 668 (Tex. 1976)*

Trade Secrets

Except as provided by Government Code 552.0222 (disclosure of contracting information), information is excepted from public disclosure if it is demonstrated based on specific factual evidence that the information is a trade secret, as defined by Government Code 552.110(a). *Gov't Code 552.110(b)*

Certain Commercial and Financial Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained is excepted from public disclosure. *Gov't Code 552.110(c)*

Proprietary Information

Except as provided by Government Code 552.0222 (disclosure of contracting information), information submitted to a district by a vendor, contractor, potential vendor, or potential contractor in response to a request for a bid, proposal, or qualification is excepted from public disclosure if the vendor, contractor, potential vendor, or potential contractor demonstrates based on specific factual evidence that disclosure of the information would be proprietary as specified under Government Code 552.1101(a).

This exception to disclosure may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of pro-

tecting the interests of the vendor, contractor, potential vendor, or potential contractor.

A district must decline to release this information as provided by Government Code 552.305(a) to the extent necessary to allow a vendor, contractor, potential vendor, or potential contractor to assert the exception to disclosure provided by Government Code 552.1101(a) (proprietary information).

Gov't Code 552.1101 [See GBAA for additional procedures related to information involving proprietary interests of a vendor, contractor, or potential vendor or contractor.]

Proprietary Records and Trade Secrets in Certain Partnerships

Information in the custody of a district that relates to a proposal for a qualifying project authorized under Government Code Chapter 2267 is excepted from public disclosure if the information and records meet the criteria outlined at Government Code 552.153(b). The district is not authorized to withhold information as outlined by Government Code 552.153(c). *Gov't Code 552.153* [See CDH]

Certain Memoranda

An interagency or intra-agency memorandum or letter that would not be available by law to a party in litigation with a district is excepted from public disclosure. *Gov't Code 552.111; City of Garland v. Dallas Morning News, 22 S.W.3d 351 (Tex. 2000)*

Audit Working Paper

An audit working paper of an auditor of a school district, including any audit relating to the criminal history background check of a public school employee, is excepted from public disclosure. If information in an audit working paper is also maintained in another record, that other record is not excepted.

"Audit" means an audit authorized or required by a statute of Texas or the United States or a resolution or other action of a board of trustees of a school district, including an audit by the district relating to the criminal history background check of a public school employee, and includes an investigation.

"Audit working paper" includes all information, documentary or otherwise, prepared or maintained in conducting an audit or preparing an audit report, including intra-agency and interagency communications and drafts of the audit report or portions of those drafts. *Gov't Code 552.116*

Personal Information of Certain Individuals

Board Members and Others

Option to Restrict Access

Information that relates to the home address, home telephone number, emergency contact information, date of birth, or social security number of an individual to whom Government Code 552.1175(a) applies (including a current or honorably retired peace officer, commissioned security officer, elected public officer, members of the military, or a firefighter or volunteer firefighter), or that reveals whether the individual has family members is confidential and may not be disclosed to the public if the individual to whom the information relates chooses to restrict public access to the information by notifying the district on a form provided by the district with evidence of the individual's status. This choice remains valid until rescinded in writing by the individual.

Redaction and Notice to Requestor

In accordance with Government Code 552.1175(f), a district may redact information that must be withheld under this provision from any information the district discloses under the Public Information Act without the necessity of requesting a decision from the attorney general. If a district redacts information under this provision, the district shall provide the information required by Government Code 552.1175(h) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.1175

Board Member and Employee Personnel Information

Information is excepted from public disclosure if it is information that relates to the home address, home telephone number, emergency contact information, or social security number of the persons listed at Government Code 552.117(a) or that reveals whether the person has family members. Government Code 552.117(a) includes the following:

1. A current or former district employee or board member, except as provided by Government Code 552.024, below;
2. Certain peace officers, security officers, law enforcement personnel, and first responders; and
3. An elected public officer, regardless of whether the officer complies with Government Code 552.024, below, or .1175, above.

Gov't Code 552.117

Choice To Allow Access

Each current or former employee or board member of a district shall choose whether to allow public access to information in the custody of the district that relates to the person's home address, home telephone number, emergency contact information, or social security number, or that reveals whether the person has family members.

Each current or former employee and board member shall state that person's choice to the main personnel officer of the district in a signed writing not later than the 14th day after the date on which the employee begins employment with the district, the board member is elected or appointed, or the former employee or official ends service with the district.

If the current or former employee or board member fails to state the person's choice within the period established by this provision, the information is subject to public access.

A current or former employee or board member who wishes to close or open public access to the information may request in writing that the main personnel officer of the district close or open access.

Exercising the option to close public access to protect personal information does not apply to a public information request made before the option was exercised.

Gov't Code 552.024; Atty. Gen. ORD 530 (1989)

Redaction and Notice to Requestors

If the current or former employee or board member chooses not to allow public access to the information, the district may redact the information from any information the district discloses without the necessity of requesting a decision from the attorney general. *Gov't Code 552.024(c)*

A district that redacts or withholds information under this provision shall provide the information required by Government Code 552.024(c-2) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter. *Gov't Code 552.024(c-1), (c-2)*

Photograph of Peace Officer

A photograph that depicts a peace officer, the release of which would endanger the life or physical safety of the officer, is excepted from public disclosure unless:

1. The officer is under indictment or charged with an offense by information;
2. The officer is a party in a fire or police civil service hearing or a case in arbitration; or
3. The photograph is introduced as evidence in a judicial proceeding.

If a photograph is exempt from public disclosure as described above, it may be made public only if the officer gives written consent.

Gov't Code 552.119

Testing Items

A test item developed by an educational institution that is funded wholly or in part by state revenue or by a district is excepted from public disclosure. *Gov't Code 552.122*

Certain Library Records

A record of a library or library system, supported in whole or in part by public funds, that identifies or serves to identify a person who requested, obtained, or used a library material or service is excepted from public disclosure, unless the record is disclosed:

1. Because the library determines that disclosure is reasonably necessary for the operation of the library and the records are not confidential under other state or federal law;
2. To a person with a special right of access under Government Code 552.023; or
3. To a law enforcement agency or prosecutor under a court order or a subpoena obtained in compliance with this provision.

Gov't Code 552.124

Superintendent Applicants

The name of an applicant for superintendent of a district is excepted from public disclosure, except that the board must give public notice of the name or names of the finalists being considered for that position at least 21 days before the date of the meeting at which final action or a vote is to be taken on the applicant's employment. *Gov't Code 552.126*

Certain Motor Vehicle and Personal Identification Information

Information is excepted from public disclosure if the information relates to:

1. A motor vehicle operator's or driver's license or permit issued by an agency of this state or another state or country;
2. A motor vehicle title or registration issued by an agency of this state or another state or country; or
3. A personal identification document issued by an agency of this state, another state or country, or a local agency authorized to issue an identification document.

The motor vehicle record information described above may be released only if, and in the manner, authorized by Transportation Code Chapter 730.

Subject to Transportation Code Chapter 730 (the Motor Vehicle Records Disclosure Act), a district may redact motor vehicle or driver license information (including a Texas driver's license number, a copy of a Texas driver's license, a Texas license plate number, the portion of a photograph that reveals a Texas license plate number, and the portion of any video depicting a discernible Texas license plate number) under this provision from any information the district discloses without the necessity of requesting a decision from the attorney general. The district shall provide the information specified at Government Code 552.130(e) to the requestor on a form prescribed by the attorney general. The requestor is entitled to seek a decision from the attorney general about the matter.

Gov't Code 552.130; Atty. Gen. ORD 684 (2009)

Economic Development Negotiations

Information is excepted from public disclosure if the information relates to economic development negotiations involving a board and a business prospect that the board seeks to have locate, stay, or expand in or near a district and the information relates to:

1. A trade secret of the business prospect; or
2. Commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

Gov't Code 552.131(a)

Unless and until an agreement is made with the business prospect, information about a financial or other incentive being offered to a business prospect by a board or by another person is excepted from public disclosure.

After an agreement is made, the exception no longer applies to information about a financial or other incentive being offered to the business prospect:

1. By the board; or
2. By another person, if the financial or other incentive may directly or indirectly result in the expenditure of public funds by a district or a reduction in revenue received by the district from any source.

Gov't Code 552.131(b), (c)

Social Security Numbers of Any Living Person

Except for the social security number of a district employee in the custody of the district, the social security number of a living person is excepted from public disclosure, but is not confidential under the Public Information Act. A district may redact the social security

number of a living person from any information the district discloses to the public without the necessity of requesting a decision from the attorney general. *Gov't Code 552.147(a), (c)*

Exclusions from Public Information

Protected Health Information

An individual's protected health information as defined by Health and Safety Code 181.006 is not public information and is not subject to disclosure under the Public Information Act. *Gov't Code 552.002(d)*

Subpoena or Discovery Request

A subpoena duces tecum or a request for discovery that is issued in compliance with a statute or a rule of civil or criminal procedure is not considered to be a request for information under the Public Information Act. The Public Information Act does not affect the scope of civil discovery under the Texas Rules of Civil Procedure, and exceptions from disclosure under the PIA do not create new privileges from discovery. *Gov't Code 552.005, .0055*

No Right of Access

Commercially Available Publications

A district is not required under the Public Information Act to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the district for research purposes, if the book or publication is commercially available to the public. Although information in a book or publication may be made available to the public as resource material, such as a library book, a district is not required to make a copy of the information in response to a request for public information.

Exception

The district shall allow the inspection of information in a book or publication that is made part of, incorporated into, or referred to in a rule or policy of the board or district.

Gov't Code 552.027

Requests from Incarcerated Individuals

A district is not required to accept or comply with a request for information from an individual who is imprisoned or confined in a correctional facility or an agent of that individual, other than the individual's attorney when the attorney is requesting information that is subject to disclosure under the Public Information Act. This provision does not prohibit a district from disclosing to an incarcerated individual or the individual's agent information held by the district that pertains to the individual. *Gov't Code 552.028*

Retirement Eligibility Records

Records, including any identifying information, of individual members, annuitants, retirees, beneficiaries, alternate payees, program participants, or persons eligible for benefits from TRS or another retirement system that are in the custody of the system or in the custody of an administering firm, a carrier, the district, or another governmental body, acting in cooperation with or on behalf of the retirement system are confidential and not subject to public disclosure.

An administering firm, carrier, or the district acting in cooperation with or on behalf of the retirement system is not required to accept or comply with a request for a record or information about a record or to seek an opinion from the attorney general.

For this provision, "participant" means a member, former member, retiree, annuitant, beneficiary, or alternate payee of the retirement system, or an employee or contractor of an employer covered by the retirement system for whom records were received by the retirement system for the purpose of administering the terms of the plan, including for audit or investigative purposes.

Gov't Code 552.0038(c), (h), 825.507(g)

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[1] Office of the Attorney General and the Public Information Act: https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act

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Note: For forms prescribed by the attorney general, see the Attorney General's Public Information website.[1]

Officer for Public Information and Required Sign

Officer and Agents

The superintendent of a district is the officer for public information. Each department head is an agent of the officer for public information for purposes of complying with Government Code Chapter 552 (Public Information Act [PIA]).

Duties

The officer is responsible for the release of public information as required by the Public Information Act. Subject to penalties provided by the Public Information Act, the officer for public information shall:

1. Make public information available for public inspection and copying;
2. Carefully protect public information from deterioration, alteration, mutilation, loss, or unlawful removal;
3. Repair, renovate, or rebind public information when necessary to maintain it properly; and
4. Make reasonable efforts to obtain public information from a temporary custodian if:
    a. The information has been requested from the district;
    b. The officer is aware of facts sufficient to warrant a reasonable belief that the temporary custodian has possession, custody, or control of the information;
    c. The officer is unable to comply with the duties imposed by the Public Information Act without obtaining the information from the temporary custodian; and
    d. The temporary custodian has not provided the information to the officer or the officer's agent.

The officer is not responsible for the use made of the information by the requestor or the release of the information after it is removed from a record as a result of an update, correction, or change of status of the person to whom the information pertains.

Gov't Code 552.201(a)–.204; Keever v. Finlan, 988 S.W.2d 300 (Tex. App.–Dallas 1999, pet. dism'd) (a district's chief administrative officer is the superintendent)

Training

This provision applies to an elected or appointed board member and the officer for public information.

Each person shall complete a course of training of not less than one and not more than two hours regarding the responsibilities of the district and its board members and employees under the Public Information Act not later than the 90th day after the date:

1. The board member takes the oath of office; or
2. The officer for public information assumes duties as officer for public information.

A public information coordinator who is primarily responsible for administering the responsibilities of the board under the Public Information Act and designated for board members to satisfy the training requirement of this provision shall complete the training course regarding the responsibilities of the board and district employees under the PIA not later than the 90th day after the date the coordinator assumes the person's duties as coordinator. [See BBD, CPC(LOCAL)]

Designation of a public information coordinator does not relieve a board member from the duty to comply with any other requirement of the Public Information Act that applies to the board member. A district shall maintain and make available for public inspection the record of its board members' or, if applicable, the public information coordinator's completion of the training.

Gov't Code 552.012(a)–(c), (e)

PIA Sign

The officer for public information shall prominently display a sign (PIA sign) in the form prescribed by the attorney general that contains basic information about the rights of a requestor, the responsibilities of a district, and the procedures for inspecting or obtaining a copy of public information under the Public Information Act. The officer shall display the sign at one or more places in the district's administrative offices where it is plainly visible to:

1. Members of the public who request public information in person; and
2. Employees of the district whose duties include receiving or responding to public information requests.

Gov't Code 552.205(a)

Requests for Public Information

A person may make a written request for public information only by delivering the request by one of the following methods to the officer for public information or a person designated by that officer:

Method of Requesting Public Information

1. United States mail;
2. Electronic mail;

3. Hand delivery; or

4. Any other appropriate method approved by the district, including facsimile transmission and electronic submission through the district's website.

A district is considered to have approved another method only if the district includes a statement on the PIA sign or the district's website that states a request for public information may be made by that method.

Designated Addresses to Receive Requests

A district may designate one mailing address and one electronic mail address for receiving written requests for public information and shall provide the designated mailing address and electronic mailing address to any person on request.

A district that posts a designated mailing address or electronic mail address on the district's website or that prints those addresses on the PIA sign is not required to respond to a written request for public information unless the request is received:

1. At one of those addresses;

2. By hand delivery; or

3. By a method described above that has been approved by the district.

Gov't Code 552.234(c), (d)

Optional Request Form

The attorney general shall create a public information request form that provides a requestor the option of excluding from a request information that the district determines is:

1. Confidential; or

2. Subject to an exception to disclosure that the district would assert if the information were subject to the request.

A district that allows requestors to use the attorney general's form and maintains a website shall post the form on its website.

Gov't Code 552.235

District Response to Requests

Uniform Treatment

The officer for public information or the officer's agent shall treat all requests for information uniformly without regard to the position or occupation of the requestor, the person on whose behalf the request is made, or the status of the individual as a member of the media. *Gov't Code 552.223*

Inquiries by District

The officer for public information and the officer's agent may not make an inquiry of a requestor except to establish proper identification or except as provided below.

Requests to Clarify or Narrow

If what information is requested is unclear to the district, the district may ask the requestor to clarify the request. If a large amount of information has been requested, the district may discuss with the requestor how the scope of the request might be narrowed, but the district may not inquire into the purpose for which the information will be used.

Additional Information for Vehicle Records

If the information requested relates to a motor vehicle record, the officer for public information or agent may require the requestor to provide additional identifying information sufficient for the officer or agent to determine whether the requestor is eligible to receive the information under Transportation Code Chapter 730. In this provision, "motor vehicle record" has the meaning assigned that term by Transportation Code 730.003.

Gov't Code 552.222(a)–(c)

Statement of Consequences

A written request for clarification or discussion or for additional information, as described above, must include a statement as to the consequences of the failure by the requestor to timely respond to the request for clarification, discussion, or additional information. *Gov't Code 552.222(e)*

Requestor's Failure to Respond

If by the 61st day after the date the district sends a written request for clarification or discussion or for additional information, as described above, the district, officer for public information, or agent does not receive a written response from the requestor, the underlying request for public information is considered to have been withdrawn by the requestor.

Exception to Automatic Withdrawal

Except when the requestor's information request was sent by electronic mail, described below, if the requestor's information request included the requestor's physical or mailing address, the request may not be considered to have been withdrawn unless the district or officer for public information or agent sends the request for clarification or discussion or for additional information, as described above, to that address by certified mail.

If the requestor's information request was sent by electronic mail, the request may be considered to have been withdrawn if:

1. The district, officer for public information, or agent sends the request for clarification or discussion or the written request for additional information by electronic mail to the same electronic mail address from which the original request was sent

or to another electronic mail address provided by the requestor; and

2. The district, officer for public information, or agent does not receive from the requestor a written response or response by electronic mail within the period described by Government Code 552.222(d).

Gov't Code 552.222(d), (f)–(g)

Time for Production

Promptly

An officer for public information shall promptly produce public information for inspection, duplication, or both, on application by any person to the officer. "Promptly" means as soon as possible under the circumstances, that is, within a reasonable time, without delay. A district may not automatically withhold for ten business days public information not excepted from disclosure. *Gov't Code 552.221(a); Atty. Gen. ORD 664 (2000)*

Certifications of Availability

If an officer for public information cannot produce the public information for inspection or duplication within ten business days after the date the information is requested, the officer shall certify that fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

If the requested information is unavailable at the time of the request to examine because it is in storage or active use, an officer for public information shall certify this fact in writing to the requestor and set a date and hour within a reasonable time when the information will be available for inspection or duplication.

Gov't Code 552.221(c), (d)

Administrative Offices Closed

Unless the district has initiated a temporary suspension of the Public Information Act during a catastrophe [see below], if a district closes its physical offices, but requires staff to work, including remotely, then the district shall make a good faith effort to continue responding to applications for public information, to the extent staff have access to public information responsive to an application while its administrative offices are closed.

Failure to respond to requests may constitute a refusal to request an attorney general's decision or a refusal to supply public information or information that the attorney general has determined is public information that is not excepted from disclosure.

Gov't Code 552.2211

Methods of Production

An officer for public information complies with the requirement to promptly produce public information by:

1. Providing the information for inspection or duplication in the offices of a district. The Public Information Act does not authorize a requestor to remove an original copy of a public record from the office of a district;

2. Sending copies of the information by first class United States mail, if the requestor requests that copies be provided and pays the postage and any other applicable charges that the requestor has accrued under Government Code Chapter 552, Subchapter F [see Authorized Costs and Charges, below]; or

3. Referring a requestor to an exact internet location or uniform resource locator (URL) address on a website maintained by the district and accessible to the public if the requested information is identifiable and readily available on that website. If the person requesting the information prefers a manner other than access through the URL, the district must supply the information in the manner described above at items 1 and 2.

   If the officer for public information provides by email an internet location or URL address as permitted by item 3, above, the email must contain a statement in a conspicuous font clearly indicating that the requestor may nonetheless access the requested information by inspection or duplication or by receipt through United States mail, as described above at items 1 and 2.

Gov't Code 552.221(b)–(b-2), .226

Inspection and Duplication Procedures

A district may promulgate reasonable rules of procedure under which public information may be inspected and copied efficiently, safely, and without delay. These rules may not be inconsistent with any provision of the Public Information Act. *Gov't Code 552.230*

The officer for public information or agent shall give the requestor all reasonable comfort and facility for the full exercise of the right granted by the Public Information Act. *Gov't Code 552.224*

Time For District to Provide Copies

It shall be a policy of a district to provide a suitable copy of public information within a reasonable time after the date on which the copy is requested. *Gov't Code 552.228(a)*

Time for Requestor to Appear and Complete Inspection

A request is considered to have been withdrawn if the requestor fails to inspect or duplicate the public information in district offices on or before the 60th day after the date the information is made available or fails to pay the postage and any other applicable charges accrued under Government Code Chapter 552, Subchapter F on or before the 60th day after the date the requestor is informed of the charges.

A requestor must complete the examination of the information not later than the tenth business day after the date the custodian of the information makes it available. If the requestor does not complete the examination within ten business days and does not file a request for additional time under Government Code 552.225(b) (described below), the requestor is considered to have withdrawn the request.

The officer for public information shall extend the initial examination period by an additional ten business days if, within the initial period, the requestor files with the officer a written request for additional time. The officer shall extend an additional examination period by another ten business days if, within the first additional period, the requestor files with the officer a written request for more additional time.

The time during which a person may examine information may be interrupted by the officer if the information is needed for use by the district. The period of interruption is not considered to be a part of the time during which the person may examine the information.

Gov't Code 552.221(e), .225

Electronic Data

If public information exists in an electronic or magnetic medium, the requestor may request a copy in an electronic medium, such as on diskette or on magnetic tape. A district shall provide a copy in the requested medium if:

1. The district has the technological ability to produce a copy of the information in the requested medium;
2. The district is not required to purchase any software or hardware to accommodate the request; and
3. Provision of a copy of the information in the requested medium will not violate the terms of any copyright agreement between the district and a third party.

If a district is unable to comply with a request to produce a copy of information in a requested medium for any of these reasons, the district shall provide a copy in another medium that is acceptable to the requestor. A district is not required to copy information onto a diskette or other material provided by the requestor but may use district supplies.

Gov't Code 552.228(b), (c)

Requests Requiring Programming or Data Manipulation

Written Statement Required

A district shall provide to a requestor a written statement, described below, if the district determines:

1. That responding to a request for information will require programming or manipulation of data; and
2. That:
    a. Compliance with the request is not feasible or will result in substantial interference with operations; or
    b. The information could be made available in the requested form only at a cost that covers the programming and manipulation of data.

The written statement shall include:

1. A statement that the information is not available in the requested form;
2. A description of the form in which the information is available;
3. A description of any contract or services that would be required to provide the information in the requested form;
4. A statement of the estimated cost of providing the information in the requested form, as determined in accordance with the rules established by the attorney general under Government Code 552.262; and
5. A statement of the anticipated time required to provide the information in the requested form.

Time For Programming or Manipulation Statement

A district shall provide the written statement to the requestor within 20 days after the date the district receives the request. The district has an additional ten days to provide the statement if the district gives written notice to the requestor, within 20 days after receiving the request, that additional time is needed.

Requestor Reply Required

On providing the written statement described above, the district does not have any further obligation to provide the information in the requested form or in the form in which it is available, unless within 30 days the requestor states in writing that the requestor:

1. Wants the district to provide the information in the requested form according to the cost and time parameters set out in the written statement or according to other terms to which the requestor and the district agree; or
2. Wants the information in the form in which it is available.

If a requestor does not make a timely written statement to the district, the requestor is considered to have withdrawn the request for information.

Processing Procedures and Recordkeeping

The officer for public information shall establish policies that assure the expeditious and accurate processing of requests for information that require programming or manipulation of data. A district shall maintain a file containing all written statements issued concerning responding to requests for information that require programming or manipulation of data in a readily accessible location.

Gov't Code 552.231

Repetitious or Redundant Requests

A district that determines a requestor has made a request for information for which the district has previously furnished or made copies available to the requestor on payment of applicable charges must respond to the request, in relation to the information for which copies have already been furnished or made available, except that:

1. The district is not prohibited from furnishing the information or making the information available to the requestor again in accordance with the request; and
2. The district is not required to comply with these provisions in relation to information that the district simply furnishes or makes available to the requestor again in accordance with the request.

Gov't Code 552.232(a)

These provisions do not apply to information not previously furnished to a requestor or made copies available to the requestor on payment of applicable charges.

A request by the requestor for information for which copies have not previously been furnished or made available to the requestor, including information for which copies were not furnished or made available because the information was redacted from other information that was furnished or made available or because the information did not exist at the time of an earlier request shall be treated in the same manner as any other request for public information under the Public Information Act.

Gov't Code 552.232(d)

Certification of Previous Production

A district shall certify to the requestor that copies of all or part of the requested information were previously furnished or made available to the requestor. The certification must include:

1. A description of the information for which copies have been previously furnished or made available to the requestor;

2. The date the district received the requestor's original request for that information;

3. The date the district previously furnished copies or made available copies of the information to the requestor;

4. A certification that no subsequent additions, deletions, or corrections have been made to that information; and

5. The name, title, and signature of the officer for public information or agent making the certification.

A charge may not be imposed for making and finishing this certification.

Gov't Code 552.232(b), (c)

Withholding Excepted Information

Request for Attorney General Decision Required

A district that receives a written request for information that it wishes to withhold from public disclosure and that it considers to be within one of the exceptions to required disclosure under Government Code Chapter 552, Subchapter C [see GBA] must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions [see Request for Attorney General Decision Not Required, below]. A district may only request an attorney general decision if the district reasonably believes that the requested information is excepted from required disclosure. *Gov't Code 552.301(a); Atty. Gen. ORD 665 (2000)*

Consequences of Missed Deadlines

If a district does not request an attorney general decision and provides the requestor with the information required by Government Code 552.301(d) and (e-1) [see Information to Requestor, below], the information requested in writing is presumed to be subject to public disclosure and must be released unless there is a compelling reason to withhold it. *Gov't Code 552.302*

Request and Submissions to Attorney General

The district must ask for the attorney general's decision and state the exceptions that apply within a reasonable time but not later than the tenth business day after the date of receiving the written request.

When a district requests an attorney general decision, it shall, within a reasonable time but not later than the 15th business day after receiving the request for information, submit to the attorney general all of the following:

1. Written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld;

2. A copy of the written request for information;

3. A signed statement as to the date on which the written request for information was received by the district or evidence sufficient to establish that date; and

4. A copy of the specific information requested, or representative samples of the information if a voluminous amount of information was requested. The district shall label the copies or representative samples to indicate which exceptions apply to which parts of the copy.

Gov't Code 552.301(b), (e)

Information to Requestor

A district that requests an attorney general decision shall provide to the requestor within a reasonable time but not later than the tenth business day after the date of receiving the requestor's written request:

1. A written statement that the district wishes to withhold the requested information and has asked for a decision from the attorney general about whether the information is within an exception to public disclosure; and

2. A copy of the district's written communication to the attorney general asking for the decision. If a district's written communication to the attorney general discloses the requested information, the district shall provide a redacted copy of that written communication.

The district shall send a copy of the comments to the requestor not later than the 15th business day after the district receives the written request. If the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor shall be redacted.

Gov't Code 552.301(d), (e-1)

Calculating Timeliness

For the purposes of Government Code Chapter 552, Subchapter G (Attorney General Decisions), if a district receives a written request by United States mail and cannot adequately establish the actual date of receipt, the request is considered to have been received by the district on the third business day after the date of the postmark on a properly addressed request. *Gov't Code 552.301(a-1)*

When Government Code Chapter 552, Subchapter G requires a request, notice, or other document to be submitted or otherwise given to the attorney general within a specified period, the requirement is met in a timely fashion if the district submits the document through the attorney general's designated electronic filing system within that period. This provision does not affect the right of a dis-

trict to submit information to the attorney general by specified methods of mail under Government Code 552.308.

When the attorney general is required to deliver a notice, decision, or other document within a specified period, the requirement is met in a timely fashion if the attorney general electronically transmits the document within that period.

For information surrendered or returned to a district by a temporary custodian, the district is considered to receive the request for that information on the date the information is surrendered or returned to the district. [See GB]

Gov't Code 552.233(d), .309

When Government Code Chapter 552, Subchapter G requires a request, notice, or other document to be submitted or otherwise given to a person within a specified period, the requirement is met in a timely fashion if the document is sent to the person by first class United States mail or common or contract carrier properly addressed with postage or handling charges prepaid and:

1. It bears a post office cancellation mark or a receipt mark of a common or contract carrier indicating a time within that period; or
2. The person required to submit or otherwise give the document furnishes satisfactory proof that it was deposited in the mail or with a common or contract carrier within that period.

Gov't Code 552.308

Third Party Privacy or Property Interests

In a case in which information is requested under the Public Information Act and a person's privacy or property interests may be involved, including a case under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.114 (student records), 552.131 (economic development information), or 552.143 (investment information), a district may decline to release the information for the purpose of requesting a decision from the attorney general.

Third Party Submissions

A person whose interests may be involved as described above, or any other person, may submit in writing to the attorney general the person's reasons why the information should be withheld or released. A district may, but is not required to, submit its reasons why the information should be withheld or released. The proprietary information exception to disclosure provided by Government Code 552.1101(a) may be asserted only by a vendor, contractor, potential vendor, or potential contractor in the manner described by Government Code 552.305(b) for the purpose of protecting the in-

terests of the vendor, contractor, potential vendor, or potential contractor.

Gov't Code 552.305(a)–(c), .1101(c)

Notice to Third Party

If release of a person's proprietary information may be subject to exception under Government Code 552.101 (information confidential by law), 552.110 (trade secrets), 552.1101 (proprietary information), 552.113 (geological or geophysical information), 552.131 (economic development information), or 552.143 (investment information), a district that requests an attorney general decision shall make a good faith attempt to notify that person of its request. The notice must:

1. Be in writing and sent within a reasonable time not later than the tenth business day after the district receives the request for information; and

2. Include:

   a. A copy of the written request for information, if any, received by the district; and

   b. A statement, in the form prescribed by the attorney general, that the person is entitled to submit to the attorney general, not later than the tenth business day after the person receives the notice:

      (1) Each reason the person has as to why the information should be withheld; and

      (2) A letter, memorandum, or brief in support of that reason.

A person who submits a letter, memorandum, or brief to the attorney general under this provision shall send a copy of that letter, memorandum, or brief to the person who requested the information from the district. If the letter, memorandum, or brief submitted to the attorney general contains the substance of the information requested, the copy of the letter, memorandum, or brief may be a redacted copy.

Gov't Code 552.305(d), (e)

Requests for Contracting Information Not Maintained by the District

"Contracting information" means the following information maintained by a district or sent between a district and a vendor, contractor, potential vendor, or potential contractor:

1. Information in a voucher or contract relating to the receipt or expenditure of public funds by a district;

2. Solicitation or bid documents relating to a contract with a district;

3. Communications sent between a district and a vendor, contractor, potential vendor, or potential contractor during the solicitation, evaluation, or negotiation of a contract;

4. Documents, including bid tabulations, showing the criteria by which a district evaluates each vendor, contractor, potential vendor, or potential contractor responding to a solicitation and, if applicable, an explanation of why the vendor or contractor was selected; and

5. Communications and other information sent between a district and a vendor or contractor related to the performance of a final contract with the district or work performed on behalf of the district.

Gov't Code 552.003(1-a)

Government Code 552.371 applies to an entity that is not a governmental body that executes a contract with a district 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.

Government Code 552.371 applies to a written request for public information received by a district that is party to a contract described above for contracting information related to the contract that is in the custody or possession of the entity and not maintained by the district.

Gov't Code 552.371(a), (b)

District Request to Contracting Entity

A district that receives a written request for contracting information shall request that the entity provide the information to the district. The district must send the request in writing to the party not later than the third business day after the date the district receives the written request. *Gov't Code 552.371(c)*

Requesting Decision About Contracting Information

A district's request for an attorney general's decision to determine whether contracting information not maintained by the district falls within an exception to disclosure under the Public Information Act is considered timely if made not later than the 13th business day after the date the district receives the written request described above. *Gov't Code 552.371(d)(1)*

The statement and copy described above [see Information to Requestor] is considered timely if provided to the requestor not later than the 13th business day after the date the district receives the written request. *Gov't Code 552.371(d)(2)*

A submission and copy described above [see Request and Submissions to Attorney General] is considered timely if sent not later than the 18th business day after the date the district receives the written request. *Gov't Code 552.371(d)(3), (4)*

The presumption that information is subject to disclosure for failing to comply with Government Code 552.301 [see Request and Submissions to Attorney General, above] does not apply if a district:

1. Complies with the requirements of Government Code 552.371(c) in a good faith effort to obtain contracting information not maintained by the district;
2. Is unable to meet a deadline because the contracting entity failed to provide the information to the district not later than the 13th business day after the date the district received the written request for the information; and
3. Complies with all notice requirements not later than the eighth business day after the date the district receives the information from the contracting entity.

Gov't Code 552.371(e)

Nothing in Government Code 552.371 affects the deadlines or duties of a district related to requesting an attorney general opinion regarding contracting information the district maintains. *Gov't Code 552.371(f)*

Request for Attorney General Decision Not Required

Previous Determinations

Same Information

A district must release the requested information and is prohibited from asking for a decision from the attorney general about whether information requested under this chapter is within an exception under Government Code Chapter 552, Subchapter C if the district has previously requested and received a determination from the attorney general concerning the precise information at issue in a pending request and the attorney general or a court determined that the information is public information that is not excepted by Subchapter C. *Gov't Code 552.301(f)*

Categories of Previously Determined Information

A district may rely on a previous determination by the attorney general regarding a specific, clearly delineated category of information if:

1. The previous decision is applicable to a school district;

2. The previous decision concludes that the category of information is or is not excepted from public disclosure;

3. The elements of law, fact, and circumstances are met to support the previous decision's conclusion that the requested records and information at issue are or are not excepted from public disclosure; and

4. The previous decision explicitly provides that the governmental body or bodies, such as the district, to which the decision applies may withhold the information without the necessity of seeking a decision from the attorney general.

Atty. Gen. ORD 673 (2001)

A district that relies on a previous determination to withhold information from disclosure should notify the requestor in writing of the decision or ruling upon which it is relying. *Atty. Gen. ORD 684 (2009)*

When Request Is Allowed for Previous Determination

A district may ask for another decision from the attorney general concerning the precise information that was at issue in a prior decision made by the attorney general if:

1. A suit challenging the prior decision was timely filed against the attorney general in accordance with the Public Information Act concerning the precise information at issue;

2. The attorney general determines that the requestor has voluntarily withdrawn the request for the information in writing or has abandoned the request; and

3. The parties agree to dismiss the lawsuit.

Gov't Code 552.301(g)

Note: For rules regarding the attorney general's review of redactions and electronic submissions to the attorney general, see 1 Administrative Code Chapter 63. For complete cost rules issued by the attorney general, see 1 Administrative Code Chapter 70.

Authorized Costs and Charges

Attorney General's Cost Rules

A district shall use the attorney general's rules to determine the charges for providing copies of public information and to determine the charge, deposit, or bond required for making public information that exists in a paper record available for inspection, except to the extent that other law provides for charges for specific kinds of public information. The charges for providing copies of public information may not be excessive and may not exceed the actual cost of

producing the information or for making public information that exists in a paper record available for inspection.

A district may determine its own charges for providing copies of public information and its own charge, deposit, or bond for making public information that exists in a paper record available for inspection. However, a district may not charge an amount that is greater than 25 percent more than the amount established by the attorney general, unless the district requests an exemption.

Gov't Code 552.262(a); 1 TAC 70.1(b), .3, .10.

Exemption

A district may request that it be exempt from part or all of the rules adopted by the attorney general for determining charges. The request must be made in writing to the attorney general and must state the reason for the exemption. If a district receives notice from the attorney general that an exemption has been granted, the district may amend its charges according to the attorney general's determination. *Gov't Code 552.262(c)*

Multiple Requests

All requests received in one calendar day from an individual may be treated as a single request for purposes of calculating costs. A district may not combine multiple requests from separate individuals who submit requests on behalf of an organization. *Gov't Code 552.261(e)*

Charges for Producing Copies

The charge for providing a copy of public information shall be an amount that reasonably includes all costs related to reproducing the information, including costs of materials, labor, and overhead.

50 Pages or Less

If a request is for 50 or fewer pages of paper records, the charge for providing the copy of the information may not include costs of materials, labor, or overhead, but shall be limited to the charge for each page of the paper record that is photocopied, unless the pages to be photocopied are located in two or more separate buildings that are not physically connected with each other or a remote storage facility. A connection of two buildings by a covered or open sidewalk, an elevated or underground passageway, or a similar facility is insufficient to cause the buildings to be considered separate buildings.

Statement of Labor Costs

If the charge for providing a copy of public information includes costs of labor, the requestor may require the officer for public information or agent to provide the requestor with a written statement as to the amount of time that was required to produce and provide the copy. The statement must be signed by the officer or agent, and the officer or agent's name must be typed or legibly printed below the signature. A charge may not be imposed for providing the written statement to the requestor.

Accrual of Charges

Charges for providing a copy of public information are considered to accrue at the time the district advises the requestor that the copy is available on payment of the applicable charges.

Gov't Code 552.261(a)–(d)

Deposit or Bond for Copies

The officer for public information or agent may require a deposit or bond for payment of anticipated costs for the preparation of a copy of public information if:

1. The officer or agent has provided the requestor with the written itemized statement required by Government Code 552.2615 (itemized estimate of charges, below); and
2. The charge for providing the copy is estimated by the district to exceed $100, if the district has more than 15 full-time employees, or $50, if the district has fewer than 16 full-time employees.

The officer or agent may not require a deposit or bond as a down payment for copies of public information that the requestor may request in the future.

Gov't Code 552.263(a), (b)

Effect on Timelines

For purposes of Government Code Chapter 552, Subchapters F (Charges for Providing Copies of Public Information) and G (Attorney General Decisions), a request for a copy of public information is considered to have been received by the district on the date the district receives the deposit or bond for payment of anticipated costs or unpaid amounts if the officer for public information or agent requires a deposit or bond.

A requestor who fails to make such a deposit or post such a bond for payment of anticipated costs for the preparation of copies before the tenth business day after the date the deposit or bond is required is considered to have withdrawn the request for the copy of public information that precipitated the requirement of the deposit or bond.

Gov't Code 552.263(e), (f)

Modified Request

If a requestor modifies a request in response to the requirement of a deposit or bond, the modified request is considered a separate request and is considered received on the date the district receives the written modified request. *Gov't Code 552.263(e-1)*

Unpaid Amounts

The officer for public information or agent may require a deposit or bond for payment of unpaid amounts the requestor owes a district in relation to previous public information requests before preparing a copy of public information in response to a new request, if those

unpaid amounts exceed $100. The officer for public information or agent may not seek payment of those unpaid amounts through any other means.

Documentation of Unpaid Amounts

A district must fully document the existence and amount of those unpaid amounts or the amount of any anticipated costs before requiring a deposit or bond. The documentation is subject to required public disclosure.

Gov't Code 552.263(c), (d)

Pre-Payments

A district that receives a request from a requestor to produce public information for inspection or publication or to produce copies of public information in response to a requestor who, within the preceding 180 days, has accepted but failed to pay written itemized statements of estimated charges from the district as provided under Government Code 552.261(b) (statement of labor costs, above) may require the requestor to pay the estimated charges for the request before the request is fulfilled. *Gov't Code 552.2661*

Waivers

A district shall provide a copy of public information without charge or at a reduced charge if the district determines that waiver or reduction of the charge is in the public interest because providing the information primarily benefits the general public.

If the cost to a district of processing the collection of a charge for providing a copy of public information will exceed the amount of the charge, the district may waive the charge.

Gov't Code 552.267

District Publications

Government Code Chapter 552, Subchapter F (charges for providing copies of public information) does not apply to a publication that is compiled and printed by or for a district for public dissemination. If the cost of the publication is not determined by state law, a district may determine the charge for providing the publication. This provision does not prohibit the district from providing the publication free of charge if state law does not require that a certain charge be made. *Gov't Code 552.270*

Copies for Parents

A district may charge a reasonable fee in accordance with the above requirements for copies of materials provided to parents pursuant to Education Code Chapter 26. *Education Code 26.012*

Charges for Inspection Without Copies

If the requestor does not request a copy of public information, a district may not impose a charge for making available for inspection any public information that exists in a paper record, except as set forth below.

Copy of Edited Page

If a page contains confidential information that must be edited from the record before the information can be made available for inspection, the district may charge for the cost of making a photocopy of the page from which the confidential information must be edited. No charge other than the cost of the photocopy may be imposed.

Payment, Deposit, or Bond for Inspections

The officer for public information or agent may require a requestor to pay, or to make a deposit or post a bond for the payment of, anticipated personnel costs for making available for inspection public information that exists in paper records if:

1. The information specifically requested by the requestor is older than five years or completely fills, or when assembled will completely fill, six or more archival boxes; and
2. The officer for public information or agent estimates that more than five hours will be required to make the information available for inspection.

Gov't Code 552.271(a)–(c)

Exception for Certain Small Districts

If a district has fewer than 16 full-time employees, the payment, deposit, or bond may be required only if:

1. The information specifically requested by the requestor is older than three years or completely fills, or when assembled will completely fill, three or more archival boxes; and
2. The officer for public information or agent estimates that more than two hours will be required to make the information available for inspection.

Gov't Code 552.271(d)

Inspection of Electronic Records

In response to a request to inspect information that exists in an electronic medium and that is not available directly online to the requestor, a charge may not be imposed for access to the information unless complying with the request will require programming or manipulation of data. If programming or manipulation of data is required, a district shall notify the requestor before assembling the information and provide the requestor with an estimate of charges that will be imposed to make the information available [see also Requests Requiring Programming or Data Manipulation, above].

If public information exists in an electronic form on a computer owned or leased by a district and if the public has direct access to that computer through a computer network or other means, the electronic form of the information may be electronically copied from that computer without charge if accessing the information does not require processing, programming, or manipulation on the district-

owned or district-leased computer before the information is copied. If such information also requires processing, programming, or manipulation before it can be electronically copied, a district may impose charges.

If information is created or kept in an electronic form, a district is encouraged to explore options to separate confidential information from public information and make the public information available to the public through electronic access through a computer network or by other means.

Gov't Code 552.272

Itemized Estimate of Charges

If a request for a copy of public information will result in the imposition of a charge that exceeds $40, or a request to inspect a paper record without requesting copies will result in the imposition of a charge that exceeds $40, a district shall provide the requestor with a written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs. If an alternative less costly method of viewing the records is available, the statement must include a notice that the requestor may contact the district regarding the alternative method. A district must inform the requestor of the responsibilities imposed on the requestor by Government Code 552.2615 and the rights granted by that section and give the requestor the information needed to respond as detailed in Government Code 552.2615(a).

If, after a district provides the requestor the itemized statement but before it makes the copy or the paper record available, the district determines that the estimated charges will exceed the charges detailed in the original itemized statement by 20 percent or more, the district shall send to the requestor an updated written itemized statement that details all estimated charges that will be imposed, including any allowable charges for labor or personnel costs.

Requestor's Response

A request for which a district is required to produce an (original or updated) itemized statement of estimated charges is considered to have been withdrawn if the requestor does not respond in writing to the itemized statement by informing the district within ten business days after the date the statement is sent to the requestor that:

1. The requestor will accept the estimated charges;
2. The requestor is modifying the request in response to the itemized statement; or
3. The requestor has sent to the attorney general a complaint alleging that the requestor has been overcharged for being provided with a copy of the public information.

Actual Charges

If the actual charges exceed $40, the charges may not exceed:

1. The amount estimated in the updated itemized statement; or
2. If an updated itemized statement is not sent to the requestor, an amount that exceeds by 20 percent or more the amount estimated in the original itemized statement.

No Effect on Deadlines To Request Attorney General Decision

An original or updated itemized statement is considered to have been sent by a district, and a requestor is considered to have responded to the statement, on the date that the statement or response is:

1. Delivered in person;
2. Deposited, properly addressed, in the United States mail; or
3. Transmitted by electronic mail or facsimile, provided the requestor agrees to receive the statement by those means.

The time deadlines for providing or responding to the required statement of estimated charges do not affect the application of a time deadline imposed on a district for requesting a decision by the attorney general under Government Code Chapter 552, Subchapter G.

Gov't Code 552.2615

Temporary Suspension of Requirements for Districts Impacted by Catastrophe

The requirements of the Public Information Act do not apply to a district that is currently significantly impacted by a catastrophe such that the catastrophe directly causes the inability of the district to comply with the requirements of the PIA and the district complies with requirements below to elect a suspension period.

"Catastrophe" means a condition or occurrence that directly interferes with the ability of a district to comply with the requirements of the PIA, including:

1. Fire, flood, earthquake, hurricane, tornado, or wind, rain, or snow storm;
2. Power failure, transportation failure, or interruption of communication facilities;
3. Epidemic; or
4. Riot, civil disturbance, enemy attack, or other actual or threatened act of lawlessness or violence.

"Catastrophe" does not mean a period when staff is required to work remotely and can access information responsive to an appli-

cation for information electronically, but the physical office of the governmental body is closed.

"Suspension period" means the period of time during which a district may suspend the applicability of the requirements of the Public Information Act.

Initial Suspension Period

A district may suspend the applicability of the Public Information Act to the district for an initial suspension period only once for each catastrophe, which may not exceed seven consecutive days and must occur during the period that:

1. Begins not earlier than the second day before the date the district submits notice to the attorney general; and
2. Ends not later than the seventh day after the date the district submits that notice.

Extension of Initial Suspension Period

A board may extend an initial suspension period if the board determines that the district is still impacted by the catastrophe on which the initial suspension period was based. The initial suspension period may be extended one time for not more than seven consecutive days that begin on the day following the day the initial suspension period ends.

Maximum Suspension Period Per Catastrophe

A board that initiates an initial suspension period may not initiate another suspension period related to the same catastrophe, except for a single extension period as described above.

The combined suspension period for a district filing for both an initial suspension period and a subsequent extension may not exceed a total of 14 consecutive calendar days with respect to any single catastrophe.

Upon conclusion of any suspension period the district shall immediately resume compliance with all requirements of the Public Information Act.

Notices to the Attorney General

A district that elects to suspend the Public Information Act must submit notice to the attorney general that the district is currently impacted by a catastrophe and has elected to suspend the applicability of the PIA during the initial suspension period.

A board that elects to extend an initial suspension period must submit notice of the extension on the form prescribed by the attorney general.

The notices on the form prescribed by the attorney general must require the district to:

1. Identify and describe the catastrophe that the district is currently impacted by;
2. State the date the initial suspension period determined by the board begins and the date that period ends;
3. If the board has determined to extend the initial suspension period:
    a. State that the district continues to be impacted by the catastrophe; and
    b. State the date the extension to the initial suspension period begins and the date the period ends; and
4. Provide any other information the office of the attorney general determines necessary.

Notice to the Public — A district that elects to suspend the Public Information Act must provide notice to the public of the suspension in a place readily accessible to the public and in each other location the district is required to post a notice under Government Code Chapter 551, Subchapter C (Notice of Meetings). The district must maintain the notice of the suspension during the suspension period.

Requests During Suspension Period — Notwithstanding another provision of the Public Information Act, a request for public information received by a district during a suspension period is considered to have been received by the district on the first business day after the date the suspension period ends.

Pending Requests Tolled — A request for public information received by a district before the date an initial suspension period begins are tolled until the first business day after the date the suspension period ends.

Gov't Code 552.2325(a)–(j), (l), (m)

Large or Frequent Requests

Annual Limits on Personnel Time — A district may establish reasonable monthly and yearly limits on the amount of time that district employees are required to spend producing public information for inspection or duplication by a requestor, or providing copies of public information to a requestor, without recovering its costs attributable to that personnel time. A yearly time limit may not be less than 36 hours for a requestor during the 12-month period that corresponds to a district's fiscal year. A monthly time limit may not be less than 15 hours for a requestor for a one-month period.

Request by Minor — In determining whether a time limit applies, any time spent complying with a request submitted in the name of a minor, as defined by Family Code 101.003(a), is to be included in the calculation of the cumulative amount of time spent complying with a request for public information by a parent, guardian, or other person who has con-

trol of the minor under a court order and with whom the minor resides, unless that parent, guardian, or other person establishes that another person submitted that request in the name of the minor.

Gov't Code 552.275(a), (b), (c)

Written Statement of Cumulative Personnel Time

If a district establishes a time limit, each time the district complies with a request for public information, the district shall provide the requestor with a written statement of the amount of personnel time spent complying with that request and the cumulative amount of time spent complying with requests for public information from that requestor during the applicable monthly or yearly period. The amount of time spent preparing the written statement may not be included in the amount of time included in the statement to the requestor. *Gov't Code 552.275(d)*

Written Estimate of Charges Beyond Time Limit

Subject to unpaid cost estimates for large and frequent requests, as described below, if in connection with a request for public information, the cumulative amount of personnel time spent complying with requests for public information from the same requestor equals or exceeds the district-established time limit, the district shall provide the requestor with a written estimate of the total cost, including materials, personnel time, and overhead expenses, necessary to comply with the request. The written estimate must be provided to the requestor on or before the tenth day after the date on which the public information was requested. The amount of this charge relating to the cost of locating, compiling, and producing the public information shall be established by rules prescribed by the attorney general under Government Code 552.262(a) and (b).

Additional Time

If a district provides the requestor with written notice that additional time is required to prepare the written estimate, the district must provide the written estimate as soon as practicable, but on or before the tenth day after the date the district provided the notice that additional time was required.

Gov't Code 552.275(e), (f)

Unpaid Cost Estimate

When a request is made by a requestor who has made a previous request to the district that has not been withdrawn, for which the district has located and compiled documents in response, and for which the district has issued a written estimate of charges that remains unpaid on the date the requestor submits the new request, the district is not required to locate, compile, produce, or provide copies of documents or prepare an estimate of charges in response to a new request until the date the requestor pays each unpaid statement issued in connection with a previous request or

withdraws the previous request to which the statement applies. *Gov't Code 552.275(e-1)*

Production Not Required Until Payment

If a district provides a requestor with the estimate of charges and the district's time limits regarding the requestor have been exceeded, the district is not required to produce public information for inspection or duplication or to provide copies of public information in response to the requestor's request unless on or before the tenth day after the date the district provided the written estimate, the requestor submits payment of the amount stated in the written estimate.

If the requestor fails or refuses to submit payment, the requestor is considered to have withdrawn the request.

Gov't Code 552.275(g)–(h)

Exceptions

The provisions above concerning requests that require large amounts of employee or personnel time do not apply if the requestor is:

1. An individual who, for a substantial portion of the individual's livelihood or for substantial financial gain, gathers, compiles, prepares, collects, photographs, records, writes, edits, reports, investigates, processes, or publishes news or information for and is seeking the information for:
    a. Dissemination by a news medium or communication service provider (as defined by Government Code 552.275(m)), including:
        (1) An individual who supervises or assists in gathering, preparing, and disseminating the news or information; or
        (2) An individual who is or was a journalist, scholar, or researcher employed by an institution of higher education at the time the person made the request for information; or
    b. Creation or maintenance of an abstract plant as described by Insurance Code 2501.004.
2. An elected official of the United States, this state, or a political subdivision of this state.
3. A representative of a publicly funded legal services organization that is exempt from federal income taxation under Internal Revenue Code 501(a), as amended, by being listed as an exempt entity under 501(c)(3) of that code.

Gov't Code 552.275(j)–(l)

Filing Suit to Challenge Attorney General's Decision

The only suit a district may file seeking to withhold information from a requestor is a suit that:

1. Is filed in a Travis County district court against the attorney general in accordance with Government Code 552.325, and
2. Seeks declaratory relief from compliance with a decision by the attorney general issued under Government Code Chapter 552, Subchapter G.

The district must bring the suit not later than the 30th calendar day after the date the district receives the attorney general's decision determining that the requested information must be disclosed to the requestor. If the district does not bring suit within that period, the district shall comply with the decision of the attorney general.

Exception for Affirmative Defenses

If the district wishes to preserve an affirmative defense for its officer for public information as provided by Government Code 552.353(b)(3), the district must file suit not later than the tenth calendar day after receipt of the attorney general's decision.

Gov't Code 552.324, .353(b)(3)

Suits Over Parent's Request

A district that seeks to withhold information from a parent who has requested public information relating to the parent's child under the Public Information Act, and that files suit as described by Government Code 552.324 to challenge a decision by the attorney general, must bring the suit not later than the 30th calendar day after the date the district receives the decision of the attorney general, unless an earlier deadline is established by the Public Information Act.

A court shall grant such a suit precedence over other pending matters to ensure prompt resolution of the subject matter of the suit. Notwithstanding any other law, a district may not appeal the decision of the court. This prohibition does not affect the right of a parent to appeal the decision. If a district does not bring suit within the period established, the district shall comply with the decision of the attorney general.

This provision does not affect the earlier deadline for purposes of Government Code 532.353(b)(3) (exception for affirmative defenses, above) for a suit brought by an officer for public information.

Education Code 26.0085

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[1] Office of the Attorney General and the Public Information Act: https://www.texasattorneygeneral.gov/open-government/office-attorney-general-and-public-information-act

Note: The following legal provisions address the notification requirements and right of access to students when DFPS investigates reports of abuse and neglect at school. For additional legal provisions addressing reporting child abuse and neglect and investigations generally, see FFG.

Child Protective Investigations

A Texas Department of Family and Protective Services (DFPS) investigation of a report of child abuse or neglect under Family Code Chapter 261 may include an interview and examination of the subject child, which may be conducted at any reasonable time and place, including the child's school. A school official may not deny the request of an investigator, investigating a report of suspected child abuse or neglect, to interview, at school, a student who is an alleged victim. A school official may not condition granting the request on a requirement that school personnel, such as a counselor, attend the interview. *Family Code 261.302(a), (b); Atty. Gen. Op. DM-476 (1998)*

A person that has confidential locating or identifying information regarding a family that is the subject of an investigation under Family Code Chapter 261 shall release that information to DFPS on request. The release of information to DFPS by a person is not subject to Government Code 552.352 or any other law providing liability for the release of confidential information. *Family Code 261.303(e)*

Special Investigations

On receipt of a report of alleged or suspected child abuse or neglect in a public school, DFPS shall perform an investigation as provided by Family Code Chapter 261 and the rules adopted thereunder.

The Special Investigations program (SI) of the Child Protective Investigations division (CPI) of DFPS investigates allegations of abuse or neglect of a child by school personnel or volunteers in a school setting.

Family Code 261.406(a); 40 TAC 707.597–.625

Definitions

"School personnel and volunteers" means persons who have access to children in a school setting and are providing services to or caring for the children. School personnel include but are not limited to school employees, contractors, school volunteers, school bus drivers, school cafeteria staff, and school custodians.

"School setting" means the physical location of a child's school or of an event sponsored or approved by the child's school, or any other location where the child is in the care, custody, or control of

school personnel in their official capacity, including transportation services. This does not include:

1. School settings involving only children in facilities regulated by the Texas Health and Human Services Commission (HHSC) when HHSC contracts with the local school district to provide education services; or
2. School settings that are a part of child care operations regulated by the Child Care Licensing division of HHSC.

40 TAC 707.605(6)–(7)

Notice to School Personnel

Prior to conducting an investigation of school personnel or volunteers, SI shall notify the school principal (or the principal's supervisor if the school principal is an alleged perpetrator) of the fact that a report has been assigned for investigation, the nature of the allegations contained in the report, and the date and time SI plans to visit the school campus to begin the investigation.

SI must also orally notify the superintendent about the investigation.

SI must request that the school personnel notified of the investigation not alert the alleged perpetrator or others regarding the report until SI has had an opportunity to interview the alleged perpetrator.

Family Code 261.105(d); 40 TAC 707.615

No Interference with Investigation

School officials or other persons related to the school setting may not interfere with an investigation of a report of child abuse or neglect conducted by DFPS.

Interviews on School Premises

Interviews and examinations in a school investigation may take place on or off the school premises, as deemed appropriate by SI, pursuant to all applicable standards. SI will notify appropriate school personnel prior to conducting an interview or visual inspection on school premises.

Presence of School Personnel

SI may request that school personnel or volunteers not be present during the interview or visual inspection of an alleged victim, an alleged perpetrator, an adult or child witness, or any other person who may have information relevant to the investigation if the investigator determines that:

1. The presence of school personnel or volunteers would compromise the integrity of the investigation; or
2. A better interview or examination of the child would result without school personnel or volunteers being present.

Family Code 261.303(a); 40 TAC 707.619(a)

Report of Findings

After the completion of an investigation, SI must provide a report of the investigation, redacted to remove the identity of the reporter, to the Texas Education Agency (Director of Education Investigations) for an investigation concerning an employee of the district. On request, SI shall provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the school board;
3. The superintendent; and
4. The school principal, unless the principal is the alleged perpetrator.

SI is not required to provide notice to a school official if it administratively closes a report of abuse or neglect prior to notifying school officials that DFPS received a report of abuse or neglect in the school setting.

Family Code 261.406(b); 40 TAC 707.623

Prohibited Law Enforcement Citations

For this provision, a "school offense" means an offense committed by a child enrolled in a public school that is a Class C misdemeanor other than a traffic offense and that is committed on property under the control and jurisdiction of a school district. "Child" means a person who is a student and at least ten years of age and younger than 18 years of age.

A peace officer, law enforcement officer, or school resource officer may not issue a citation to a child who is alleged to have committed a school offense. Education Code Chapter 37, Subchapter E-1 (Criminal Procedure) does not prohibit a child from being taken into custody under Family Code 52.01 (described below).

Education Code 37.141, .143

Students Taken into Custody

For the following provisions, "child" means a person who is:

1. Ten years of age or older and under 17 years of age, or
2. Seventeen years of age or older and under 18 years of age who is alleged or found to have engaged in delinquent conduct or conduct indicating a need for supervision as a result of acts committed before becoming 17 years of age.

Family Code 51.02(2)

A child may be taken into custody under Family Code Title 3 (Juvenile Justice Code):

1. Pursuant to an order of the juvenile court.
2. Pursuant to the laws of arrest.
3. By a law enforcement officer, including a school district peace officer, if there is probable cause to believe the student has engaged in a criminal violation, delinquent conduct, conduct indicating a need for supervision, or conduct that violates a condition of probation.
4. By a probation officer, if there is probable cause to believe the student has violated a condition of probation or a condition of release.
5. Pursuant to a directive to apprehend issued by a juvenile court.
6. By a law enforcement officer, to take the child's fingerprints or photograph, as set forth at Family Code 58.0021.

Family Code 52.01(a), 58.0021

In addition, a child may be taken into custody without a court order:

1. By an authorized representative of the DFPS, a law enforcement officer, or a juvenile probation officer under the conditions set out in Family Code 262.104, relating to the student's physical health or safety; or
2. As otherwise provided by Family Code Chapter 262 (Suit by Governmental Entity to Protect Health and Safety of Child).

Family Code Ch. 262

Students in Custody

A person taking a child into custody may, if school is in session and the child is a student, bring the child to the campus to which the child is assigned if the principal, the principal's designee, or a peace officer assigned to the campus agrees to assume responsibility for the child for the remainder of the school day. *Family Code 52.02(a)(7)*

Capitalization Threshold

The capitalization threshold for purposes of classifying individual capital assets shall be ~~$5,000~~$5,000.

The Superintendent shall determine the capitalization threshold for a group of assets, the individual cost of which does not exceed the capitalization threshold above but for which the cost in the aggregate is significant.

District Police Department

To ensure sufficient security and protection of students, staff, and property, the Board authorizes the formation of a District police department and shall employ and commission police officers.

Supervisory Authority

The chief of police shall be accountable to and shall report to the Superintendent. In accordance with law, the Superintendent shall not delegate this supervisory responsibility.

Jurisdiction

The jurisdiction of police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

Police Authority

Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, District police officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the Superintendent.
8. Carry out all other duties as directed by the chief of police or Superintendent.

District police officers shall not be assigned routine classroom discipline or administrative tasks.

Temporary Assignment	District police officers shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while temporarily assigned to the other agency.
Limitations on Nonschool Employment	No officer commissioned under this policy shall provide law enforcement or security services for an outside employer without prior written approval from the chief of police and Superintendent.
Relationship with Outside Agencies	The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into a memorandum of understanding that outlines reasonable communication and coordination efforts among the department and the agencies. The chief of police and the Superintendent shall review the memorandum of understanding at least once every year. The memorandum of understanding shall be approved by the Board.
Video Monitoring	If available, video equipment shall be used on a District police car for safety purposes whenever the flashing lights on the car are in use.
Access to Recordings	Recordings shall be considered law enforcement records, shall remain in the custody of the chief of police, and shall be maintained as required by the department regulations manual and law. A parent or student who wishes to view a video recording in response to disciplinary action taken against the student may request such access under the procedures set out by law. [See FL(LEGAL)]
Training	All District officers shall receive at least the minimum amount of education and training required by law.
Department Regulations Manual	To carry out the provisions in this policy, the police department shall compile and maintain a manual that describes and sets forth operational procedures, rules, and regulations pertaining to the administration of police services. The chief of police and the Superintendent shall review the manual annually and make any appropriate revisions.
Racial Profiling	The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Police officers employed by the District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.
Use of Force	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.
High-Speed Pursuit	Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by

	the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.
Complaints	Complaints against a District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint. [See Complaints Against Peace Officers at CKEA(LEGAL)] Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.

District Police Department

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The jurisdiction of police officers shall include all territory within District boundaries, as well as all real and personal property outside the boundaries of the District that is owned, leased, or rented by the District, or is otherwise under the District's control.

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Police officers employed by the District shall have all the powers, privileges, and immunities of police officers on or off duty within the jurisdiction of the District. Subject to limitations in law, District police officers shall have the authority to:

1. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.
2. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.
3. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer's presence or under the other rules set out in the Texas Code of Criminal Procedure.
4. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.
5. Enforce District policies, rules, and regulations on District property, in school zones, at bus stops, or at District functions.
6. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in hearings concerning alleged violations.
7. Carry weapons as directed by the chief of police and approved by the Superintendent.
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Racial Profiling	The chief of police shall develop and implement regulations to ensure compliance with state law regarding racial profiling. Police officers employed by the District shall not initiate any law enforcement action based on an individual's race, ethnicity, or national origin.
Use of Force	The use of force, including deadly force, shall be authorized only when reasonable and necessary, as outlined in the department regulations manual.

High-Speed Pursuit	Officers shall not engage in high-speed chases in a motor vehicle when the immediate danger to the public or the officer created by the pursuit exceeds the immediate or potential danger presented by the offenders remaining at large. Guidelines for high-speed pursuits shall be addressed in the department regulations manual.
Complaints	Complaints against a District police officer shall be in writing on a form provided by the District and shall be signed by the person making the complaint. In accordance with law, the District shall provide to the police officer a copy of the complaint. Appeals regarding this complaint process shall be filed in accordance with DGBA, FNG, or GF, as appropriate.

Integrated Pest Management Program

The District is committed to following integrated pest management (IPM) guidelines as required by Chapter 1951 of the Occupations Code and Title 4, Chapter 7 of the Administrative Code in all pest control activities that take place on District property.

Definition

IPM is a pest management strategy that relies on accurate identification and scientific knowledge of target pests, reliable monitoring methods to assess pest presence, preventative measures to limit pest problems, and thresholds to determine when corrective control measures are needed. Under IPM, whenever economical and practical, multiple control tactics shall be used to achieve the best control of pests. These tactics shall ~~possibly~~ include, but are not limited to, the judicious use of pesticides.

Standards

The District's IPM program shall govern the District's use of pesticides, herbicides, and other chemical agents for the purpose of controlling pests, rodents, insects, and weeds in and around District facilities, including residential property primarily used as student housing.

IPM Coordinator

The Superintendent shall designate the IPM coordinator(s), who shall be registered with the Texas Department of Agriculture. The IPM coordinator(s) shall receive training in accordance with law and shall provide training to District employees, as necessary.

Application Time Frame

The IPM coordinator(s), in addition to the responsibilities set out in CLB(LEGAL), shall coordinate with appropriate District administrators or other designated and trained employees regarding pesticide or herbicide applications in accordance with law. The IPM coordinator(s) shall determine when an emergency situation exists and an exception to the 48-hour notice requirement may be made.

No Unauthorized Application

If the IPM coordinator is a licensed applicator, the IPM coordinator may apply pesticides in accordance with law. No other employee or other person or entity shall be permitted to apply a pesticide or herbicide at a District facility, including residential property primarily used as student housing, without the prior approval of the IPM coordinator and other than in the manner prescribed by law and the District's IPM program.

Reasonable Assurance

The District shall issue letters of reasonable assurance, as appropriate, to employees in positions requiring less than 12 months of service whose services are anticipated to be needed at the beginning of the following school year. [See DCD and DCE]

Specifications

The Superintendent ~~or designee~~ shall ensure that detailed specifications are prepared for any construction project for which competitive bids are sought.

Bid Process

All bids shall be submitted in sealed envelopes, plainly marked with the name of the bid and the time of the bid opening. Bids shall be opened at the time specified. All interested parties 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.

Bid Acceptance

The District may reject any and all bids.

Safety Record

If the District considers the safety record of bidders in determining to whom to award a contract, the safety record shall be defined as a bidder's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the bidder's insurance carrier, and a loss history covering all lines of insurance coverage carried by the bidder.

Specifications

The Superintendent ~~or designee~~ shall prepare a request for proposals for any construction project for which competitive sealed proposals are sought.

Process

All proposals shall be submitted in sealed envelopes, plainly marked with the name of the proposal and the time of the deadline for submission. Proposals shall be opened at the time specified. All offerors shall be invited to attend the proposal opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

Withdrawal and Late Proposals

Any proposal may be withdrawn prior to the scheduled time for opening. Proposals received after the specified time shall not be considered.

Proposal Acceptance

The District may reject any and all proposals.

Safety Record

If the safety record of offerors is considered in selecting a proposal, the record shall be defined as an offeror's OSHA (Occupational Safety and Health Administration) inspection logs for the last three years, a loss analysis from the offeror's insurance carrier, and a loss history covering all lines of insurance coverage carried by the offeror.

The Superintendent shall recommend an annual compensation plan for all District employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives. [See also DEAA]~~.~~ The recommended plan shall support District goals for hiring and retaining highly qualified employees. The Board shall review and approve the compensation plan to be used by the District. The Board shall also determine the total compensation package for the Superintendent. [See BJ series]

Pay Administration

The Superintendent shall implement the compensation plan and establish procedures for plan administration consistent with the budget. The ~~Superintendent or designee shall classify~~classification of each job title within the compensation plan shall be based on the qualifications, duties, and market value of the position.

Annualized Salary

The District shall pay all salaried employees over 12 months in equal monthly or ~~bimonthly~~semi-monthly installments, regardless of the number of months employed during the school year. Salaried employees hired during the school year shall be paid in accordance with administrative regulations.

Pay Increases

The Superintendent shall recommend to the Board an amount for employee pay increases as part of the annual budget. ~~The Superintendent or designee shall determine~~Any pay adjustments for individual employees~~,~~ shall be determined within the approved budget following established procedures.

~~*Mid-Year*~~*Midyear Pay Increases*

Contract Employees

A contract employee's pay may be increased after performance on the contract has begun only if authorized by the compensation plan of the District or there is a change in the employee's job assignment or duties during the term of the contract that warrants additional compensation. Any such changes in pay that do not conform with the compensation plan shall require Board approval. [See DEA(LEGAL) for provisions on pay increases and public hearing requirements~~].~~]

Noncontract Employees

The Superintendent may grant a pay increase to a noncontract employee after duties have begun because of a change in the employee's job assignment or to address pay equity. The Superintendent shall report any such pay increases to the Board at the next regular meeting.

Pay During Closing

If the Board chooses to pay employees during an emergency closure for which the workdays are not scheduled to be made up at a later date, then that authorization shall be by resolution or other Board action and shall reflect the purpose served by the expenditure. [See EB for the authority to close schools~~].~~]

Persons Age 21 and Over

The District shall not admit into its public schools any person age 21 or over unless otherwise required by law.

Registration Forms

The student's parent, legal guardian, or other person having lawful control shall annually complete registration forms. A student who has reached age 18 shall be permitted to complete these forms.

Proof of Residency

~~At the time of initial registration and on an annual basis thereafter~~In accordance with administrative regulations, the parent, guardian, or other person having lawful control of the student under order of a court shall present proof of residency ~~in accordance with administrative regulations developed by the Superintendent.~~ The District may investigate stated residency as necessary.

Minor Living Apart

Person Standing in Parental Relation

A minor student residing in the District but whose parent, guardian, or other person having lawful control under a court order does not reside in the District shall present a power of attorney or an authorization agreement as provided in Chapter 34 of the Family Code assigning responsibility for the student in all school-related matters to an adult resident of the District.

Misconduct

A minor student living apart who has engaged in misconduct that results in any of the consequences found in Education Code 25.001(d) shall not be permitted to attend a District school.

Exceptions

Based on an individual student's circumstance, the Superintendent shall have authority to grant exceptions to the requirement for a power of attorney or authorization agreement and to the exclusion for misconduct.

Extracurricular Activities

The Superintendent shall determine whether a minor student living apart is present in the District for the primary purpose of participating in extracurricular activities.

Nonresident Student in Grandparent's After-School Care

The parent and grandparent of a nonresident student requesting admission under Education Code 25.001(b)(9) shall provide to the Superintendent the required information on the grandparent's residency and complete a form provided by the District describing the extent of after-school care to be provided by the grandparent.

The Superintendent shall have authority to approve or deny such admissions requests in accordance with criteria approved by the Board.

"Accredited" Defined

For the purposes of this policy, "accredited" shall be defined as accreditation by TEA, an equivalent agency from another state, or an accrediting association recognized by the commissioner of education.

Grade-Level Placement

Accredited Schools

The parent, guardian, or other person having lawful control of a student enrolling in a District school from an accredited public, private, or parochial school shall provide evidence of the prior schooling outside the District. The student shall be placed initially at the grade level reached elsewhere, pending observation by the classroom teacher, guidance personnel, and the principal. On the basis of these observations and results of tests that may be administered by appropriate District personnel, the principal shall determine the final grade placement.

Nonaccredited Schools

A student enrolling in a District school from a nonaccredited public, private, or parochial school, including a homeschool, shall be placed initially at the discretion of the principal, pending observation by classroom teachers, guidance personnel, and the principal. Criteria for placement may include:

1. Scores on achievement tests, which may be administered by appropriate District personnel.
2. Recommendation of the sending school.
3. Prior academic record.
4. Chronological age and social and emotional development of the student.
5. Other criteria deemed appropriate by the principal.

Transfer of Credit

Accredited Texas Public Schools

Credit toward state graduation requirements earned in an accredited public school district in Texas shall be transferable and recognized by the District.

Other Accredited or Nonaccredited Schools

Before recognizing credit in a course earned in an accredited nonpublic school, an accredited school outside of Texas, or a nonaccredited school, appropriate personnel shall evaluate a student's records and transcript. The District may require the student to demonstrate mastery of the content or use alternative methods to verify course content for the award of credit.

Transition Assistance

In accordance with law, when a student who is identified as homeless or in substitute care enrolls in the District, the District shall assess the student's available records and other relevant information to ~~determine transfer of~~ensure credit, including proportionate credit, is awarded appropriately for all subjects and courses taken prior to enrollment.

[See EI]

Withdrawal

A parent or guardian wishing to withdraw a minor student shall present a signed statement that includes the reason for the withdrawal. A student who is 18 or older may submit a withdrawal statement without a parent's or guardian's signature.

[For District withdrawal of students no longer in attendance, see FEA(LOCAL).]

Note: This policy addresses bullying of District students. For purposes of this policy, the term bullying includes cyberbullying.

For provisions regarding discrimination and harassment involving District students, see FFH. Note that FFI shall be used in conjunction with FFH for certain prohibited conduct. For reporting requirements related to child abuse and neglect, see FFG.

Bullying Prohibited

The District prohibits bullying, including cyberbullying, as defined by state law. Retaliation against anyone involved in the complaint process is a violation of District policy and is prohibited.

Examples

Bullying of a student could occur by physical contact or through electronic means and may include hazing, threats, taunting, teasing, confinement, assault, demands for money, destruction of property, theft of valued possessions, name calling, rumor spreading, or ostracism.

Minimum Standards

In accordance with law, the Superintendent shall develop administrative procedures to ensure that minimum standards for bullying prevention are implemented.

Retaliation

The District prohibits retaliation by a student or District employee against any person who in good faith makes a report of bullying, serves as a witness, or participates in an investigation.

Examples

Examples of retaliation may include threats, rumor spreading, ostracism, assault, destruction of property, unjustified punishments, or unwarranted grade reductions. Unlawful retaliation does not include petty slights or annoyances.

False Claim

A student who intentionally makes a false claim, offers false statements, or refuses to cooperate with a District investigation regarding bullying shall be subject to appropriate disciplinary action.

Timely Reporting

Reports of bullying shall be made as soon as possible after the alleged act or knowledge of the alleged act. A failure to immediately report may impair the District's ability to investigate and address the prohibited conduct.

Reporting Procedures

Student Report

To obtain assistance and intervention, any student who believes that he or she has experienced bullying or believes that another student has experienced bullying should immediately report the alleged acts to a teacher, school counselor, principal, or other District employee. The Superintendent shall develop procedures allowing a student to anonymously report an alleged incident of bullying.

Employee Report	Any District employee who suspects or receives notice that a student or group of students has or may have experienced bullying shall immediately notify the principal or designee.
Report Format	A report may be made orally or in writing. The principal or designee shall reduce any oral reports to written form.
Periodic Monitoring	The Superintendent shall periodically monitor the reported counts of bullying incidents, and that declines in the count may represent not only improvements in the campus culture because bullying declines but also declines in the campus culture because of a decline in openness to report incidents.
Notice of Report	When an allegation of bullying is reported, the principal or designee shall notify a parent of the alleged victim on or before the third business day after the incident is reported. The principal or designee shall also notify a parent of the student alleged to have engaged in the conduct within a reasonable amount of time after the incident is reported.
Prohibited Conduct	The principal or designee shall determine whether the allegations in the report, if proven, would constitute prohibited conduct as defined by policy FFH, including dating violence and harassment or discrimination on the basis of race, color, religion, sex, gender, national origin, or disability. If so, the District shall proceed under policy FFH. If the allegations could constitute both prohibited conduct and bullying, the investigation under FFH shall include a determination on each type of conduct.
Investigation of Report	The principal or designee shall conduct an appropriate investigation based on the allegations in the report. The principal or designee shall promptly take interim action calculated to prevent bullying during the course of an investigation, if appropriate.
Concluding the Investigation	Absent extenuating circumstances, the investigation should be completed within ten District business days from the date of the initial report alleging bullying; however, the principal or designee shall take additional time if necessary to complete a thorough investigation. The principal or designee shall prepare a final, written report of the investigation. The report shall include a determination of whether bullying occurred, and if so, whether the victim used reasonable self-defense. A copy of the report shall be sent to the Superintendent or designee.
Notice to Parents	If an incident of bullying is confirmed, the principal or designee shall promptly notify the parents of the victim and of the student who engaged in bullying.

District Action Bullying	If the results of an investigation indicate that bullying occurred, the District shall promptly respond by taking appropriate disciplinary action in accordance with the District's Student Code of Conduct and may take corrective action reasonably calculated to address the conduct. The District may notify law enforcement in certain circumstances.
Discipline	A student who is a victim of bullying and who used reasonable self-defense in response to the bullying shall not be subject to disciplinary action. The discipline of a student with a disability is subject to applicable state and federal law in addition to the Student Code of Conduct.
Corrective Action	Examples of corrective action may include a training program for the individuals involved in the complaint, a comprehensive education program for the school community, follow-up inquiries to determine whether any new incidents or any instances of retaliation have occurred, involving parents and students in efforts to identify problems and improve the school climate, increasing staff monitoring of areas where bullying has occurred, and reaffirming the District's policy against bullying.
Transfers	The principal or designee shall refer to FDB for transfer provisions.
Counseling	The principal or designee shall notify the victim, the student who engaged in bullying, and any students who witnessed the bullying of available counseling options.
Improper Conduct	If the investigation reveals improper conduct that did not rise to the level of prohibited conduct or bullying, the District may take action in accordance with the Student Code of Conduct or any other appropriate corrective action.
Confidentiality	To the greatest extent possible, the District shall respect the privacy of the complainant, persons against whom a report is filed, and witnesses. Limited disclosures may be necessary in order to conduct a thorough investigation.
Appeal	A student who is dissatisfied with the outcome of the investigation may appeal through FNG(LOCAL), beginning at the appropriate level.
Records Retention	Retention of records shall be in accordance with CPC(LOCAL).
Access to Policy and Procedures	This policy and any accompanying procedures shall be distributed annually in the employee and student handbooks. Copies of the policy and procedures shall be posted on the District's website, to the extent practicable, and shall be readily available at each campus and the District's administrative offices.

Waco Independent School District

Board of Trustee Meeting Agenda

Date: July 27, 2023 **Contact Person**: Dr. Josie Gutierrez & Dr. Daniel Lopez

RE: Second Reading of Board Policy DH (LOCAL)

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Background Information:

DH (LOCAL) EMPLOYEE STANDARDS OF CONDUCT was revised to better align to district expectations and practices. Employees are currently required to report to his or her immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of any felony, and any offenses that are currently included in Policy DH. The first reading of Board Policy DH (LOCAL) was provided to the board at the June 29, 2023 regular board meeting.

The proposed changes to Policy DH (LOCAL) include the following new provisions:

1. Revise policy to require employees to report any misdemeanor (excluding minor traffic offenses punishable by fine only) and any offense involving moral turpitude.

2. Revise policy to require employees to report all arrests for possession or conspiracy to possess, transfer, sale, distribute, or conspire to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code.

3. Include a revision to policy that requires employees report all driving while intoxicated (DWI) arrests to include both misdemeanor and felony arrests. The current policy only requires employees to report felony DWI arrests.

In summary, the new revisions provide clarity to employees to report all arrests to an immediate supervisor within three days. This expands the type of arrest from felonies to include misdemeanors as provided in the list of crimes on DH (LOCAL).

Fiscal Implications:

None

Administrative Recommendations:

Adopt revised Board Policy DH (LOCAL), as presented.

PROPOSED REVISIONS

(see pages 1, 4, and 5)

Each District employee shall perform his or her duties in accordance with state and federal law, District policy, and ethical standards. The District holds all employees accountable to the Educators' Code of Ethics. [See DH(EXHIBIT)]

Each District employee shall recognize and respect the rights of students, parents, other employees, and members of the community and shall work cooperatively with others to serve the best interests of the District.

An employee wishing to express concern, complaints, or criticism shall do so through appropriate channels. [See DGBA]

Violations of Standards of Conduct

Each employee shall comply with the standards of conduct set out in this policy and with any other policies, regulations, and guidelines that impose duties, requirements, or standards attendant to his or her status as a District employee. Violation of any policies, regulations, or guidelines, including intentionally making a false claim, offering a false statement, or refusing to cooperate with a District investigation, may result in disciplinary action, including termination of employment. [See DCD and DF series]

Weapons Prohibited

The District prohibits the use, possession, or display of any firearm, location-restricted knife, club, or prohibited weapon, as defined at FNCG, on District property at all times.

Exceptions

No violation of this policy occurs when:

1. Use or possession of a firearm by a specific employee is authorized by Board action. [See CKE series]
2. A District employee who holds a Texas handgun license stores a handgun or other firearm in a locked vehicle in a parking lot, parking garage, or other parking area provided by the District, provided the handgun or other firearm is not in plain view; or
3. The use, possession, or display of an otherwise prohibited weapon takes place as part of a District-approved activity supervised by proper authorities. [See FOD]

Electronic Communication

Use with Students

A certified employee, licensed employee, or any other employee designated in writing by the Superintendent or a campus principal may use electronic communication, as this term is defined by law, with currently enrolled students only about matters within the scope of the employee's professional responsibilities.

Unless an exception has been made in accordance with the employee handbook or other administrative regulations, an employee shall not use a personal electronic communication platform, application, or account to communicate with currently enrolled students.

Unless authorized above, all other employees are prohibited from using electronic communication directly with students who are currently enrolled in the District. The employee handbook or other administrative regulations shall further detail:

1. Exceptions for family and social relationships;
2. The circumstances under which an employee may use text messaging to communicate with individual students or student groups;
3. Hours of the day during which electronic communication is discouraged or prohibited; and
4. Other matters deemed appropriate by the Superintendent or designee.

In accordance with ethical standards applicable to all District employees [see DH(EXHIBIT)], an employee shall be prohibited from using electronic communications in a manner that constitutes prohibited harassment or abuse of a District student; adversely affects the student's learning, mental health, or safety; includes threats of violence against the student; reveals confidential information about the student; or constitutes an inappropriate communication with a student, as described in the Educators' Code of Ethics.

An employee shall have no expectation of privacy in electronic communications with students. Each employee shall comply with the District's requirements for records retention and destruction to the extent those requirements apply to electronic communication. [See CPC]

Personal Use

All employees shall be held to the same professional standards in their public use of electronic communication as for any other public conduct. If an employee's use of electronic communication violates state or federal law or District policy, or interferes with the employee's ability to effectively perform his or her job duties, the employee is subject to disciplinary action, up to and including termination of employment.

Reporting Improper Communication

In accordance with administrative regulations, an employee shall notify his or her supervisor when a student engages in improper electronic communication with the employee.

Disclosing Personal Information	An employee shall not be required to disclose his or her personal email address or personal phone number to a student.
Safety Requirements	Each employee shall adhere to District safety rules and regulations and shall report unsafe conditions or practices to the appropriate supervisor.
Harassment or Abuse	An employee shall not engage in prohibited harassment, including sexual harassment, of: 1. Other employees. [See DIA] 2. Students. [See FFH; see FFG regarding child abuse and neglect.] While acting in the course of employment, an employee shall not engage in prohibited harassment, including sexual harassment, of other persons, including Board members, vendors, contractors, volunteers, or parents. An employee shall report child abuse or neglect as required by law. [See FFG]
Relationships with Students	An employee shall not form romantic or other inappropriate social relationships with students. Any sexual relationship between a student and a District employee is always prohibited, even if consensual. [See FFH] As required by law, the District shall notify the parent of a student with whom an educator is alleged to have engaged in certain misconduct. [See FFF]
Tobacco and E-Cigarettes	An employee shall not smoke or use tobacco products or e-cigarettes on District property, in District vehicles, or at school-related activities. [See also GKA]
Alcohol and Drugs / Notice of Drug-Free Workplace	As a condition of employment, an employee shall abide by the terms of the following drug-free workplace provisions. An employee shall notify the Superintendent in writing if the employee is convicted for a violation of a criminal drug statute occurring in the workplace in accordance with Arrests, Indictments, Convictions, and Other Adjudications, below. An employee shall not manufacture, distribute, dispense, possess, use, or be under the influence of any of the following substances during working hours while on District property or at school-related activities during or outside of usual working hours: 1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug,

hallucinogen, stimulant, depressant, amphetamine, or barbiturate.

2. Alcohol or any alcoholic beverage.

3. Any abusable glue, aerosol paint, or any other chemical substance for inhalation.

4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

An employee need not be legally intoxicated to be considered "under the influence" of a controlled substance.

Exceptions

It shall not be considered a violation of this policy if the employee:

1. Manufactures, possesses, or dispenses a substance listed above as part of the employee's job responsibilities;

2. Uses or possesses a controlled substance or drug authorized by a licensed physician prescribed for the employee's personal use; or

3. Possesses a controlled substance or drug that a licensed physician has prescribed for the employee's child or other individual for whom the employee is a legal guardian.

Sanctions

An employee who violates these drug-free workplace provisions shall be subject to disciplinary sanctions. Sanctions may include:

1. Referral to drug and alcohol counseling or rehabilitation programs;

2. Referral to employee assistance programs;

3. Termination from employment with the District; and

4. Referral to appropriate law enforcement officials for prosecution.

Notice

Employees shall receive a copy of this policy.

Arrests, Indictments, Convictions, and Other Adjudications

An employee shall notify his or her principal or immediate supervisor within three calendar days of any arrest, indictment, conviction, no contest or guilty plea, or other adjudication of the employee for any felony, any misdemeanor (excluding minor traffic offenses punishable by fine only), and any offense involving moral turpitude~~,~~. The obligation to notify as set forth in the preceding sentence includes, but is not limited to, ~~and any of~~ the ~~other~~ offenses/conduct as indicated below:

1. Crimes involving school property or funds;

2. Crimes involving attempt by fraudulent or unauthorized means to obtain or alter any certificate or permit that would entitle any person to hold or obtain a position as an educator;

3. Crimes that occur wholly or in part on school property or at a school-sponsored activity; or

4. Crimes involving moral turpitude, which include:

- Dishonesty; fraud; deceit; theft; misrepresentation;
- Deliberate violence;
- Base, vile, or depraved acts that are intended to arouse or gratify the sexual desire of the actor;
- ~~Felony p~~Possession or conspiracy to possess, ~~or any misdemeanor or felony~~ transfer, sale, distribution, or conspiracy to transfer, sell, or distribute any controlled substance defined in Chapter 481 of the Health and Safety Code;
- ~~Felony d~~Driving while intoxicated (DWI); ~~or~~
- Acts constituting abuse or neglect under the Texas Family Code; or~~.~~
- Acts involving public intoxication, unlawful use of controlled substances, or operating a motor vehicle under the influence of alcohol or a controlled substance.

Dress and Grooming An employee's dress and grooming shall be clean, neat, in a manner appropriate for his or her assignment, and in accordance with any additional standards established by his or her supervisor and approved by the Superintendent.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: S. Davis / C. Reece

RE: Adult Meal Pricing Increase for the 2023-2024 School Year

==========

Background Information:

The USDA Healthy, Hunger-Free Kids Act of 2010, which was signed by President Obama, implemented new provisions for Child Nutrition Programs across the nation.

Since the Program's express purpose is to safeguard the health and well-being of the nation's children, meals served to adults are not eligible for federal cash reimbursement— therefore, the reimbursements Contract Entities (CEs) receive for serving students must not be used to pay for adult meals. The charge for adult meals must, at a minimum, be greater than the amount of total reimbursement received for a free meal plus any other supplemental payments received by the CE plus per-meal value of USDA Foods (Commodities) used for the meal service. Total reimbursement includes standard reimbursements for free, reduced-price, and paid meals as well as performance-based and severe need for breakfast or lunch reimbursements. Any time this is not met, the price of adult breakfasts and lunches must be increased to cover the cost.

Waco ISD currently charges $2.95 for an adult/non-student breakfast, which is $0.15 below the minimum adult breakfast price.

Waco ISD currently charges $4.50 for an adult/non-student lunch, which is $0.22 below the minimum adult lunch price.

The administration is recommending a $0.15 increase in adult paid breakfast and a $0.25 increase in adult paid lunch, which will bring the district in-line with the funding requirement. These calculations are attached for your review.

Fiscal Implications:

The revenue increase will be utilized in developing the 2023-2024 Child Nutrition budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve an increase in meal prices, as presented:

Adult Meal Prices / Non-Student Prices:

- Adult and non-student Breakfast from $2.95 to $3.10
- Adult and non-student Lunch from $4.50 to $4.75

WACO I.S.D.

Adult Breakfast Meal Pricing for SY 2023-2024

The charge for adult breakfast meal prices must be at least the amount of Federal reimbursement received for a free breakfast added to the Federal Severe Need breakfast reimbursement and added to the per-meal value of USDA-donated foods.

Method 2

Using Free Reimbursement Rate for Breakfast

Add the rate of federal reimbursement for a free student breakfast to the severe need breakfast reimbursement to the per-meal value of USDA-donated commodities.

Federal Reimbursement rate for Free Breakfast	July 1, 2023- June 30, 2024	$	2.28
Federal Reimbursement rate for Severe Need Breakfast	July 1, 2023- June 30, 2024	$	0.45
USDA Foods Rate	July 1, 2023- June 30, 2024	$	0.3650
Total Minimum Adult Breakfast Price		**$**	**3.0950**

Note: adult pricing must be at least the amount of reimbursement received for a free breakfast + the amount of reimbursement for a severe need breakfast + the USDA-donated food per meal value.

So, Minimum Adult Breakfast Pricing should be	**$3.10**	
Current Waco ISD SY 2022-2023 Adult Breakfast Price	**$2.95**	
Recommended Adult Breakfast Price for SY 2023-2024	**$3.10**	
Recommended Adult Breakfast Price Increase for SY 2023-2024	**$0.15**	**Increase of $0.15**

WACO I.S.D.

Adult Lunch Meal Pricing for SY 2023-2024

The charge for adult lunch meal prices is at least the amount of the Federal Reimbursement received for a free lunch added to the per-meal value of USDA-donated foods, plus the two-cent Federal Supplement, plus the Performance-Based Reimbursement, if received by the SFA.

Method

Using Free Reimbursement Rate for Lunch

Add the rate of federal reimbursement for a free student lunch to the per meal value of USDA-donated commodities.

Federal Reimbursement rate for Free lunch	July 1, 2023 - June 30, 2024	$	4.25
$0.02 Federal supplement payment	July 1, 2023 - June 30, 2024	$	0.02
$0.08 Federal Performance-Based Reimbursement	July 1, 2023 - June 30, 2024	$	0.08
USDA-donated food per-meal value *	July 1, 2023 - June 30, 2024	$	0.3650
Total Minimum Adult Lunch Price		**$**	**4.72**

Note: adult pricing must be at least the amount of reimbursement received for a free lunch + the USDA-donated food per meal value + $0.02 severe need supplement and the $0.08 supplement if applicable

So, Minimum Adult Lunch Pricing should be	**$4.72**
Current Waco ISD SY 2022-2023 Adult Lunch Price	**$4.50**
Recommended Adult Lunch Price for SY 2023-2024	**$4.75**
Recommended Adult Lunch Price Increase for SY 2023-2024	**$0.25**

Increase of $0.25

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: Sheryl Davis

RE: Amendment to the Interlocal Agreement between the McLennan County Juvenile Probation Department and Waco ISD for Child Nutrition Services for the 2023-2024 School Year

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Background Information:

The Waco ISD Child Nutrition Services provides meals to the youth and staff of the Bill Logue Juvenile Justice Detention Center (JDC) each day school is in session during the regular school year (to match Waco I.S.D. School calendar) and on weekdays during the summer months, as mutually agreed upon.

For these services, the JDC agrees to pay the Service Provider an amount of $3.40 per adult breakfast and $5.00 per adult lunch. This arrangement has proved successful and the District and JDC wish to enter into the same agreement for the 2023-2024 school year. A copy of the agreement is attached.

With the implementation of the Community Eligibility Provision (CEP), the district will no longer obtain free and reduced applications from students.

Fiscal Implications:

Because there will be no additional fixed costs for us to prepare the meals, we anticipate that results of operations will result in a slight financial gain to the District.

Administrative Recommendation(s):

The Administration recommends the Board of Trustees approve the interlocal agreement with the McLennan County Juvenile Probation Department for child nutrition services, as presented.

INTERLOCAL AGREEMENT BETWEEN

MCLENNAN COUNTY JUVENILE PROBATION DEPARTMENT

and

WACO INDEPENDENT SCHOOL DISTRICT

FOR CHILD NUTRITION SERVICES

This Agreement for the 2023-2024 school year is entered into by and between The McLennan County Juvenile Probation Department (hereinafter called "Department"), 2601 Gholson Road, Waco, Texas, 76704, and the Waco Independent School District's Child Nutrition Services (hereinafter called "Service Provider", 2025 S. 19th Street, Waco, Texas 76706-3018, in consideration of the mutual terms and conditions set forth below:

I. Provisions of Services

1. The Service Provider shall provide the Services set out, which is incorporated by reference herein, to Juveniles who are referred to the Service Provider by the Department.

2. All breakfast and lunch meal components provided by the Service Provider shall conform to the minimum standards set forth by the United States Department of Agriculture (USDA) and the Texas Department of Agriculture (TDA) meal pattern requirements for all reimbursable meals prepared and provided. The Service Provider and the Department will comply with all applicable laws, ordinances, rules and regulation related to food service sanitation, safety and health.

3. Service Provider shall adjust the dietary allowance to accommodate the Boot Camp residents' needs for increased caloric intake due to participation in strenuous physical activity.

4. The Service Provider shall adhere to all applicable federal and state laws and regulations in the provisions of services hereunder.

5. The Service Provider shall provide breakfast and lunch meals to the youth and staff of the Bill Logue Juvenile Justice Detention each day Waco I.S.D. school is in session during the regular school year (to match Waco ISD school calendar) and on weekdays during the summer months as mutually agreed upon.

6. Department will assist Service Provider with getting a 2023-2024 Waco I.S.D. Socioeconomic Information Form completed for each client on the day that said client arrives on the premises and is present for meal service.

7. Department will assist Service Provider with getting a daily roster of students, by full name, of who is on the premises for breakfast meal service and for lunch meal service to ensure Service Provider has documentation for TDA meal claim.

8. Department will assist Service Provider with a list of adults who receive breakfast and lunch meals each day for correct meal recording.

9. All withdrawn clients will be noted in writing and shared with Service Provider employee on date of departure.

10. The Department shall inform the Service Provider the afternoon prior to any changes in breakfast and lunch service, such as service time changes.

11. The Department and the Service Provider agree that federal, state, and local health and sanitation requirements will be met at all times. All existing health and sanitation problems will be corrected by The Department prior to breakfast and lunch being served. The Department must have on display at all times a current health department permit from the City of Waco Health Department and provide the Service Provider with a copy of these permits. The Department must insure that two health department inspections occur each 12 month period, per TDA regulations.

II. Compensation to Service Provider

1. For and in consideration of the above-mentioned services, the Department agrees to pay the Service Provider an amount of **$3.40** per adult breakfast, **$5.00** per adult lunch.

2. Billings for payment will be submitted to the Department no later than fifteen (15) days from the last day of the month for which payment is being requested. The Department will make payment no later than thirty (30) days after receipt of the billing for approved charges from the Service Provider.

3. Each billing shall contain the description of the services rendered, along with the number of meals for which payment is being requested by the Service Provider.

4. Billing will be submitted by:

   Waco I.S.D.
   Child Nutrition Services
   2025 S. 19th Street
   Waco, TX 76706-3018

5. Billing will be submitted to:

   McLennan County Juvenile Justice Center
   Attn: McLennan County Juvenile Probation
   2601 Gholson Road
   Waco, TX 76704

III. Examination of Program and Records

1. The Service Provider agrees that it will permit the Department to examine and evaluate its program of services provided under the terms of this Agreement.

IV. Fee Assessment

1. Neither clients nor their families shall be assessed fees for services by the Service Provider unless arrangements are specified by the court.

2. If client is eligible for fiscal support from another state agency or organization, the Service Provider shall ensure that the Department is not charged for such fiscal support for which the client is otherwise eligible.

V. Equal Opportunity

1. Service shall be provided by Service Provider in compliance with the Civil Rights Act of 1964. The Service Provider will not discriminate against any employee, applicant for employment, or client because of race, religion, color, sex, national origin, age or handicapped condition.

VI. Officials Not to Benefit

1. No officer, member, or employee of the McLennan County Juvenile Board or the McLennan County Juvenile Probation Department, and no member of its governing body, and no other public official of the governing body of the locality or localities in which the project is situated or being carried out who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of this project s hall participate in any decision related to this Agreement which affects his personal interest or have any personal or pecuniary interest, direct or indirect in this Agreement of the proceeds thereof.

VII. Default

1. The Department may, by written notice of default to the Service Provider, terminate this Agreement, in whole or in part, in any one of the following circumstances:

    a. If the Service Provider fails to perform the worked called for by this Agreement within the time specified herein or any extension thereof, or

    b. If the Service Provider fails to perform any of the other provisions of this Agreement, or fails to prosecute the work as to endanger performance of this Agreement in accordance with its terms, an in either of these two circumstances does not cure such failure within a period of ten (10) days (or such extension as authorized by Department in writing) after receiving notice of default.

2. Department may withhold payment to the Service Provider in any month that the Service Provider has not complied with its reporting requirements hereunder, and may withhold such funds until all such reporting requirements have been complied with in accordance with this Agreement.

VIII. Default

1. This Agreement may be terminated by either party by giving thirty (30) days written notice to the other party hereto of the intention to terminate.

IX. Law and Venue

1. In any legal action arising under this Agreement, the laws of Texas shall apply and venue shall be in McLennan County, Texas.

X. Other Terms and Conditions

1. This Agreement does not obligate the Department to assign a specific number of clients to the Service Provider's program.

2. Department, or its designated representative, shall have the right to conduct programmatic monitoring of the Service Provider to ensure performance of and compliance with this Agreement.

3. Attachment to include the Waco I.S.D. annual school calendar, approved each April. Included so both parties are clear on the service dates. The Summer Food Service Program (SFSP) calendar will be submitted in the Spring.

4. Service Provider is an independent organization, and is not intended to be, and hall not be, an employee, partner or joint venture of the Department for any purpose. Service Provider shall not be treated as an employee of the Department for purposes of tax withholding, insurance, retirement or other benefits. Service Provider is solely responsible for all taxes relating to payments of employee under this agreement, and indemnifies and holds harmless the Department from such claims. Service Provider shall have no authority to bind the Department to any obligation.

5. The Service Provider's menu plan shall be designed and evaluated based on the age range of the residents served at the facility to ensure dietary allowance are commensurate with the USDA's age specific requirements.

XI. Contract Period

1. This Agreement period will begin on August 1, 2023 and will terminate on July 31, 2024.

XII. Contract Period

In Witness Whereof, the parties hereto have caused this agreement to be executed by their duty authorized representatives as of the day and year written:

"Department"
McLennan County Juvenile Probation Department

By: _____

Title: _____

Signature: _____

Date: _____

Address: _____

Contact Telephone Number: _____

Contact Email Address: _____

"Service Provider"
Waco I.S.D. Child Nutrition Services

By:	Dr. Susan Kincannon
Title:	Waco ISD Superintendent
Signature:	_____
Date:	_____
Address:	501 Franklin Avenue; Waco, Texas 76703
Contact Telephone Number:	254-755-9421
Contact Email Address:	susan.kincannon@wacoisd.org

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: **M. Tish/R. Warren**

RE: Cost Share Agreement between Waco ISD and Communities-in-Schools of the Heart of Texas

==========

Background Information:

The Waco ISD and Communities-in-Schools of the Heart of Texas (CIS) are entering into a cooperative effort to provide school-based support services to students and their families in order to increase their level of academic success. CIS is a thoroughly evaluated dropout prevention program with a foundation of integrated student support systems. CIS will provide intensive case-management and family support to at-risk students during the academic year. The CIS model utilizes the full array of the following six (6) component services:

- Supportive Guidance/Counseling
- Health and Human Services
- Academic Support
- Enrichment Activities
- Parent and Family Engagement
- Career and College Readiness

The seven schools receiving these services are Kendrick Elementary, Provident Heights Elementary, Cesar Chavez Middle School, Tennyson Middle School, Brazos High School, University High School, and Waco High School.

CIS agrees to pay $323,011, which represents 64%, of the total cost.

This cost shared agreement will be effective September 1, 2023 through August 31, 2024 which is automatically extended for one calendar year on the first day of every August, unless one or both parties request modification and or cancellation of this Memorandum prior to June 30 of any year. Either party may cancel this MOU if thirty days written notification is provided to the other party.

Fiscal Implications:

Waco ISD will assume a total of $185,000 which represents 36% of the total cost associated with the implementation of CIS programming on seven (7) campuses. The District will pay CIS in ten equal installments of $18,500. State

Compensatory Education Funds will be used from the appropriate campus and/or department budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the cost share agreement between Waco ISD and Communities in Schools of the Heart of Texas for services, as presented.

Contract for Communities in Schools of the Heart of Texas Support Services

2023-2024 School Year

The Texas Education Agency ("TEA") administers the Communities In Schools ("CIS") program in accordance with the Texas Education Code §33.152 and provides guidance to local CIS programs for implementation of programs statewide based on a model designed for Texas.

The primary goals of CIS are to help students who demonstrate early warning signs for dropping out of school, to improve in academics, attendance, and/or behavior and, ultimately, to stay in school and graduate.

Parties to Contract

This contract is entered into by and between the **Waco Independent School District**, hereinafter referred to as "District", and **Communities in Schools of the Heart of Texas**,a 501(c)3 non-profit organization, hereinafter referred to as "CIS".

The Parties agree to enter into a cooperative effort to provide school-based support services to at-risk students and their families.

In support of this contract, CIS shall:

1. Fully implement and adhere to CIS program requirements on each campus served by CIS, in accordance with the guidance provided by the Texas Education Agency which has established rules and procedures for the operation of the program.

2. Provide overall management and supervision of CIS programs and employees on named District campuses. CIS employees assigned to District campuses are responsible for developing, implementing, and managing the CIS program and activities under the direction of the CIS Executive Director and the CIS Board of Directors. While CIS employees are an additional resource and support to the campus, TEA requirements as well as CIS responsibilities restrict them from accepting additional duties generally fulfilled by District employees (administrative, clerical, substitute teacher, or otherwise). However, CIS staff are willing to show their support by assisting the campus in other ways.

   All CIS Site Coordinators will be hired with the concurrence of the Campus Principal. All CIS personnel assigned to campus sites remain employees of CIS and will receive direct supervision from their direct supervisor who is responsible for their performance and demeanor. Input from the Principal of the school campus will be obtained for the Site Coordinator's annual performance evaluation. Any questions or concerns regarding the performance of any CIS Site Coordinator should be directed as soon as possible to the Supervisor assigned to the Site Coordinator or the Chief Operations Officer.

3. Follow the calendar of the assigned District. All CIS campus employees are classified by the U.S. Department of Labor and the Texas Workforce Commission as non-exempt. No CIS employee may work overtime (more than 40 hours per week) without the prior and expressed authorization from the CIS Executive Director.

4. Develop and provide the principal of the assigned campus with a CIS Campus Plan. The CIS Campus Plan is an annual, formal written agreement developed by CIS and signed by the principal, which contains all the

information, requirements, standards, processes, and forms necessary to develop a plan that reflects the service needs of a campus and its students, as well as all of the services that will be provided to students and their families. The CIS Campus Plan includes an Agreement which addresses the role of CIS in the Campus Improvement Plan, the access to student records that CIS will have, the sharing of student data, CIS responsibilities, school responsibilities, reporting of data, and any other issues critical to the success of the CIS program.

5. Implement the Texas Education Agency's Case Management Model utilizing the full array of the following six (6) component services to meet the diverse needs of CIS students and their families:
   - Supportive Guidance/Counseling
   - Health & Human Services
   - Academic Support
   - Enrichment Activities
   - Parent and Family Engagement
   - Career and College Readiness

6. Provide multidisciplinary case management for students and coordinate the resources of the community to benefit students and families. Per TEA requirements, each full-time CIS Site Coordinator is required to case manage no more than 100 at-risk students.

7. Ensure the integrity of the CIS program service delivery initiatives by providing training and support (managerial, administrative, logistical and technical) to all CIS staff assigned to District campuses.

8. Provide periodic progress reports to the District's CIS Representative as well an annual report of program outcomes.

9. Safeguard all student data and information according to TEA policy for CIS programs as well as federal and state laws, specifically FERPA, HIPPA, and HB300.

In support of this contract, the District shall:

1. Facilitate and support the implementation and adherence to CIS program requirements on each campus served by CIS.

2. Allow CIS Staff to obtain written parental consent to access student records and render services using the official Texas Education Agency Parent Consent and Release of Information forms.

3. Allow CIS, with written parental consent, access to student information such as school records, test scores, attendance, free/reduced lunch status, at-risk list, public assistance status, and grades through access to all necessary student databases including but not limited to: Eduphoria, TEAMS, TxEIS, etc.

4. Allow CIS, in the absence of written parental consent, but acting at the request and on behalf of the District/Campus, access to student information in order to provide services. This allows the local CIS program to provide crisis type services, at the request of a school official, until a signed Parental Consent- Release of Information (PC-ROI) form is obtained.

5. Identify CIS as a Contract Provider who will be granted access to student data and listed in the District's FERPA notification to parents, i.e.; "Code of Conduct Book", "Student Handbook", etc.

6. Include CIS as a partner in addressing dropout issues and is so written into the District and Campus Improvement Plans (note: TEA requires that CIS be included in the District and Campus Improvement Plans).

7. Provide each CIS Staff with office space, to include: a computer with internet and District software programs access (to facilitate communication and student data retrieval), office furniture, phone, printer/access to a printer, janitorial services, maintenance/repair, and utilities.

8. Assist with distribution and collection of Parent Consent Forms by adding the CISHOT PC-ROI in all Campus Registration Documents – electronic or paper

CIS Support Services will be provided by 7 full-time CIS Site Coordinators at the following campuses:

- Kendrick Elementary School
- Provident Heights Elementary School
- Cesar Chavez Middle School
- Tennyson Middle School
- Brazos High School
- University High School
- Waco High School

CIS also provides the District an additional full-time, and grant funded, case management staff at no additional costs at the following campuses:

- Waco High (1 FTE)

District Cost for the CIS Support Services in Waco ISD for 2023-2024 - $185,000

- Waco ISD agrees to pay $185,000, which represents 36% of the total cost of program implementation.
- CIS agrees to match the district cost share with $323,011 which represents 64% of the total cost of program implementation

Timeline: 8-1-2023 contract signed and due back to CIS
9-1-2023 CIS will send first invoice to District

The term of this agreement shall be from September 1, 2023 through August 31, 2024, which is automatically extended for one calendar year on the first day of every August, unless one or both parties request modification of, or the cancellation of this Memorandum, prior to June 30 of any year. Either party may cancel this MOU if thirty days written notification is provided to the other party.

Waco Independent School District

Dr. Susan Kincannon		
Superintendent	Signature	Date

Communities in Schools of the Heart of Texas

Aaron Mize		
Chief Executive Officer	Signature	Date

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: **S. Smith/J. Allen**

RE: Inter-Local Agreement with the Texas Department of Information Resources for Shared Technology Systems

==========

Background Information

Local Education Agencies (LEAs) are required to enter into an interlocal agreement with the Texas Department of Information Resources (DIR) to receive the scope of services from the agency's Shared Technology Services (STS), Managed Security Services (MSS) program. This is a component of the Texas Education Agency's (TEA) K-12 Cybersecurity Initiative. TEA's goal is to offer free or discounted cybersecurity tools and resources to all eligible LEAs that complete an application and inter-local agreement by September 1, 2023. Once the inter-local agreement is in place, the services may be activated and eligible LEAs may then request "in scope" services (see below) through the STS program.

In scope services include the following:

- Endpoint Detection and Response (EDR) Services for servers and central office staff.
- Cybersecurity Assessments through DIR services

The attached form must be submitted to DIR to establish a Shared Technology Services account. Upon receipt, DIR will work with the District to set up an Interlocal Contract.

Fiscal Implications

The cost of these in scope goods and services will be funded by TEA for the period September 1, 2023 through August 31, 2025. Goods and services outside of those identified will be available for purchase by Waco ISD at DIR negotiated pricing.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the establishment of a DIR Shared Technology Services account and authorize the Superintendent to negotiate and enter into an inter-local contract with the Texas Department of Information Resources (DIR) Shared Technology Services to facilitate future purchases of resources available through this agreement, necessary to provide cybersecurity protection and/or incident response.

DIR Shared Technology Services
New Customer Form

- Please fill out the below information to establish your DIR Shared Technology Services account.
- E-mail completed form (with W-9 if you are not a state agency) to DIRSharedServices@dir.texas.gov
- Upon receipt of your information, a DIR representative will contact you to set up your Interagency/Interlocal Contract (IAC/ILC) and gather any additional required information.

You may tab from one field to the next.

General Information and Eligibility

The DIR Shared Technology Services Program is available to all state agencies and other governmental entities. If not a state agency, please attach W-9 with this form to confirm your eligibility.

Agency or Organization Name:	Waco Independent School District
Agency or Organization Acronym	WISD
Comptroller or Federal Taxpayer ID Number (as shown on W-9):	74-6002532
Type of Government Entity:	School District
Six Digit Agency Code (if Applicable):	161914

Customer Contacts

(If you have contacts with shared email accounts, we will only be able to assign that mailbox to one person.)

InterAgency Contract (IAC) Contact

The IAC contact will be responsible for reviewing and signing the IAC between your organization and DIR.

Name:	Jerry Allen		
Title:	Chief Technology Officer		
Address:	112 South 6th (Street/PO Box)		
	Waco, Texas 76701 (City),(State) (Zip)		
Telephone Number:	254-755-9503	Ext:	
E-mail:	Jerry.allen@wacoisd.org		

Service Operations Contact

The Service Operations Contact will be responsible for providing information to set up your services and will act as the day to day Customer Representative, including requesting/approving services through the online Portal, after services are established. This person will also receive all legal notices.

☐ Same as Main Contact

Name:	Luther Ward		
Title:	Director of Network Services		
Address:	112 South 6th (Street/PO Box)		
	Waco, Texas 76701 (City),(State) (Zip)		
Telephone Number:	254-755-9604	Ext:	
E-mail:	Luther.ward@wacoisd.org		

DIR Shared Technology Services
New Customer Form

Primary Finance Contact

The Primary Finance contact will be responsible for reviewing invoices, including accessing the online billing system, and ensuring payment is submitted timely.

☐ Same as Main Contact

Name:	Sherry Smith
Title:	Executive Director of Business Services
Address:	501 Franklin Ave (Street/PO Box) Waco, Texas 76701 (City),(State) (Zip)
Telephone Number:	(254) 755-9473 Ext: 2155
E-mail:	Sherry.smith@wacoisd.org

Backup Finance Contact

The Backup Finance Contact serves as the backup to the primary finance contact, with the same access to review invoices and ensure payment is submitted timely.

Name:	Sheryl Davis
Title:	Chief Financial Officer
Address:	501 Franklin Ave (Street/PO Box) Waco, Texas 76701 (City),(State) (Zip)
Telephone Number:	254-755-9473 Ext: 2163
E-mail:	Sheryl.davis@wacoisd.org

DIR Shared Services

Select the DIR Shared Services you are currently interested in:

- ☒ Email (Microsoft Office 365)
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- ☒ Backup as a Service (BUaaS)
- ☒ Print/Mail
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- ☒ Backup as a Service (BUaaS)
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Thank you for your interest in the Texas Shared Technology Services Program. Please email this form to DIRSharedServices@dir.texas.gov and we will contact you to set up your IAC/ILC, gather information about your environment, and discuss the steps to initiate service.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: S. Davis/L. Saxenian

RE: Memorandum of Understanding between the Waco Independent School District and Partner Independent School Districts and Tuition and Building Fee Rates for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2023-2024 School Year

==========

Background Information:

The Memorandum of Understanding establishes the agreement between the Waco Independent School District and partner school districts regarding participation in the Greater Waco Advanced Manufacturing Academy (GWAMA) and the Greater Waco Advanced Health Care Academy (GWAHCA) for the 2023-2024 school year.

The administration is recommending no increase in either the tuition rate of $3,200 or the building use fee of $600 per student.

Based on a projected enrollment of 547 students for the 2023-2024 school year, the combined rate of $3,800 is not anticipated to cover the direct program costs of either program with GWAMA's per student cost estimated at $3,975 per student and GWAHCA's per student cost of $4,371 per student. School districts partnering in GWAMA include Bruceville-Eddy, Chilton, La Vega, Midway, Troy and the Methodist Children's Home. Districts partnering in GWAHCA include Bruceville-Eddy, Chilton, Groesbeck, Midway, Troy, and the Methodist Children's Home.

It is projected that the District's total operating transfer to cover the fund's deficit will be $411,431 for 2022-2023.

Student tuition will be prorated in the event a student moves out of the Partner ISD's attendance zone. Tuition for student's removed for disciplinary reasons or withdrawn for personal reasons will not be prorated. The $600 building use fee will not be prorated in any event. Tuition payments are due in two installments, on October 31, 2023 and January 31, 2024.

A copy of the Memorandum of Understanding is attached for your review.

Fiscal Implications:

Tuition and building use revenue are credited to a special revenue fund set up as a cost center to account for revenues and expenditures related to the Advanced Academies.

Administrative Recommendations:

The administration recommends the Board of Trustees approve the Memorandum of Understanding between the Waco Independent School District and partner independent school districts and set the tuition rate and building fee for the Greater Waco Advanced Manufacturing and Health Care Academies for the 2023-2024 school year, as presented.

WACO INDEPENDENT SCHOOL DISTRICT

Partner School: _____

Waco Independent School District
Memorandum of Understanding
Greater Waco Advanced Academies

Waco Independent School District ("WISD") and the Partner Independent School Districts (individually "Partner ISD"), enter the following Memorandum of Understanding for the 2023-2024 school year regarding the Greater Waco Advanced Manufacturing Academy ("GWAMA") and Greater Waco Advanced Healthcare Academy ("GWAHCA") (individually "*Academy*" and collectively "*Academies*")

Now therefore, the parties to the Memorandum of Understanding mutually agree to the following:

I. Purpose:

Whereas WISD operates *GWAMA* and *GWAHCA* as two magnet schools with the purpose of the *Academies* being to:

a. provide all students with the opportunity to meet challenging academic content and student academic achievement standards;
b. support the development and design of innovative education methods and practices that promote diversity and increase choices in public education programs;
c. support capacity development (the ability of a school to help all its students meet more challenging standards) through professional development and other activities that will enable the continued operation of the *Academies* at a high performance level after funding ends;
d. Support the implementation of courses of instruction in the *Academies* that strengthen students' knowledge of academic subjects and their grasp of tangible and marketable vocational skills.

II. Student Eligibility Requirement:

a. In order to apply to enroll in either of the *Academies* a student must have Sophomore, Junior or Senior standing at a Partner ISD;
b. A student must have the written approval of his/her Partner ISD in order to apply to enroll in either of the *Academies*; and
c. A student must have completed the application to enroll in either of the *Academies*.

III. Academic Calendar for the *Academies*

a. The *Academies* will follow the WISD academic calendar for the 2023-2024 school year. This will apply to grades, attendance, holidays, etc.
b. If a Partner ISD academic calendar differs from the WISD academic calendar, it is the responsibility of the Partner ISD to submit a copy of their academic calendar to WISD prior to the start of the 2023-2024 school year.

IV. Grades

a. The *Academies* will submit each student's grades to the student's home campus at each student's sending Partner ISD, respectively, based on the WISD academic calendar.
b. The *Academies* will provide access for grades at all times to each Partner ISD for all students enrolled from the Partner ISD.
c. If the grading cycle of a Partner ISD is different from the WISD grading cycle, then the Partner ISD may give an incomplete until the WISD grading cycle is completed.
d. Each Partner ISD will provide written notification to the *Academies* prior to the start of the 2023-2024 school year on how the Partner ISD prefers the grades for any of its students enrolled in either of the *Academies* to be reported. If a Partner ISD is on a different grading cycle, it is likely that that Partner ISD's students' grades will be different than when the grade is determined using the Partner ISD's calendar due to lack of six-weeks test, etc.

V. Attendance

a. All students enrolled in either of the *Academies* from a Partner ISD are expected to attend the *Academy* of enrollment for the entire school year. Students will not be permitted to withdraw from an *Academy* without Partner ISD and *Academy* written approval.
b. In the event a student enrolled in either of the *Academies* becomes pregnant during the school year, WISD may require a medical release/authorization approving that student's continued attendance/participation in the *Academy.*
c. In the event a student enrolled in either of the *Academies* is unable to continue attending the *Academy* due to medical/health reasons (including, but not limited to pregnancy) the sending Partner ISD will be responsible for providing any homebound and/or pregnancy related services to that student.
d. The *Academies* will submit student attendance to each student's home campus weekly.
e. Students are expected to attend the *Academies* according to the WISD academic calendar.
    i. For instance, if a Partner ISD is not in school, but WISD is, then Partner ISD's students are expected to be present at the *Academy* in which the student is enrolled.
    ii. If WISD has a scheduled student holiday, but a Partner ISD does not, students from that Partner ISD will not attend either of the *Academies* on the WISD scheduled student holiday.
    iii. If a student from a Partner ISD has a school related event causing the student to be absent from one of the *Academies*, the Partner ISD will notify the *Academy* (in which the absent student is enrolled) as soon as confirmation of the event and the student's participation has occurred.

VI. Tuition and Billing

a. WISD will bill the Partner ISD for the cost of tuition – ($3,200 per student for the 2023-2024 school year), and a building use fee of $600 per student for the 2023-2024 school year. Totaling $3800.
    i. Student tuition will be prorated in the event a student moves out of the Partner ISD's attendance zone.
    ii. If a student is removed for disciplinary reasons, the student's tuition will not be prorated based on the number of days enrolled.
    iii. If a student wishes to withdraw for personal reasons, tuition will not be prorated.

a. WISD reserves the right to make exceptions on the proration rules set forth above regarding disciplinary and personal withdrawals as determined by Campus Director of each of the *Academies*.

iv. The $600 building fee will not be prorated in any event.

v. Invoices will be calculated for each student enrolled from each partner ISD. After the 10th class day of the 2023-2024 academic school year, the full fee of $3,800 ($3,200 + $600) will be charged and billed to the student's ISD.

vi. An Invoice will be mailed out to each Partner ISD for each student enrolled (from the Partner ISD) at either *Academy* during the 2023-2024 school year. Invoices will be mailed after completion of the first six week grading cycle of WISD. Payment will be due in two installments with ½ of the tuition and all of the building fee due by September 29, 2023 and the remaining ½ of the tuition due by December 15, 2023.

VII. Other Fees

a. Any and all fees for Dual Credit, certification, background checks, fingerprinting, drug screening, required immunizations, or health tests required will be paid by the student or the sending Partner ISD, as determined by Partner ISD administration.

VIII. Course Offerings

a. The *Academies* will provide a course list to Partner ISDs prior to the start of the 2023-2024 school year.

IX. Discipline

a. It is the expectation that students will maintain the highest level of discipline and safety at the *Academies*. It is the expectation that each Partner ISD will support the *Academies* in maintaining discipline. Discipline enforcement will be the responsibility of the sending Partner ISD for its students enrolled in either of the *Academies*. The *Academies* will use a discipline model that, to the extent feasible, simulates practices for employees in current professional workplaces. Representatives from the *Academies* will provide a detailed report for each student to the student's home campus of the Partner ISD for that campus to use in making a decision on a discipline incident. Partnering districts are expected to enforce their normal disciplinary rules to students of the *Academies*.

b. The *Academies* reserve the right to remove a student at any time for disciplinary reasons.

X. Special Education/504

a. It is ultimately the responsibility of the Partner ISD to ensure that a student's IEP is implemented as written, as well as to conduct all student ARD and 504 meetings.

b. Prior to the start of the school year, each Partner ISD will provide written notification to each of the *Academies* of all Special Education and 504 students from that Partner ISD.

c. Each Partner ISD agrees to send all IEPs for its students enrolled in either of the *Academies* to the appropriate *Academy* prior to August 14, 2023.

d. The *Academies* will implement the IEP as written with one exception; it is the responsibility of the sending Partner ISD to provide additional staff support if designated in a student's IEP.

e. Each sending Partner ISD agrees to invite an *Academy* representative (from the *Academy* in which a particular student is enrolled) to attend and offer feedback for all student ARD and 504 meetings.

XI. Partner ISD's Responsibilities

Each Partner ISD understands and agrees that it is making a commitment to work collaboratively to achieve project goals, and to:

a. Support and utilize the *Academies;*
b. Aid in recruiting a target number of students based upon a predetermined percentage, and using a lottery system that supports desegregation of minority student groups;
c. Support the Magnet Schools Assistance Program grant and project philosophy to reduce minority group isolation, build institutional capacity to increase Industrial Science *I* Career and Technology course credits, increase parental involvement, improve academic achievement, and increase Postsecondary success for students in the greater Waco area;
d. Provide transportation for accepted students to and from the *Academies* and to and from the sending Partner ISD;
e. Ensure students enrolled at the *Academies* are provided the opportunity to have breakfast and lunch at a student's home campus within the sending Partner ISD;
f. Share student data with WISD and/or External Evaluator including, but not limited to, test data on students for the purposes of completing evaluations of the Magnet Schools Assistance Program grant;
g. Agree to work with the *Academies* to accept course credits earned by students.

XII. Multiple Counterparts and Facsimile

This Memorandum of Understanding may be executed in separate or multiple counterparts by the parties, each of which shall be deemed to be an original. All of such counterparts shall be considered as one and the same instrument notwithstanding the fact that various counterparts are signed by only one of the parties, and all such copies shall be considered as one and the same Memorandum of Understanding. In addition, any true and correct photocopy or facsimile copy of this Memorandum of Understanding together with any signatures on such documents transmitted by any of the parties shall be deemed to be originals and may be utilized by any party for any purpose whatsoever, including any proceedings relating to this Contract. Upon request by any party, any counterpart, photocopy or facsimile copy shall be substituted with the actual signed copy or be executed by the parties without affecting the effective date or actual execution dates.

WACO ISD

By_____ Date_____

Dr. Susan Kincannon, WISD Superintendent

PARTNER ISD

By_____ Date_____

Superintendent,

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: **M. Tish/D. Lopez**

RE: Renewal of Interlocal Participation Agreement with the Texas Association of School Boards (TASB) Risk Management Fund for Property, Auto Liability and Physical Damage, School Liability Insurance, and Workers' Compensation Coverage

==========

Background Information:

The Waco Independent School District has acquired property, auto liability and physical damage, and school liability insurance as well as workers' compensation coverage through an interlocal participation agreement with the Texas Association of School Boards (TASB) Risk Management Fund. The TASB Risk Management Fund operates under the provisions of the Interlocal Cooperation Act, Chapter 791 of the Texas Government Code. The purpose of this agreement is to provide a comprehensive coverage program. These coverage lines require concurrent participation and may not be purchased as 'stand-alone' coverages.

TASB has provided the District with a renewal proposal for the 2023-2024 fiscal year. The following paragraphs detail the coverage and proposed contribution rates for each program.

Property Insurance

The coverage is on district owned buildings, contents, and adjacent structures at a combined total value of $801,656,976 with a maximum replacement of $400,000,000 per occurrence, with limited coverage for mold and fungus. The property deductible will be $1,000,000 for weather perils and $100,000 for all perils except weather perils. The proposal also provides coverage for boiler and machinery, flood, earthquake, crime and equipment breakdown with acceptable limits and deductibles. TASB also includes a $100,000 limit crime policy at no additional cost under the property policy.

TASB has proposed two options. Coverage is identical in the two proposals with the exception of the deductible for weather perils. Option 1 maintains our current deductible of $1,000,000 with a total premium of **$1,145,695.** Option 2 is based on a deductible of $2,500,000 with a total premium of $1,092,486. The difference in premium is $53,209 with $1,500,000 in additional risk. Considering previous years' claims for hail and winter storm damage, the administration had determined that it is in the best interest of the District to recommend Option 1. The additional premium cost over last year is $387,578. The proposal for 2023-2024 does include

sub-limits for wind, hurricane, and hail loss. With these reductions, the total premium reflects an increase of **$275,355** from the previous year.

Flood Zone Exclusion: Flood coverage, for district owned properties that fall in flood zones A (high risk) or B (moderate risk), is not included under this policy. The administration will obtain quotes for the continuation of additional flood coverage through the National Flood Insurance Program (NFIP) currently managed by FEMA. The NFIP provides coverage limits of $500,000 per building and $500,000 for contents in flood zones A and B with a $1,250 deductible per occurrence on the six properties in Zone B and a $5,000 deductible on the property in Zone A. The premium for this coverage was $26,414.00 for the 2022-2023.

The following schedule details the proposed rates as compared to the past five years:

COVERAGE	POLICY YEAR 2018-2019	POLICY YEAR 2019-2020	POLICY YEAR 2020-2021	POLICY YEAR 2021-2022	POLICY YEAR 2022-2023	POLICY YEAR 2023-2024
PROPERTY VALUES	$ 536,969,954	$ 536,969,954	$ 536,969,954	$ 600,857,408	$ 663,013,306	$801,656,976
Property	$277,844 Premium @.050100 rate per $100 of value	$535,321 Premium @.099700 rate per $100 of value	$535,321 Contribution @.103700 rate per $100 of value	$654,124 Contribution @.108900 rate per $100 of value	$758,117 Contribution @.114300 rate per $100 of value	$1,145,695 Contribution @.142900 rate per $100 of value
Engineering Fee	Included	Included	Included	Included	Included	Included
Certified Acts of Terrorism	Included	Included	Included	Included	Included	Included
Total Premium -->	$277,844	$535,321	$556,736	$654,124	$758,117	$1,145.695

Commercial Auto Liability

The proposed premium for auto liability coverage for 2023-2024 is $30,596, an increase of $1,756 over the prior year. The proposed premium for auto physical damage is $26,277, an increase of $1,543. The plan provides up to a $300,000 liability limit for each occurrence, a $1,000 deductible for bodily injury, property damage, and comprehensive and collision coverage. Automobile Physical Damage is limited to actual cash value.

School Liability

The school liability coverage under TASB combines general, professional legal, and employee benefits liability into a single coverage agreement to prevent gaps in coverage. This policy carries a $25,000 deductible per claim and is an occurrence made policy with a $5,000,000 maximum annual aggregate limit.

The renewal premium is $80,902, no increase for 2023-2024. Ancillary coverage included in the renewal includes School Crisis Coverage/Violent Acts at no charge, $0 deductible and $250,000 per occurrence.

Privacy and Information Security

The privacy and information security liability coverage began in 2020-2021. The plan increased the coverage from $250,000 to $500,000, no deductible applies. This combines single limit and covers the most common cyber claims, including a data breach, phishing attack, or fraudulent direction incident. The premium for this coverage will increase to $8,000 for 2023-2024.

The following schedule details proposed rates as compared to the past four years:

COVERAGE	POLICY YEAR 2019-2020	POLICY YEAR 2020-2021	POLICY YEAR 2021-2022	POLICY YEAR 2022-2023	POLICY YEAR 2023-2024
Auto Fleet	$ 44,639	$ 48,982	$ 50,962	$ 53,574	$ 56,873
General Liability	$ 68,768	$ 74,847	$74,847	$80,902	$ 80,902
***Educators Legal Liability**	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability
$5,000,000 Excess Liability – ELL, Only	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability	$ Included under General Liability
Privacy & Information Security	--	$2,500	$ 4,000	$6,000	$8,000
Total Premium -->	**$ 113,407**	**$ 126,329**	**$ 129,809**	**$140,476**	**$ 145,775**

Workers' Compensation

The Risk Management Fund continues to serve the District well by managing all workers' compensation claims and providing legal defense when appropriate. The District continues to maintain a return to work program that began in 2001. The District changed from a fully funded to a partially funded aggregate deductible plan in 2002 because of a consistent reduction in paid out losses.

TASB bases their renewals on five years of prior claims experience and on the Fund's overall progress throughout Texas.

Fiscal Year	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
Contribution	$99,801	$103,774	$109,534	$109,205	$103,273	$103,271
Estimated Claims Liability	$736,092	$688,982	$654,396	$671,190	$680,769	$682,454
Maximum WC Claims/ Liability	$835,893	$792,756	$763,930	$780,395	$784,012	$785,725

The administrative contribution of $103,271 reflects a reduction of $1.00 from last year. The estimated payroll for 2023-2024 is multiplied by the claims liability factor to arrive at estimated claims liability for 2023-2024. The claims liability will be adjusted at the end of the plan year based on the actual audited payroll total year ending August 31, 2024.

Fiscal Implications:

The total cost of these coverages is $1,399,338, an increase of $397,472. over 2022-2023. This increase will be included in the proposed 2023-2024 budget.

Administrative Recommendations:

The Administration recommends that the Board of Trustees approve the renewal of the Interlocal Participation Agreement with the Texas Association of School Boards (TASB) Risk Management Fund, to include property, auto liability and physical damage, school liability insurance, as well as workers' compensation coverage for the 2023-2024 fiscal year, as presented.

TASB Risk Management Fund
P.O. Box 301 • Austin, Texas 78767-0301 • 800.482.7276
12007 Research Blvd. • Austin, Texas 78759-2439 • tasbrmf.org
Administered by the Texas Association of School Boards

June 22, 2023

Tammy Boyett

Waco ISD

Dear Tammy Boyett,

The TASB Risk Management Fund is pleased to provide the following proposal for renewing your coverage for the coming year. The proposal reflects the Fund's on-going commitment to the risk sharing partnership among its more than 1,000 members.

The Fund is the oldest and largest governmental risk pool serving public schools and other educational entities in Texas. The Fund is governed by a 19-member board of school trustees, superintendents, and administrators from member districts. The Board ensures the Fund remains financially strong and responsive to member needs.

Fund programs and coverages continue to support the risks shared by Fund members but also reflect the challenging environments that Fund members face today. Highlights of this year's program changes include:

- Significant cost pressures for **Property coverage** continue due to severe and unpredictable weather, increases in the value of covered buildings, and inflationary pressures increasing the cost of claims. The Fund's Board again authorized the use of up to $12 million of Members' Equity, or fund balance, to mitigate the impact of higher costs to members.

- Members of the **Privacy & Information Security** program continue to improve cyber risk management practices, so the **cyber limit is doubled to $500,000**, up from $250,000, this year. To support the increased limit for all Fund members, contributions will increase slightly. To ensure there are no barriers to promptly reporting cyber events, the Fund's coverage program has no deductible for members.

- **Workers' Compensation and Unemployment Compensation rates will remain steady** for most members. Changes in contributions will reflect significant changes in payroll, staffing, or loss histories for some members.

- With claims returning to or exceeding pre-pandemic levels, **Auto and School Liability rates will increase** due to increased claims expenses related to higher costs for legal services and auto repair parts and labor.

The coverage proposal on the following pages includes terms and contribution amounts for the programs in which your organization participates. A summary of coverage changes and updates to the Fund's Coverage Agreements is included in this proposal. Coverage Agreements can also be accessed on the Fund's website. **Waco ISD participates in the Fund's comprehensive coverage program which**

includes Auto, Liability, Property, Privacy & Information Security, Violent Act, and Workers' Compensation coverage. These coverage lines require Concurrent Participation and may not be purchased on a stand-alone basis.

Please review all terms, provisions, and features of this renewal proposal. When ready, you may accept your renewal proposal by signing the Contribution & Coverage Summary (CCS) and returning it by email to me or to TASBRMF@tasbrmf.org. You may also complete the electronic acceptance using the link in the renewal email sent to the designated Program Contact.

Please note, if you take no action, coverage will automatically renew under the terms of this renewal proposal. If you wish to terminate coverage, the Fund must receive written notice of termination at least 30 days prior to your renewal date. If you are unsure of your plans to renew or have questions about this renewal proposal or any aspect of your Fund membership, please contact Heide Gaden or any member of TASB's Underwriting and Marketing Division at 800.482.7276.

Thank you for your membership in the TASB Risk Management Fund and your partnership with all Fund members. The Fund is proud to be your partner in managing risks and serving the students in your community.

Sincerely,
Heide Gaden
Risk Management Consultant
Division of Underwriting & Marketing
Texas Association of Schools Boards, Inc.

TASB Risk Management Fund
12007 Research Blvd., Austin, Texas 78759-2439
P.O. Box 301, Austin, Texas 78767-0301
Toll-Free: 800.482.7276 | Austin area: 1 (512) 505-2816

CC:

Notification of Coverage Changes and Clarifications

Effective September 1, 2023

As a part of the annual coverage review, the TASB Risk Management Fund (Fund) implemented the following coverage changes and clarifications for all renewals taking effect on or after September 1, 2023. This document is a summary of changes and clarifications only; please carefully review the full text of all Fund Coverage Agreements and any applicable Contribution and Coverage Summary (CCS).

Automobile Liability & Physical Damage Coverage Agreement

- Under Part A, § 3 **Defined Terms**, a new § 3.10 provision was added to define the term "Volunteer."
- Under Part C, § 9.3 **Supplemental Coverage**, a revision expands coverage to increase rental reimbursement when a private passenger Covered Automobile is stolen to $50 a day and $1,500 in total.
- Under Part D, § 21 **Miscellaneous Terms**, a new § 21.2 provision was added to clarify that the member assigns all subrogation-related rights of recovery to the Fund as indicated in the Interlocal Participation Agreement (IPA).

School Liability Coverage Agreement

- Under Part A, § 3.6 **Claim**, a clarification was made that a defined Claim does not include any litigation first filed by the Fund Member (except Individual with Disabilities Education Act appeals). Additionally, a revision was made that there is no coverage for a Claim resulting from litigation by the Fund Member against an otherwise Covered Person. A new § 5.9 **Fund Member versus Covered Person** exclusion was added that indicates the same.
- Under Part A, § 3 **Defined Terms**, a new § 3.13 provision was added to define the term "Volunteer."
- Under Part F, § 17.4 **No accumulation of limits**, a revision was made that this provision applies to coverage limits only, not coverages. To support this revision, § 20.1 **Multiple lines** was revised to clarify that there is no accumulation or stacking of liability limits.
- Under Part F, § 19.7 **Pollutants**, a clarification was made that excluded pollutants specifically include Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS).
- Under Part F, a new § 19.18 provision was added that excludes any Damages or Claim Expense arising from infectious diseases. However, this exclusion does not apply to a Claim arising from a Fund Member's compliance with governmental health orders, but a sublimit of $1,000,000 will be added for Damages and Claim Expense for such Claims.
- Under Part F, a new § 19.19 provision was added that excludes any Damages or Claim Expense arising from a cyber privacy or security event or any incident related to electronic data. Please note that the Fund's Privacy & Information Security Coverage Agreement includes third-party coverage under Part B, § 3.3 Liability for Claims for Data & Network Liability, Regulatory Defense & Penalties, and Payment Card Industry Liabilities & Costs.

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Property Coverage Agreement

- Under Part B, § 4 **Payment for Damage**, a revision and clarification were added that the Fund Member must elect to receive repair/replacement cost or actual cash value cost within 90 days of the Fund issuing an initial estimate of Damage.
- Under Part B, § 4.1(E), a new provision was added that requires the Fund Member to promptly submit invoices to the Fund for reimbursement—no later than 90 days from the Fund Member's payment.
- Under Part C, § 8.4 **Property of others**, a clarification was made that leased portable buildings are not excluded. This clarification follows previous underwriting and claim practice.
- Under Part G, § 14 **No Transfer of Interest**, a revision was made to emphasize the Fund Member's existing IPA obligations regarding that no assignment is allowed by the Fund Member and that the Fund Member must communicate directly with the Fund and not through third parties.
- Under Part G, a new § 15 provision was added to clarify that the member assigns all subrogation-related rights of recovery to the Fund as indicated in the IPA.

Privacy & Information Security Coverage Agreement

- Under Part C, § 4.29 (A) **Fraudulent Instruction**, a revision was made disallowing the use of or reliance on contact information contained in any payment-related instruction for authentication purposes.
- Under Part E, § 6.2 **Limit per line of sub-line of coverage**, a revision was made reducing **Fraudulent Instruction** limits of liability to $100,000 from $250,000.

Violent Act Coverage

- Under § 3.2 (A) **Post Event Emergency Costs**, a clarification was made that overtime pay and temporary staff costs after a Violent Act Event are reimbursable, including overtime pay for staff counselors where permitted.
- Under § 4.6 **Student altercation or suicide**, a clarification was made that coverage is available if any occurrence otherwise qualifies as a Violent Act Event.

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TASB RISK FUND

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Administered by the Texas Association of School Boards

Waco ISD

Contribution & Coverage Summary (CCS)
Participation Period: 9/1/2023 through 8/31/2024

The following is a summary of coverages, limits, deductibles, and contribution amounts. More information about coverage, limits, deductibles, terms, and conditions are found on the following pages and are part of this CCS. Please review all pages of this CCS document and associated Fund Coverage Agreements. ***Coverage under this CCS is contingent upon concurrent participation in the Fund's Auto, Liability, Property and Worker's Compensation programs.***

This is not a declarations page. The Fund is not insurance but a self-insured risk pool through which members agree to share risk and actively participate in their contractual obligations as a member of the Fund.

Coverage	Limit	Deductible	Contribution
Property	See Property Coverage Summary	See Property Coverage Summary	**$1,145,695**
Automobile Liability	$100K Person Bodily / $300K Occurrence Bodily / $100K Occurrence Property	$1,000	**$30,596**
Automobile Physical Damage	Actual Cash Value	See Automobile Coverage Summary	**$26,277**
School Liability including Professional Legal, General, and Employee Benefits Liability	See School Liability Coverage Summary	See School Liability Coverage Summary	**$85,499**
Privacy & Information Security	$500,000	$0	**$8,000**
Violent Acts	$250,000	$0	**No Cost**
Workers' Comp Aggregate Deductible	Statutory	$682,454	**$103,271**
Total Contribution			**$1,399,338**

THIS IS NOT AN INVOICE. The TASB Risk Management Fund will issue an invoice when coverage is accepted by the Member. Total Contribution is an estimate and is subject to exposure audit.

Waco ISD

Property Coverage Summary
Participation Period: 9/1/2023 through 8/31/2024
Total Property Contribution: $1,145,695

The following is an overview of the limits and deductibles for risk of Direct Physical Loss to Covered Property. Additional coverages, limits, exclusions, and terms are included in the Fund's Coverage Agreement for this Participation Period. All limits are per Occurrence unless otherwise shown.

Coverage	Limit	Deductible
All Perils except Weather Perils	$400,000,000	$100,000
Weather Perils	$400,000,000	$1,000,000
Flood – Annual Aggregate Limit	$2,000,000	$50,000
Earthquake – Annual Aggregate Limit	$2,000,000	$50,000
Crime	$100,000	$10,000
Equipment Breakdown	$100,000,000	$100,000

Additional Deductible for Weather Perils	Deductible	Maximum Deductible
None		

Additional Sublimit Wind, Hurricane, and Hail	Limit	Deductible
Sublimit for Wind, Hail Loss to Single Ply Membrane roofs and accompanying roof systems; all other deductibles apply. This does not apply to Named/Numbered Windstorm Loss in Tier 1, Tier 2, or Harris counties.	$2,000,000	Weather Perils Deductible applies

Property Coverage Provisions

Weather Perils: Weather Perils is an Occurrence of wind, hail, convective storm, or freezing temperatures. The Weather Perils Limit and Deductible shown on this CCS will apply to Loss (including ensuing Loss) by a Weather Peril. For Locations outside of Tier 1, Tier 2, and Harris counties, the Weather Perils Limit and Deductible indicated on this CCS will apply to Loss to Covered Property directly caused by, resulting from, or arising from Named/Numbered Windstorm.

Named/Numbered Windstorm: Named/Numbered Windstorm Peril is an Occurrence directly caused by, resulting from, or arising from any hurricane, typhoon, tropical cyclone, tropical storm, or tropical depression that is designated by name or number by the National Weather Bureau or National Hurricane Center, including Loss caused by flood, storm surge, wave wash, surface water, overflow of bodies of water, or spray from any of these. The Named/Numbered Windstorm Peril Limit and Deductible indicated on this CCS will apply to Loss (including ensuing Loss) by a Named/Numbered Windstorm to Locations in Tier 1, Tier 2, and Harris counties.

The term “Tier 1” means the Texas counties of Aransas, Brazoria, Calhoun, Cameron, Chambers, Galveston, Jackson, Jefferson, Kenedy, Kleberg, Matagorda, Nueces, Refugio, San Patricio, and Willacy.

The term “Tier 2” means the Texas counties of Bee, Brooks, Fort Bend, Goliad, Hardin, Hidalgo, Jasper, Jim Wells, Liberty, Live Oak, Newton, Orange, Victoria, and Wharton.

The term “Harris County” means the Texas county of Harris.

Location: Location is a single street address that is the site of the Covered Property.

Flood Zone Exclusions: The Fund Member’s Covered Property (as defined in the Coverage Agreement) is excluded from coverage under the Flood Endorsement of the Coverage Agreement if any portion of the Covered Property subject to loss is located in any Special Flood Hazard Areas (SFHA) beginning with ‘A’ or ‘V’ as identified on the most recently published pre-Loss FEMA Flood Insurance Rate Map (FIRM).

Other Limits: If more than one Per Occurrence Limit may be applicable, the Fund shall determine which limit will apply.

Statement of Values: The Fund Member has provided the Fund with the most current and accurate statement of values for all applicable property, including a complete and accurate listing of Covered Property owned by the Fund Member. The Fund Member agrees to allow the Fund to conduct property appraisals of the Fund Member’s property periodically and agrees to accept values provided by the Fund. The Fund reserves the right to separately assess the Fund Member for new building Covered Property accepted within the first 180 days of the Participation Period.

Salvage: The Fund will have the right, at its discretion, to exercise rights of salvage to any damaged property paid for or replaced under the terms of this Agreement.

Single Ply Membrane: ‘Single Ply Membrane’ is a synthetic roofing material that includes but is not limited to EPDM, TPO, and PVC membranes.

Fund Member Mitigation: As indicated in the Property Coverage Agreement, including Sections 9.29 and 12.5, the Fund Member must preserve Covered Property before and after Loss, or the Fund may exclude coverage.

Fund Member Notice: As indicated in the Property Coverage Agreement, including Section 13.1, time is of the essence for the Fund Member to give notice of a claim for all Loss. Coverage is only available if the Fund Member reports all Loss within 365 days of an Occurrence.

Waco ISD

Automobile Coverage Summary
Participation Period: 9/1/2023 through 8/31/2024
Total Automobile Contribution: $56,873

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

Coverage	Limit	Deductible
Automobile Liability	$100K Person Bodily / $300K Occurrence Bodily / $100K Occurrence Property	$1,000
Automobile Physical Damage - Collision	Actual Cash Value	$1,000
Automobile Physical Damage - Comprehensive	Actual Cash Value	$1,000
Automobile Physical Damage - Catastrophic	Actual Cash Value	$50,000

Excluded Vehicles

VIN	Year	Make	Model/Description	Exclusion

None

Automobile Terms & Conditions

Statement of Values: The Fund Member has provided the Fund with the most complete and accurate listing of vehicles owned and leased by the Fund Member and will make this listing current throughout the Participation Period. The Fund Member agrees to allow the Fund to conduct vehicle appraisals of the Fund Members' fleet periodically and agrees to accept values provided by the Fund, if any.

Salvage: The Fund will have the right, at its discretion, to exercise rights of salvage to any damaged property paid for or replaced under the terms of this Agreement.

Excluded Vehicles: Vehicles specifically listed on this CCS are excluded from all Automobile coverage as noted under 'Exclusion.'

Waco ISD

School Liability Coverage Summary
Participation Period: 9/1/2023 through 8/31/2024
Total School Liability Contribution: $85,499

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

Coverage	Limit	Deductible
Professional Legal Liability Subject to $5,000,000 Maximum Annual Aggregate	$5,000,000	$25,000
General Liability	$5,000,000	$0
Employee Benefits Liability	$100,000	$0

School Liability Coverage Provisions

Known Prior Acts: As indicated in the School Liability Coverage Agreement, including in Section 4.1, the Fund Member agrees that all known prior acts (including previously reported acts) that may result in a legal claim against the Fund Member have been fully disclosed to prior carriers, including the Fund, and no coverage will apply to these acts under this CCS. However, this CCS does not void coverage afforded to the Fund Member under any previous CCS.

Fund-requested Settlement Contributions: As indicated in the School Liability Coverage Agreement, including Section 4.6, the Fund may request a monetary or non-pecuniary contribution from the Fund Member to address the portion of a Claim that is not covered by the Coverage Agreement so that the Fund can settle the Claim in its entirety. Any refusal by the Fund Member to contribute to the settlement as requested by the Fund will result in the Fund Member being responsible for further defense costs and indemnity payments other than what the Fund would have paid.

Waco ISD

Privacy & Information Security Coverage Summary
Participation Period: 9/1/2023 through 8/31/2024
Total Privacy & Information Security Contribution: $8,000

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

Coverage	Aggregate Limit Per Event	Deductible
Privacy & Information Security	$500,000	$0

Privacy & Information Security Conditions

No Known Losses: Fund Member certifies that all known or reported events occurring prior to the effective date of this coverage, as applicable, which it is reasonably believed may result in a claim under this Coverage have been fully disclosed or reported.

Waco ISD

Workers' Compensation – Aggregate Deductible
Participation Period: 9/1/2023 through 8/31/2024
Total Workers' Compensation – Aggregate Deductible Contribution: $103,271

The following is a summary of estimated payrolls and contribution for Workers' Compensation coverage. The Contribution and Claims Liability amounts shown are subject to audit at the end of the Participation Period.

Classification	Estimated Payroll	Net Annual Rate	Estimated Contribution
7380 - BUS DRIVERS	$0	0.00318700	$0
7720 - POLICE OFFICER	$855,106	0.00397144	$3,396
8810 - CLERICAL OFFICE EMPLOYEES	$4,992,349	0.00020892	$1,043
8868 - PROFESSIONAL/ADMINISTRATON	$103,096,630	0.00056431	$58,178
9101 - ALL OTHERS	$9,725,698	0.00418006	$40,654
Total	**$118,669,783**		**$103,271**

Estimated Contribution	**$103,271**
Estimated Claims Liability	**$682,454**
Estimated Maximum Program Cost	**$785,725**

Workers' Compensation – Aggregate Deductible Provisions

Claims Liability: The Fund Member agrees to reimburse the Fund for amounts paid for workers' compensation claims with injury dates within the Participation Period up to the Claims Liability amount (Aggregate Deductible). The Fund will pay claims in excess of the Claim Liability amount.

Benefit Limits: Workers' Compensation benefits paid to the Fund Member's employees under this CCS will be as defined in the Texas Workers' Compensation Act (the Act). The Fund is responsible for claims payments as reflected in this CCS. This CCS does not cover the defense of any suit or claim against a Fund Member except a workers' compensation claim by an eligible employee or former employee of the Fund Member for the payment of statutory workers' compensation benefits.

Cooperation: The Fund Member designates the TASB Risk Management Fund as the Workers' Compensation claim administrator of record for all purposes. The Fund Member agrees to use the Fund's contractors for services related to the administration of claims and to follow the Fund's election under Section 504.053 of the Labor Code to direct care through the Political Subdivision Workers' Compensation Alliance.

Claims Reporting: For Workers' Compensation claims arising during the Participation Period, the Fund Member agrees to report those claims timely and solely to the Fund. The report of Workers' Compensation claims to any other entity will waive all Fund liability under this agreement for those claims, regardless of reporting sequence. Any fines levied against the Fund for the Fund Member's failure to comply with the rules and regulations of the Act will be the Fund Member's sole responsibility.

Seasonal Benefits Adjustments: The Fund adjusts weekly workers' compensation Temporary Income Benefits (TIBS) to zero during specific holiday periods. Benefit adjustments are always made during the summer, Thanksgiving, spring, and winter breaks. Other extended holiday periods may also trigger benefit adjustments.

Program Coordinators

The Fund Member is required to designate a Program Coordinator (Coordinator) with express authority to represent and bind the Fund Member in all program matters. Below are the current Coordinators associated with the Fund Member. If a Coordinator's name and e-mail address are not listed or the Coordinator identified needs to be updated, please provide updated information to the Fund as soon as possible or include updates on this document.

Current Program Coordinators

Program	Name	Title	E-mail
TASB RMF-Property	Tammy Boyett	Supervisor of Benefits & Risk Management	tammy.boyett@wacoisd.org
TASB RMF-Auto	Tammy Boyett	Supervisor of Benefits & Risk Management	tammy.boyett@wacoisd.org
TASB RMF-Workers' Compensation	Tammy Boyett	Supervisor of Benefits & Risk Management	tammy.boyett@wacoisd.org
TASB RMF-Liability	Tammy Boyett	Supervisor of Benefits & Risk Management	tammy.boyett@wacoisd.org

Program Coordinator Updates

Program	Name	Title	E-mail

If accepting this proposal electronically, you may scan and email this page to tasbrmf@tasbrmf.org to provide Program Coordinator updates.

TASB RISK FUND

TASB Risk Management Fund • 12007 Research Blvd., Austin, Texas 78759-2439
P.O. Box 301 • Austin, Texas 78767-0301 • 800.482.7276 • **tasbrmf.org**
Administered by the Texas Association of School Boards

Contribution & Coverage Summary General Provisions

Coverage: This CCS and the Fund's corresponding Coverage Agreements for this Participation Period outline the coverage terms and limits.

Claims Reporting: The Fund Member will provide to the Fund timely notice of all claims as required in the Interlocal Participation Agreement, the applicable Fund Coverage Agreement, and this CCS. The lack of timely notice may result in a loss of coverage.

Definitions: Any terms not defined in this CCS will use the definition for that term from the corresponding Fund Coverage Agreement.

Payment: The Fund Member agrees to pay contributions based on a plan developed by the Fund. All contributions are payable upon receipt of an invoice from the Fund. The Fund will determine the contribution for each program and how each contribution is applied.

Termination: In addition to any CCS-specific provisions, the Interlocal Participation Agreement outlines the termination-related provisions that govern this CCS. These provisions include that this CCS may be terminated by either party, with termination effective at the end of the Participation Period, by giving written notice to the other party no later than 30 days before the end of the Participation Period. If the Fund Member ceases to be an Active or Associate member of the Texas Association of School Boards, Inc., this CCS will terminate at the end of the Participation Period, and the Fund will not offer a renewal CCS. If neither party terminates this CCS, any renewal CCS offered by the Fund becomes effective based on the terms of the renewal CCS and will bind the Fund Member.

Concurrent Participation: All coverages through this CCS are only effective if the Fund Member concurrently participates in or has agreed in writing to participate in all the following Fund programs: Auto, Liability, Property, and Workers' Compensation. The Fund may terminate all coverages immediately if the Fund Member fails to or ceases to participate in any of these Fund programs concurrently. If this termination occurs, the total contribution under this CCS shall be considered fully earned, and the Fund Member agrees that no refund of any contribution is due. This paragraph's termination provisions take precedence over any conflicting termination provisions in the Interlocal Participation Agreement or this CCS.

Fund Member Authorization:

I approve this Contribution and Coverage Summary (CCS) and certify that this information is correct. I affirm that I am duly authorized to approve this CCS and that I have read and agree to this CCS and the Interlocal Participation Agreement.

_____	_____
Authorized Signature	Date
_____	_____
Printed Name	Title

TASB Risk Management Fund • 12007 Research Blvd., Austin, Texas 78759-2439
P.O. Box 301 • Austin, Texas 78767-0301 • 800.482.7276 • tasbrmf.org
Administered by the Texas Association of School Boards

Endorsement

Member:	Waco ISD	**Contract No.:**	P161914-2023-001
Member ID:	161914	**Coverage Period:**	9/1/2023 through 8/31/2024
Endorsement No.:	P161914-2023-001-PDBD		
Effective Date	9/1/2023		
Line of Coverage:	Property		

As requested by the Member, the indicated Contribution and Coverage Summary for the above referenced term is amended as follows:

This Endorsement provides additional limits for the difference between the Member's Weather Perils deductible of $1,000,000 as shown on the CCS and $500,000 per occurrence for Direct Physical Loss arising from wind or hail.

The maximum limit available under this endorsement is $500,000.

Additional Contribution: $202,395

This endorsement amends the CCS for Property Coverage for the Coverage Period shown above.

To accept and bind this Endorsement, this endorsement form must be signed, dated and returned to the TASB Risk Management Fund (tasbrmf@tasbrmf.org) not later than 5 days prior to the Effective Date shown above.

Authorized Signature **Date**

Issued: 6/22/2023 **Authorized By:**

TASB™ RISK FUND

Proof of Auto Liability Coverage

THIS GOVERNMENT VEHICLE IS EXEMPT FROM THE MOTOR VEHICLE SAFETY RESPONSIBILITY ACT. Liability coverage in effect meets the minimum limits required by Texas law.

Member: **Waco ISD**
Contract Number: **P161914-2023-001**
Contract Period: **9/1/2023** through **8/31/2024**

If you have an accident, please notify the TASB Risk Management Fund at 800.482.7276.

Coverage is applicable to all vehicles owned by the above-named entity. Coverage remains in effect only if contribution has been paid.

WHAT TO DO IF YOU HAVE AN ACCIDENT

(Keep this Card in Vehicle at all times)

- Move vehicle to the side of the road if drivable.
- Call 911 immediately. Have driver's license and this card ready to give to police.
- Help the injured by making them comfortable and providing emergency first aid. Call for medical help and provide requested information.
- Report the accident to your supervisor as soon as possible. If you have been injured, notify your supervisor.
- Do not discuss blame or fault. Discuss accident only with the police.
- Collect names, insurance, and other driver's license number. If there are witnesses, collect their names and contact information and give the information to the police and your supervisor.
- Do not sign any documents except as requested by law enforcement.

TASB™ RISK FUND

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WHAT TO DO IF YOU HAVE AN ACCIDENT

(Keep this Card in Vehicle at all times)

- Move vehicle to the side of the road if drivable.
- Call 911 immediately. Have driver's license and this card ready to give to police.
- Help the injured by making them comfortable and providing emergency first aid. Call for medical help and provide requested information.
- Report the accident to your supervisor as soon as possible. If you have been injured, notify your supervisor.
- Do not discuss blame or fault. Discuss accident only with the police.
- Collect names, insurance, and other driver's license number. If there are witnesses, collect their names and contact information and give the information to the police and your supervisor.
- Do not sign any documents except as requested by law enforcement.

Waco Independent School District

Board of Trustees Meeting Agenda

Date: July 27, 2023 **Contact Person:** Dr. Daniel Lopez

RE: Hiring of an Employee Related to a Current Administrator

==========

Background Information:

Policy DC (Local) states, "An applicant for employment, who is related to a district administrator within the second degree by blood or marriage, as defined in this policy, shall disclose the nature of the relationship during the application process. The District shall employ such an applicant only with board approval."

Evan Logan has been hired to begin on August 3, 2023, as a Special Education Aide at Bell's Hill Elementary and will be under the supervision of Principal Kristi Ingram. Evan Logan is the son of Karmen Logan who currently serves as the Executive Director for Elementary Education.

Fiscal Implications:

Salary is included in fiscal year budget.

Administrative Recommendation(s):

Approve the employment of Evan Logan.

WACO INDEPENDENT SCHOOL DISTRICT
BOARD MEETING MINUTES

Regular Meeting, June 29, 2023 - 6:00 p.m.
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT

Stephanie Korteweg
Jose Vidana
Jeremy Davis
Keith Guillory
Angelo Ochoa
Jonathan Grant
Jim Patton

BOARD MEMBERS ABSENT

CALL TO ORDER

Stephanie Korteweg, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 6:00 p.m. She stated that a quorum of Board Members was present, that the meeting had been duly called, and that the notice of the meeting had been posted in accordance with the Texas Open Meetings Act, Texas Government Code Chapter 551.

PUBLIC COMMENTS ON AGENDA ITEMS

No public comments.

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

Pledge Leaders

Ajalae Jefferson and Zaneria Hughes, students from Cesar Chavez Middle School led the Pledge of Allegiance.

National History Day Contest Winners

In April 2023, Katarina Telep, Emma Clark-Martinez, and Finley Ritter secured a spot at the National History Day competition. In June 2023, they won 3rd place, out of 74 teams, in the National History Day Junior Group Performance for their performance of "*Is There a Doctor in the House? The Tale of Dr. Sara Josephine Baker and Typhoid Mary!*"

Greater Waco Chamber Waco Under 40
Mountainview Elementary School Principal, Cari Detlefsen, was named a Waco Under 40 nominee by the Greater Waco Chamber of Commerce. Principal Detlefsen, one of 14 Honorees from a group of 45, will be recognized at a celebration event scheduled for November 16, 2023 at Bird Kultgen Ford.

Community Partner Award
The District recognized the Waco Housing Authority as the Outstanding Community Partner.

SUPERINTENDENT'S REPORT

Summer School
Dr. Kincannon shared that more than 2,000 of our students have attended our summer school program. This included credit recovery, supplemental instructional, literacy, math and the Language Acquisition Summer School program serving our PreKindergarten and Kindergarten students.

Summer Professional Development
Dr. Kincannon discussed the various professional development opportunities for our teachers, administrators, and staff. This includes over 260 professional development sessions, 4 book studies for district administrators and the five-day Behavior Boot Camp for new Waco ISD teachers and campus district leaders.

Summer Projects
Dr. Kincannon shared the custodial and facilities and maintenance staff are hard at work improving and maintaining our existing facilities. There is not a Waco ISD campus that is going untouched this summer.

G.W. Carver Middle School Board Tours
Dr. Kincannon identified three mornings for small board tours in early July to view the new facility.

INFORMATION ITEMS/REPORTS

- Monthly and Quarterly Financial Reports for the Period Ended May 31, 2023
- Report on Gifts to Waco ISD
- First Reading of Board Policy DH (LOCAL)
- Intent to Apply for Federal Every Student Succeeds Act (ESSA) Funds

CONSENT AGENDA:CONSIDER AND TAKE APPROPRIATE ACTION

- Amendments to the 2022-2023 Budget
- Bid Award for Educational Software for Virtual and Distant Learning and other Miscellaneous Software
- Bid Award for Library and Media Supplies & Equipment
- Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
- Bid Award for Maintenance Supplies, Equipment, and Services
- Bid Renewal for Auctioneer Services
- Bid Renewal for Courier Services
- Bid Renewal for Security Patrol Services
- 2023-2024 Memorandum of Understanding with EOAC Head Start
- Dual Credit Partnership Agreement, Memorandum of Understanding for P-TECH, Memorandum of Understanding for College Prep Mathematic and English Language Arts, and Addendum to Dual Credit Memorandum of Understanding
- Cooper Foundation Trustee Election
- Purchases over $50,000 Under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
- Low Attendance Waivers
- Approval of Administrator Contracts
- Retention Bonuses for Special Education and Other Campus Support Professionals, Athletic Trainers, and Registered Nurses
- Allowance Expenditure Authorization #6 to Change the Building Automation System Supplier/Installer for the New Waco High School
- Board of Trustees Meeting Minutes
    - Special Meeting - May 16, 2023
    - Regular Meeting - May 18, 2023

Keith Guillory made a motion, seconded by Jose Vidana to approve the Consent Agenda as presented. The motion was carried unanimously (7-0).

REVIEW AND DISCUSS THE SALE OF UNLIMITED TAX BUILDING BONDS, SERIES 2023

Dusty Traylor, RBC Capital Markets, gave a presentation in the district's unlimited Tax Building Bonds, Series 2023. These bonds will fund a portion of the projects approved by the voters in the November 21, 2021, election. Waco ISD has issued the last of the authorization with $80,000,000 in Unlimited Tax Building Bonds, Series 2023. The sale of these bonds occurred on April 29, 2023, and closed on May 16, 2023.

REVIEW AND DISCUSS THE TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB) PAY MAINTENANCE STUDY

Jennifer Barton, Human Resources and Compensation Consultant, presented a Pay Maintenance Study. This presentation provided comparisons, recommendations, and cost models that were derived from the maintenance review for compensation conducted in the Spring of 2023.

REVIEW AND DISCUSS BUDGET UPDATE

Sheryl Davis, Chief Financial Officer, presented a brief update on the attendance, revenue, expenditures, and ending position projections as they related to the budget for the 2022-2023 fiscal year. Also discussed were recent legislation and its impact on school funding for the 2023-2024 fiscal year, preliminary property valuations and projected tax rates.

CONSIDER, DISCUSS, AND TAKE APPROPRIATE ACTION REGARDING INDIAN SPRING MIDDLE SCHOOL AND G.W. CARVER MIDDLE SCHOOL CONSOLIDATION, CLOSURE, AND RENAMING

Dr. Kincannon shared TEA's decision that denied the closure of the G.W. Carver campus code based on accountability ratings. The district will keep the name of G.W. Carver on the new building and the school will use the Indian Spring campus code to satisfy TEA.

Jonathan Grant made a motion, seconded by Keith Guillory to rename Indian Spring Middle School to G.W. Carver Middle School, which will apply the Indian Spring campus code to the new G.W. Carver campus. The motion was carried unanimously (7-0).

CONSIDER, DISCUSS, AND TAKE APPROPRIATE ACTION ON THE SCHEMATIC DESIGN OF SOUTH WACO ELEMENTARY AND RECEIVE AN UPDATE ON THE DESIGN OF KENDRICK ELEMENTARY

Architects from O'Connell Robertson presented the schematic design for South Waco Elementary and provided an update on Kendrick Elementary.

Jose Vidana made a motion, seconded by Jonathan Grant to approve the proposed schematic design of South Waco Elementary as presented. The motion was carried unanimously (7-0).

REVIEW AND DISCUSS TECHNOLOGY SERVICES UPDATE

Jerry Allen, Chief Technology Officer, presented an update of advancements to district-wide technology since 2020. Also discussed were cybersecurity and technology legislation updates.

CONSIDER, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING DESIGNATION OF A DELEGATE AND AN ALTERNATE FOR THE 2023 TEXAS ASSOCIATION OF SCHOOL BOARDS (TASB) DELEGATE ASSEMBLY

Stephanie Korteweg made a motion, seconded by Keith Guillory, to nominate Jeremy Davis as the district's representative for the TASB Delegate Assembly and Jose Vidana as the alternate. The motion was carried unanimously (7-0).

ANNOUNCEMENTS

Elizabeth Cox, Chief of Staff, made the following announcements:

- Online registration for the 2023-2024 school year
- July 17, 2023, campus assisted resignation
- July 5, 2023, Back-to-School communications begin

CONSIDERATION OF PERSONNEL

- Deliberate the Appointment, Employment, Evaluation, Reassignment Duties, Discipline, or Dismissal of a Public Officer of Employee
- Hear a Complaint or Charge Against an Officer or Employee

The Board convened into closed session at 9:00 p.m.

The Board reconvened at 9:37 p.m.

ADJOURNMENT

The meeting was adjourned at 9:37 p.m.

_____

Board President

_____

Board Secretary

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person: Gloria Barrera**

RE: Review and Discuss Kendrick and South Waco Elementary Schools Design Development Update

==========

Background Information:

At the June Regular meeting, the Board approved the Schematic Design for South Waco Elementary and received an update on Kendrick Elementary.

Architects and Construction Managers at Risk (CMARs) have been refining the designs for both schools to reduce the costs while maintaining educational programming. This effort has included meetings with the Project Executive Committee (PEC) and City of Waco. Architects will present an update on design development for Kendrick and South Waco Elementary Schools.

CMARs are finalizing cost estimates for the projects. Budget and pricing information will be provided for approval at a subsequent meeting.

Fiscal Implications

Project budgets for Kendrick and South Waco Elementary School are as follow:

Description:	South Waco ES	Kendrick ES
Construction Costs	21,013,144	29,904,151
Fees / PM / Expenses	1,681,051	2,392,332
Other Developmental Costs (Survey / Geotech / Etc.)	105,066	149,521
Furnishings Fixtures and Equipment	-	869,939
IT Systems (Projectors, Network, Security, Phone)	-	869,939
Building Move-In Expenses	52,533	74,760
Construction Testing	52,533	74,760
Project Contingency	798,499	1,136,358
Total Project Budget:	**23,702,826**	**35,471,760**

Administrative Recommendation(s):

Review and discuss Design Development plans for Kendrick and South Waco Elementary Schools.

O'CONNELL ROBERTSON

Approv

Kendrick and South Waco Elementary Schools Design Update

S. Waco ES & Kendrick ES Design Development

07.27.2023

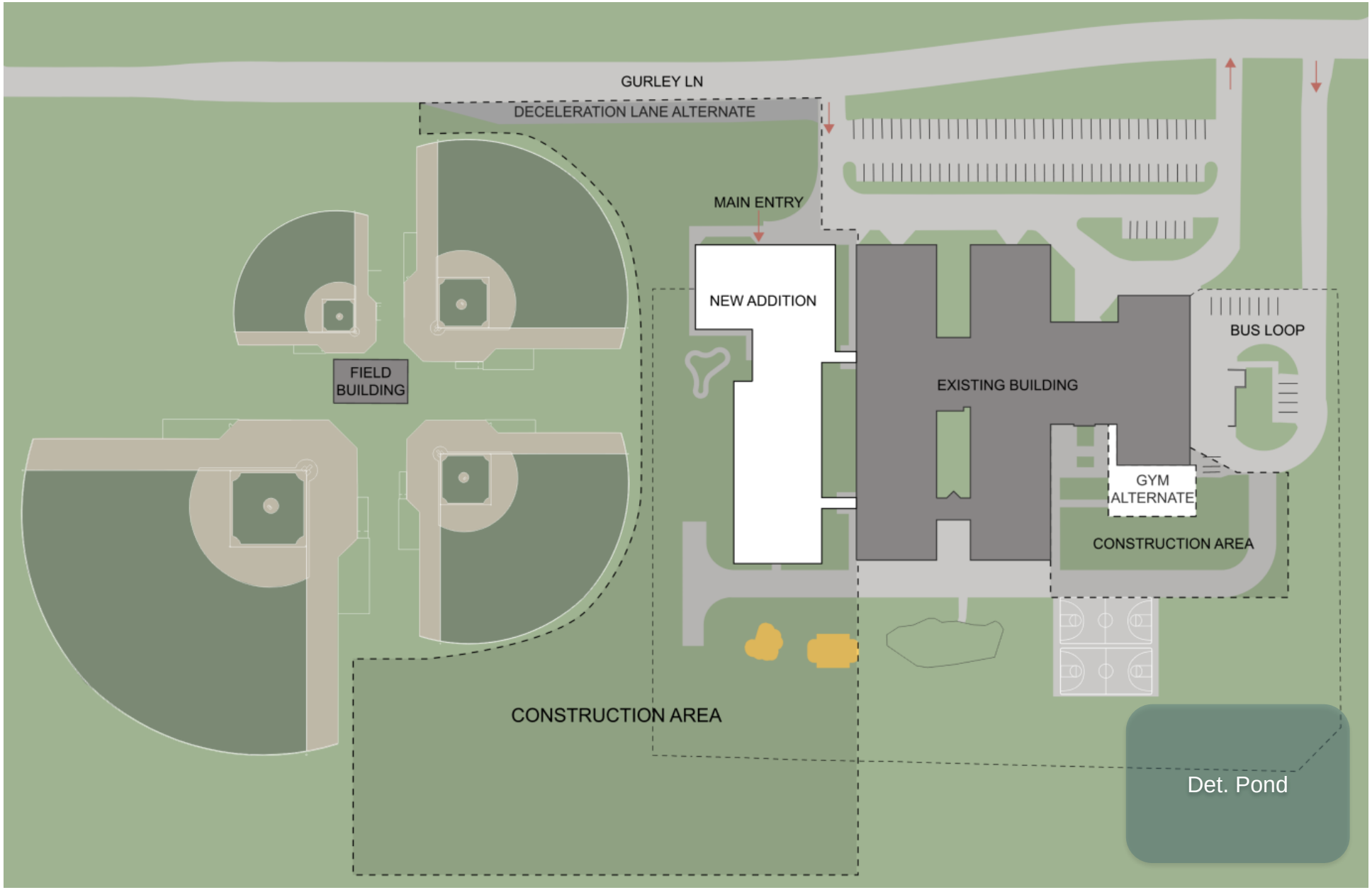
Agenda

- South Waco ES Design Development Update
- Kendrick ES Design Development Update
- Project Schedule Overview + Questions

PEC Meeting 1 – Elementary School Visioning Cloud

Design Development – South Waco

O'CONNELL ROBERTSON

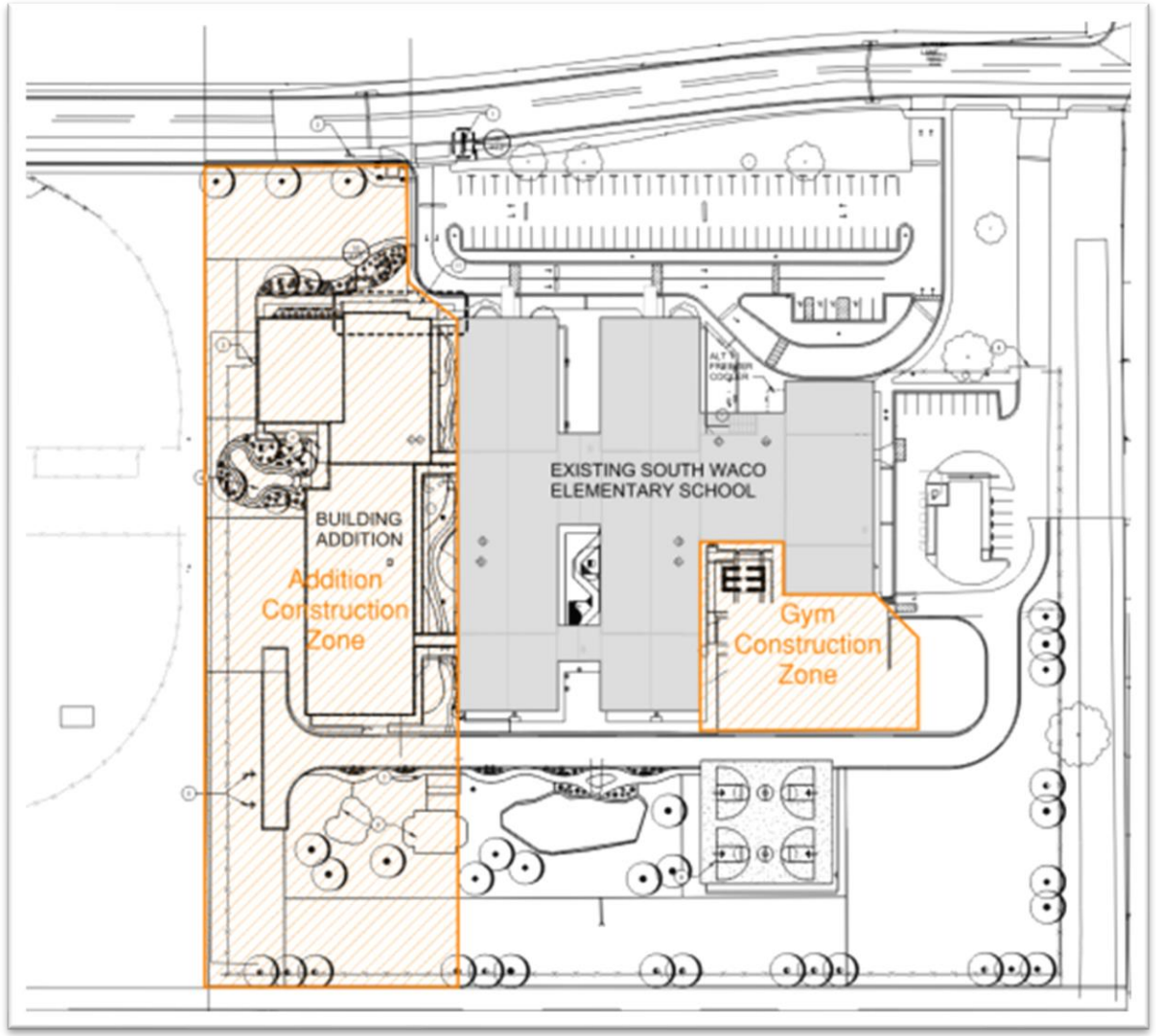


O'CONNELL ROBERTSON

Site Plan

O'CONNELL ROBERTSON

Floor Plan



Phase 1
Jan. 2024 – Dec. 2024

Phase 2
Jan. 2025 – Aug. 2025

Phase 2
June. 2025 – Aug. 2025

Complete
Fall 2025 Semester

O'CONNELL ROBERTSON

Phasing

Main Entry

Tricycle Track

Front

New Addition

O'CONNELL ROBERTSON

Renderings

O'CONNELL ROBERTSON

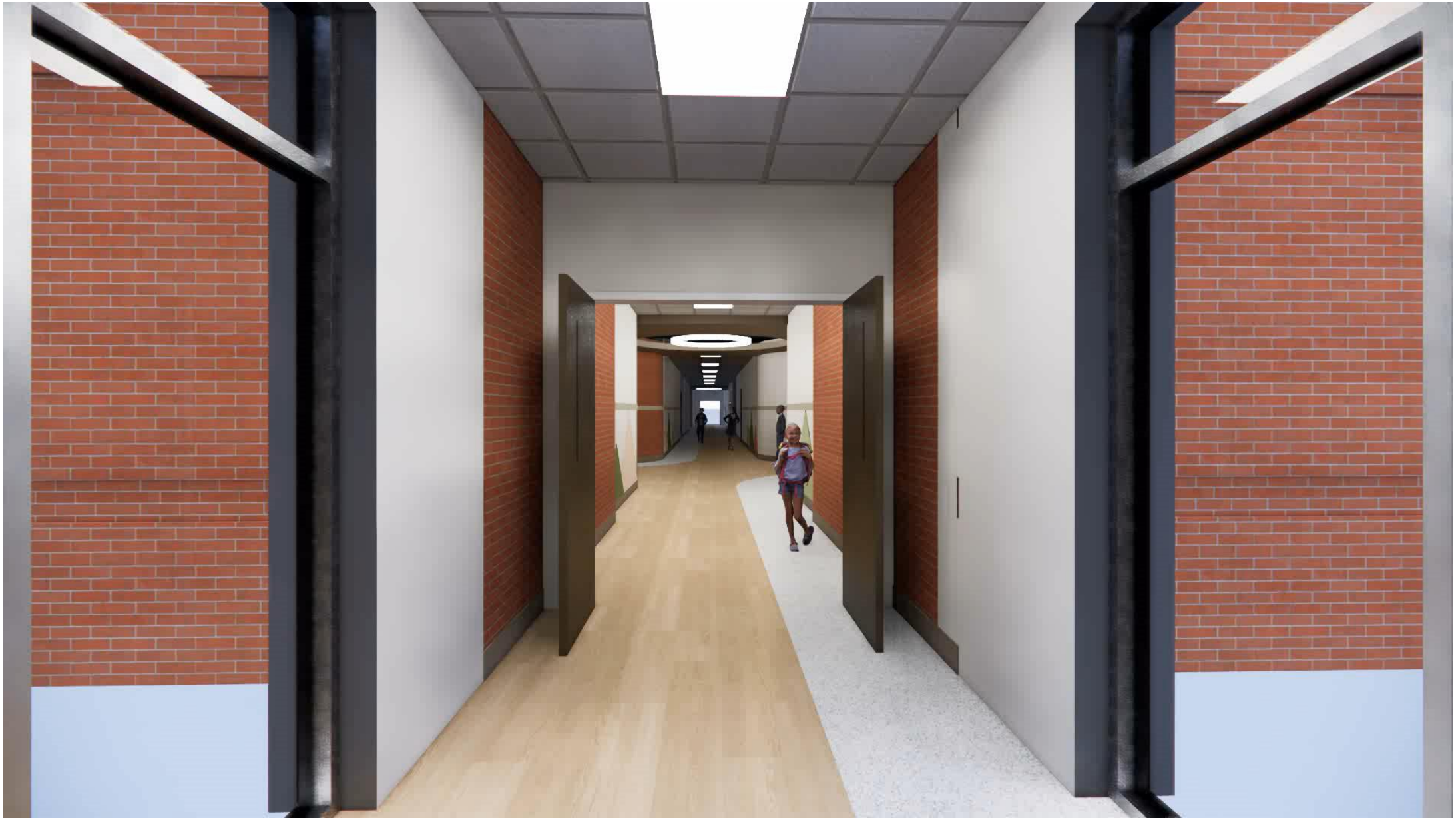
Renderings

Interior Design Update

Interior Design Update

O'CONNELL ROBERTSON

Interior Design Update

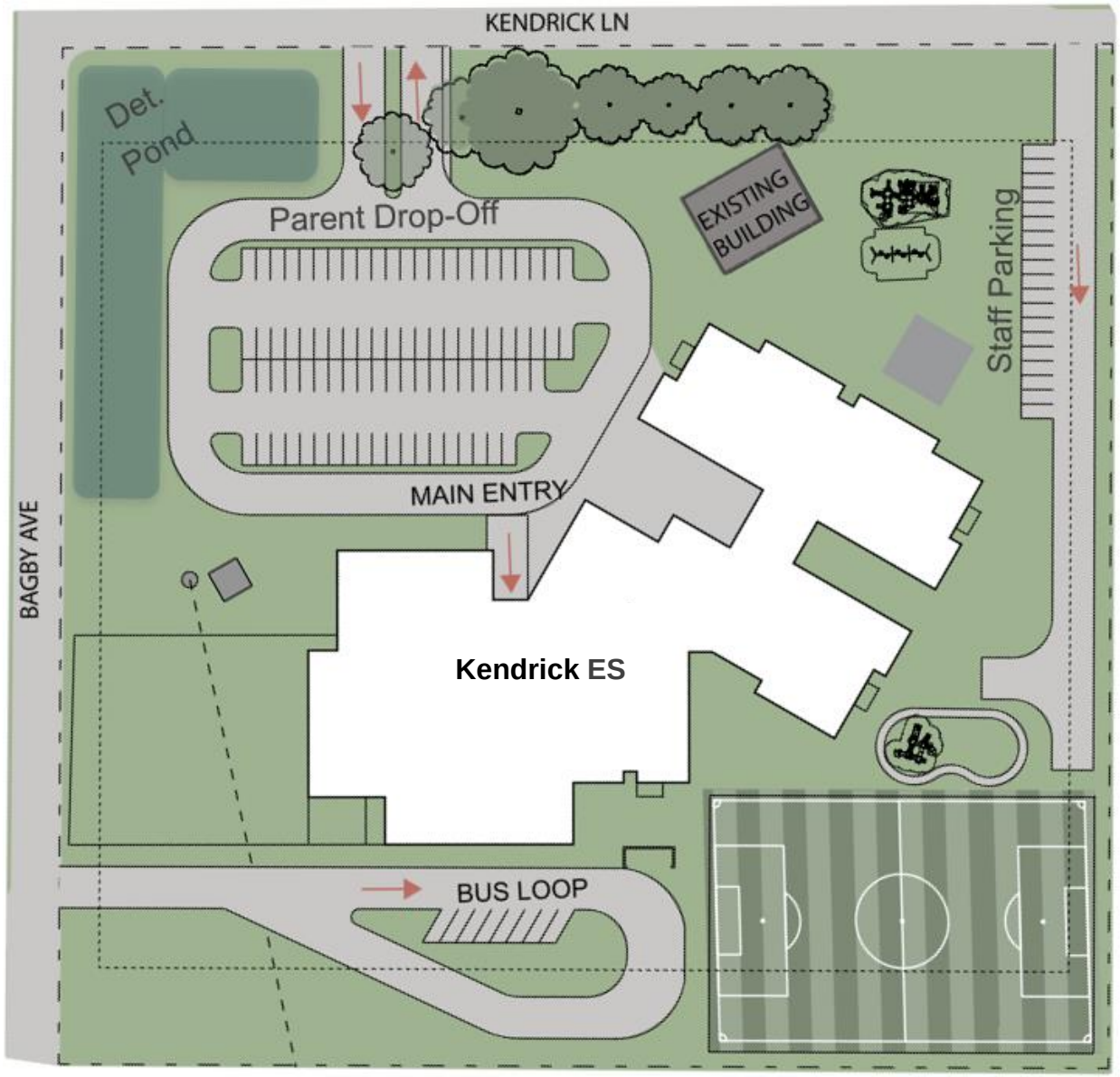


O'CONNELL ROBERTSON

Interior Design Update

Design Development – Kendrick ES

O'CONNELL ROBERTSON

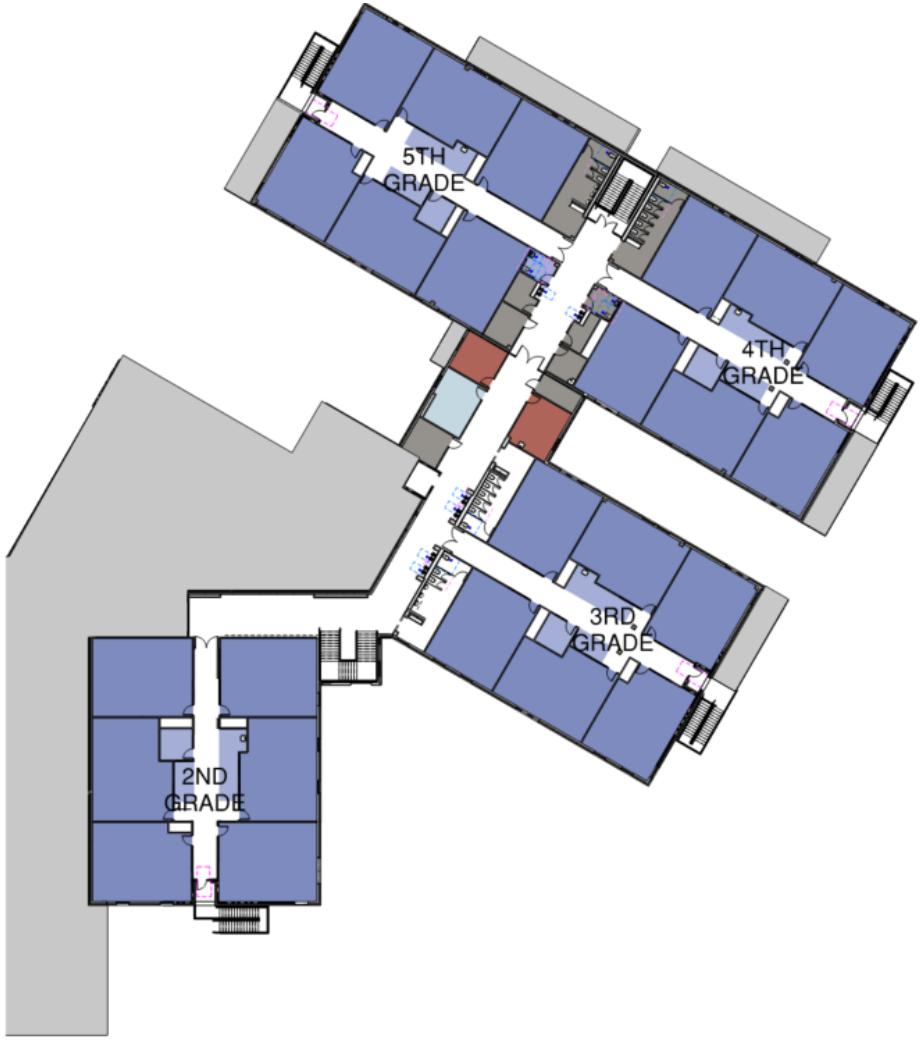


O'CONNELL ROBERTSON

Site Plan

1 FIRST FLOOR PLAN
SCALE: 3/64" = 1'-0"

ADMINISTRATION
ATHLETIC SUPPORT
ATHLETICS
BUILDING SUPPORT
CAFETERIA
CLASSROOM SUPPORT
CLASSROOMS
COMPUTER LABS
FOOD SERVICE
LIBRARY
PA SUPPORT
PERFORMING & FINE ARTS
SERVICE SPACES
SPECIAL EDUCATION
SPECIALTY CLASSROOMS
UNASSIGNED



2 SECOND FLOOR PLAN
SCALE: 3/64" = 1'-0"

O'CONNELL ROBERTSON

Floor Plan

Main Entry

Library Courtyard

Rear Courtyard

Outdoor Dining

O'CONNELL ROBERTSON

Renderings

Interior Design Update

Interior Design Update

Interior Design Update

Kendrick ES

Design Development	July 2023
Design Complete	Oct. 2023
Notice to Proceed	Dec. 2023
Move to Indian Spring	Winter Break 2023 - 2024
Demolish Existing Building	Jan 2024
Construction	Jan 2024 - May 2025
Move to New Building	Summer 2025

South Waco ES

Design Development	July 2023
Design Complete	Oct. 2023
Notice to Proceed	Dec. 2023
Construction for Additions	Jan 2024 – Dec 2024
Renovations	Spring and Summer 2025
Move into Renovated Areas	Fall 2025

Project Schedule + Questions?

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: Dr. Daniel Lopez

RE: Review, Discuss, and Take Appropriate Action Regarding the 2023-2024 Compensation Plan

==========

Background Information:

Per DEA (LOCAL), the Superintendent is required to recommend to the Board of Trustees an annual compensation plan for all district employees. The compensation plan may include wage and salary structures, stipends, benefits, and incentives.

During the spring of 2023, the district contracted with TASB HR Services for a pay maintenance review. After extensive review of that study, and in consideration of the district's goals for hiring and retaining highly qualified employees, the attached plan is provided for review and consideration.

Salary ranges in this pay schedule do not reflect any statutorily required salary requirements enacted by the Texas Legislature in the 88th Session or subsequently called Special Sessions. As additional Special Sessions are expected, it may be necessary to adjust salaries for the 2023-2024 school year in response to legislative changes. Impacted district employees will receive written notice of salary adjustments, if any.

Proposed salary increases for 2023-2024 accomplish the following:

- Teachers receive a 3% of market GPI, equal to a $1,750 increase per continuing teacher (based on 187 workdays). Zero-year teacher pay increases by $1,550, from $51,475 to $52,975. An Additional adjustment to the teacher hiring schedule at year 1 is also included to ensure a reasonable differential between years.

- Administrative/Professional, Paraprofessional, and Auxiliary employees will receive a general pay increase (GPI) of 3% of the appropriate pay grade midpoint.

- Paraprofessional pay grade 201 minimum is increased from $12.10 to $12.50 per hour and pay grade 202 minimum raised from $13.19 to $14.00 per hour. The minimum, midpoint and maximum of all paraprofessional pay grades (201 to 209) have been adjusted to reflect the higher starting hourly rates.

- Auxiliary pay Grade 301 minimum is increased from $11.28 to $12.00 per hour and pay grade 302 minimum raised from $12.29 to $14.00 per hour. The minimum, midpoint and maximum of all Auxiliary pay grades (301 to 311) have been adjusted to reflect the higher starting hourly rates.

- Additional adjustments, as recommended by TASB, have been included to improve market competitiveness and maintain internal pay equity. This includes adjustments to 1 percent above the proposed pay grade minimum for employees

whose pay is still below the minimum after the general pay increase is applied. In addition, adjustments for employees in the educator career pathway (instructional specialists, counselors, librarians, assistant principals, etc.) are included to ensure the pay rate is at least 3 percent above the daily rate of a teacher with the same experience. This ensures no one on the pathway is making less than a teacher with the same years of experience. Strategic adjustments have also been made for employees in the Administrative/Professional group that provide 1 an additional percent of midpoint for anyone whose pay is less than 90 percent of midpoint after other adjustments are applied. Finally, placement scale adjustments have been included for employees in nonexempt pay groups (Paraprofessional and Auxiliary) to align pay by experience. Placement scales divide the minimum and midpoint by 20 years of experience.

- Stipend increases are recommended for: 1) Bilingual Diagnostician, LSSP, ASHA SLP, SLP-Assistant, Dyslexia Specialist, and ARD Facilitator, an increase from $3,000 to $6,000, to match the Bilingual Teacher stipend; 2) Increase the Special Education Teacher – Deaf Ed stipend from $1,000 to $3,000, to match other certified self-contained Special Education Teachers stipends.

This year's recommended Compensation Plan makes no changes to substitute (guest educator) pay. In addition, the Administration recommends that the district maintain the district contribution for health insurance at $456 per employee, per month and continue to contribute $41.667 monthly ($500 annually) to a flexible spending account for employees who waive health insurance coverage.

Also attached is a listing of board approved sign-on and retention bonuses. These bonuses, totaling **$10.5 million**, will be paid as previously approved through the end of September 2024. In addition, at the May 23, 2023, Regular meeting, the Board approved a back-to-school supply allowance of $300 for all classroom teachers to be paid in August 2023.

The district's participation in administration of the Teacher Incentive Allotment has resulted in approximately 100 teachers receiving a bonus ranging from $4,577 to $23,368 in August 2023.

Fiscal Implications:

The estimated cost of the proposed salary increases, with equity adjustments, is approximately $3.9 million. The cost of the increases will be included in the proposed budget for 2023-2024.

Administrative Recommendation(s):

Approve the 2023-2024 Compensation Plan as presented.

Board Memo	Position	Type	Amount	Projected Total Spent	Actual Total Spent
July 15,2021	Classroom Teachers Cohort A	Retention	$10,000	$8,100,000	$2,616,124
	Classroom Teachers Cohort B	Retention	$5,000		
	Classroom Teachers Cohort C	Retention	$2,500		
	Custodial and Cafteria workers with 0-4 years of experience	Retention	$500	$500,500	$126,750
	Custodial and Cafteria workers with 5-9 years of experience	Retention	$750		
	Custodial and Cafteria workers with 10+ years of experience	Retention	$1,000		
			Total	$8,600,500	$2,742,874
August 26, 2021	Instructional or Special Education Paras Cohort A	Retention	$1,000	$329,500	$329,500
	Instructional or Special Education Paras Cohort B	Retention	$500		
			Total	$329,500	$329,500
July 21, 2022	School Resource Officer Cohort A	Retention	$10,000	$125,000	$33,330
	School Resource Officer Cohort B	Retention	$5,000		
	School Resource Officer Cohort C	Retention	$2,500		
			Total	$125,000	$33,330
Feb 23, 2023	Fully Certified Teachers, Counselors, and Librarians/Library Media Specialist	Sign-On	$5,000	$500,000	
	Police Officers	Sign-On	$5,000	$25,000	
	Nurses	Sign-On	$2,500	$12,500	
			Total	$537,500	$0

April 27, 2023	Paraprofessional Staff (PG 201-210)	Retention	$500	$248,000	
	Auxiliary Staff (PG 302-311)	Retention	$500	$146,000	
	School Counselors	Retention	$2,500	$107,500	
	Instructional Specialists	Retention	$2,500	$92,500	
	Assistant Principals, Associate Principals and Deans	Retention	$2,500	$77,500	
	Principals with less than 3 years of service as a principal in Waco ISD	Retention	$5,000	$120,000	
	Principals with more than 3 years of service as a principal in Waco ISD	Retention	$7,500		
			Total	$791,500	$0
June 29, 2023	Speech Pathologist	Retention	$2,500	$20,000	
	Speech Pathologist Assistant	Retention	$2,500	$15,000	
	Diagnostician	Retention	$2,500	$37,500	
	BCBA	Retention	$2,500	$2,500	
	LSSP	Retention	$2,500	$5,000	
	Occupational Therapist	Retention	$2,500	$2,500	
	ARD Facilitator	Retention	$2,500	$20,000	
	Athletic Trainer	Retention	$2,500	$5,000	
	HS Testing Specialist	Retention	$2,500	$2,500	
	HS At-Risk Specialist	Retention	$2,500	$2,500	
	CCMR Specialist	Retention	$2,500	$5,000	
	Registered Nurse	Retention	$2,500	$22,500	
			Total	$140,000	$0
			Total	$10,524,000	

Waco ISD

Compensation Manual

2023-2024

The mission of Waco ISD is to provide an educational foundation that empowers and values all.

Waco ISD

Pay Scales

2023-2024

The mission of Waco ISD is to provide an educational foundation that empowers and values all.

Waco ISD

2023-2024 New Hire Guide for Teachers
$52,975 starting, 3.0% GPI

Years of Experience	New Hire Salary
0	$52,975
1	$53,325
2	$53,675
3	$54,125
4	$54,575
5	$55,075
6	$55,575
7	$56,075
8	$56,575
9	$57,075
10	$57,575
11	$57,975
12	$58,375
13	$58,775
14	$59,175
15	$59,575
16	$59,975
17	$60,475
18	$60,975
19	$61,475
20	$61,975
21	$62,475
22	$62,975
23	$63,375
24	$63,775
25	$64,175
26	$64,575
27+	$64,975

Continuing Teachers will receive an increase of $1,750

The salaries listed above are based on 10-month employment for the 2023-2024 school year. Salary plans are determined on an annual basis and salary advancement is not guaranteed. Pay increases are based on the annual pay raise budget approved by the Board of Trustees.

Waco ISD

2023-2024 Salary Range for Teachers
$52,975 starting, 3.0% GPI

Hiring Salary Range	
10-Month Hiring Range Minimum:	$52,975
10-Month Hiring Range Maximum:	$64,975

Continuing Teachers will receive an increase of $1,750

The salaries listed above are based on 10-month employment for the 2023-2024 school year. Salary plans are determined on an annual basis and salary advancement is not guaranteed. Pay increases are based on the annual pay raise budget approved by the Board of Trustees.

Salaries are determined individually with consideration for job-related experience and credentials.

The salary ranges in this pay schedule do not reflect any statutorily required salary allotments enacted by the Texas Legislature in the 88th Session or subsequently called Special Sessions. The district reserves the right to adjust salary amounts for the 2023-24 school year in response to legislative changes. Impacted district employees will receive written notice of salary adjustments, if any, prior to the penalty free resignation deadline for the 2023-24 school year.

2023-2024 Proposed Administrative Professional Pay Plan

Waco ISD

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
101			**Daily**		**$239.90**	**$288.00**	**$336.10**
	Accountant - Professional	226	**153**	**Days**	36,705	44,064	51,423
	Coordinator - ARP Homeless Outreach Program	203	**193**	**Days**	46,301	55,584	64,867
	Coordinator - Attendance & Truancy	202	**202**	**Days**	48,460	58,176	67,892
	Coordinator - PDS	153	**203**	**Days**	48,700	58,464	68,228
	Coordinator - Special Programs	207	**207**	**Days**	49,659	59,616	69,573
	Facilitator - Restorative Practices	202, 226	**212**	**Days**	50,859	61,056	71,253
	Lead Parent Educator	202	**226**	**Days**	54,217	65,088	75,959
	Liaison - Parent & Community Support	226					
	LSPSP Case Manager	202					
	LSSP - Intern/Assistant (hourly)	202					
	Manager - Afterschool Academy (TW)	226					
	Manager - Athletic Scheduling & Equipment	226					
	Parent Educator	202					
	Parent Educator - Inspiracion	202					
	Practicum Student - Behavior	193					
	Senior Buyer	226					
	Special Assistant to the Superintendent	226					
	Specialist - Campus Parent/ Community Involvement	212, 226					
	Specialist - Child Nutrition Services	226					
	Specialist - Community School	207, 226					
	Specialist - Dropout Credit Recovery	212					
	Specialist - Family Support - Attendance (TW)	226					
	Specialist - Homeless Student	203					
	Specialist - Inspiracion Program	226					
	Specialist - Records Management	226					
	Strength & Conditioning Coach	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
102			**Daily**		**$263.89**	**$316.80**	**$369.71**
	Accountant - Business Services	226	**187**	**Days**	49,347	59,242	69,136
	Analyst - Human Resources Systems	226	**188**	**Days**	49,611	59,558	69,505
	Analyst - Information Support System Program	226	**202**	**Days**	53,306	63,994	74,681
	Behavior Analyst - Intern	212	**203**	**Days**	53,570	64,310	75,051
	Coordinator - Afterschool Program Support & Curriculum	226	**207**	**Days**	54,625	65,578	76,530
	Facilitator - HR	226	**212**	**Days**	55,945	67,162	78,379
	Facilitator - Technology	202	**226**	**Days**	59,639	71,597	83,554
	Homeless Students Population Specialist	187	**240**	**Days**	63,334	76,032	88,730
	Library Media Specialist PK-8	188					
	Manager - Energy	226					
	Manager - Television Production	226					
	Network Infrastructure Engineer	226					
	Network Systems Engineer	226					
	Specialist - Afterschool Program	226					

	Specialist - Campus Support	207,226
	Specialist - Campus Testing	187
	Specialist - College Career Military Readiness	212
	Specialist - Multimedia Content	226
	Specialist - Threat Assessment & Violence Prevention	212
	Specialist - Transition	202
	Speech Pathologist - Asst	187
	Supervisor - Facilities & Preventive Maintenance	240
	Supervisor - Maintenance & Hazardous Materials	240
	Supervisor - Warehouse	240
	Systems Engineer	226

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
103			**Daily**		**$285.00**	**$342.14**	**$399.28**
	Administrator In Residence	207	**187**	**Days**	53,295	63,980	74,665
	Analyst - Data (TW)	207	**188**	**Days**	53,580	64,322	75,065
	Athletic Trainer	202	**190**	**Days**	54,150	65,007	75,863
	Coordinator - Custodial & IPM	240	**193**	**Days**	55,005	66,033	77,061
	Counselor - ES	190	**202**	**Days**	57,570	69,112	80,655
	Counselor - Targeted Support	190	**203**	**Days**	57,855	69,454	81,054
	Counselor - MS	203, 212	**207**	**Days**	58,995	70,823	82,651
	Counselor - Special Education	190	**212**	**Days**	60,420	72,534	84,647
	District Behavior Coach	212	**226**	**Days**	64,410	77,324	90,237
	ESL Strategist/ Interventionist	187	**240**	**Days**	68,400	82,114	95,827
	ESL Strategist/ Interventionist - HS	187					
	Facilitator - ARD	202					
	Instructional Coach - Kindergarten & First Grade	207					
	Instructional Coach - Pre-K & Kindergarten	207					
	Instructional Specialist	202					
	Instructional Specialist - Dyslexia	187					
	Instructional Specialist - ELA	202					
	Instructional Specialist - ELAR/SS	202					
	Instructional Specialist - English	202					
	Instructional Specialist - Math	202					
	Instructional Specialist - Math/Science	202					
	Instructional Specialist - RDSPD	202					
	Instructional Specialist - Science	202					
	Instructional Specialist - Science/ELAR/SS	202					
	Instructional Specialist - Science/Social Studies	202					
	Instructional Specialist - Supplemental Instruction	212					
	Instructional Specialist - Support For Teachers/ Students	202					
	Instructional Specialist - Technology	202					
	Librarian - ES	188					
	Librarian - HS	193					
	Librarian - MS	188					
	Master Teacher (TW)	202					
	Master Teacher - Blended Learning (TW)	202					
	Master Teacher - Special Education (TW)	202					
	Nurse - RN	187					

	Reading Recovery Lead	202
	Social Worker - Parent/ Community Involvement	202
	Specialist - Data	207
	Specialist - Social Emotional Learning (SEL)	203
	Specialist - Transition	202
	Supervisor - Highly Mobile Student Services	203
	Supervisor - Payroll	226
	Supervisor - Risk Management & Benefits	226

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
104			**Daily**		**$307.80**	**$369.51**	**$431.22**
	Asst Principal - ES	207	**187**	**Days**	57,559	69,098	80,638
	Asst Project Manager - Operations	226	**190**	**Days**	58,482	70,207	81,932
	Associate Principal - ES (TW)	226	**196**	**Days**	60,329	72,424	84,519
	Behavior Analyst - BCBA	212	**202**	**Days**	62,176	74,641	87,106
	Counselor - Challenge Academy	190	**203**	**Days**	62,483	75,011	87,538
	Counselor - GWAHCA	212	**207**	**Days**	63,715	76,489	89,263
	Counselor - GWAMA	212	**212**	**Days**	65,254	78,336	91,419
	Counselor - HS	203	**226**	**Days**	69,563	83,509	97,456
	Counselor - HS Lead	226					
	Diagnostician	202					
	Licensed Specialist School Psychology	202					
	Occupational Therapist	190					
	School Social Worker - Clinical (TW)	226					
	Speech Pathologist - ASHA	187, 196					
	Supervisor - Police/Field Service	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
105			**Daily**		**$323.20**	**$387.99**	**$452.78**
	Asst Principal - DAEP	207	**207**	**Days**	66,902	80,314	93,725
	Asst Principal - HS (Brazos)	207	**212**	**Days**	68,518	82,254	95,989
	Associate Principal - MS (TW)	226	**226**	**Days**	73,043	87,686	102,328
	Asst Principal - MS	207					
	Coordinator - Advanced Academics	226					
	Coordinator - Athletics	226					
	Coordinator - Bilingual	212					
	Coordinator - C&I	226					
	Coordinator - Communications	207,226					
	Coordinator - Counseling & SEL	226					
	Coordinator - District Reading	226					
	Coordinator - English Language Learner	207					
	Coordinator - Facilities & Maintenance	226					
	Coordinator - Grants Accountant	226					
	Coordinator - GWAMA	226					
	Coordinator - Hst Curriculum & Certifications	226					
	Coordinator - Instructional Technology	226					
	Coordinator - Librarian	212					
	Coordinator - Professional Development	226					
	Coordinator - RDSPD	226					

Coordinator - Special Education	226
Coordinator - State & Federal Programs	226
Coordinator - Student Management	226
Coordinator - Technology Support Services	226
Coordinator - Testing & Assessments	226
Coordinator - TW Nonprofit Systems	226
Coordinator- Compliance & Response To Intervention	226
Dean - Student Services MS (TW)	226
Senior Systems Engineer	226
Supervisor - Police/Administrative Services	226

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
106			**Daily**		**$365.21**	**$438.43**	**$511.65**
	Assoc Principal - HS	226	**207**	**Days**	75,598	90,755	105,912
	Asst Director - Athletics	226	**226**	**Days**	82,537	99,085	115,633
	Asst Director - Construction	226					
	Asst Director - HR	226					
	Asst Principal - HS	207					
	Chief of Police	226					
	Dean - Academies	226					
	Dean - FEA	226					
	Dean - GWAHCA	226					
	Dean - GWAMA	226					
	Director - Accountability & Data Analysis	226					
	Director - Accounting	226					
	Director - Advanced Academics	226					
	Director - Early Childhood Education	226					
	Director - Extended Learning & Enrichment Programs (TW)	226					
	Director - Multi Tiered System of Support	226					
	Director - Network Systems	226					
	Director - Opportunity Culture	226					
	Director - PEIMS/Attendance/Data Analytics	226					
	Director - Purchasing/ Warehouse/ Distribution Services	226					
	Director - Reseach/ Data/ Evaluation/ Assessment (TW)	226					
	Director - Wrap-Around Services	226					
	Principal - Credit Recovery	226					
	Principal - ES	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
107			**Daily**		**$401.43**	**$477.89**	**$554.35**
	Athletic Sector Coordinator - Head Football Coach	226	**226**	**Days**	90,723	108,003	125,283
	Director - Attendance & Outreach	226					
	Director - Bilingual/ ESL	226					
	Director - Career & Technology Education	226					
	Director - Challenge Academy	226					
	Director - Facilities & Maintenance	226					
	Director - Fine Arts	226					
	Director - Health Services	226					

	Director - HR	226
	Director - Intervention Services & State And Fed. Programs	226
	Director - Professional Development TZ	226
	Director - Special Education	226
	Director - Strategic Evaluation Systems & Support	226
	Principal - MS	226
	Principal - Secondary DAEP	226

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
108			**Daily**		**$449.60**	**$535.24**	**$620.88**
	Chief Communications Officer	226	**226**	**Days**	101,610	120,964	140,319
	Director - Athletics	226					
	Exec Director - Communications	226					
	Exec Director - Curriculum & Professional Development	226					
	Exec Director - Elementary Education	226					
	Exec Director - Finance	226					
	Exec Director - HR	226					
	Exec Director - Secondary Education	226					
	Exec Director - Special Education	226					
	Exec Director - Student Advocacy (TW)	226					
	Exec Director - Student Services	226					
	Exec Director - Student Support	226					
	Principal - HS	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
109			**Daily**		**$557.51**	**$663.70**	**$769.89**
	Asst Superintendent - C&I	226	**226**	**Days**	125,997	149,996	173,995
	Asst Superintendent - HR	226					
	Asst Superintendent - Student Services & Support	226					
	Chief Officer of Facilities & Operations	226					
	Chief Financial Officer	226					
	Chief Technology Officer	226					

Pay Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
110			**Daily**		**$641.14**	**$763.26**	**$885.38**
	Chief of Staff	226	**226**	**Days**	144,898	172,497	200,096
	Deputy Superintendent	226					

2023-2024 Proposed Clerical-Paraprofessional Pay Plan

Waco ISD

*Annual amounts are based on 8 hours per day.

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
201				**Hourly**	**$12.50**	**$15.06**	**$17.62**
	201	After School - Worker	207	**193 Days**	19,300	23,253	27,205
	201	Receptionist - Campus	193	**207 Days**	20,700	24,939	29,179
202				**Hourly**	**$14.00**	**$16.87**	**$19.74**
	202	After School - Fitness Worker	187	**187 Days**	20,944	25,238	29,531
	202	Aide - Bilingual Instructional	187	**188 Days**	21,056	25,372	29,689
	202	Aide - Campus Support (Behavior, ISS, Reset)	187				
	202	Aide - Child Care	187				
	202	Aide - Inspiracion Classroom Asst	187				
	202	Aide - Instructional	187				
	202	Aide - Instructional - Compensatory	187				
	202	Aide - Instructional (SIT)	187				
	202	Aide - Instructional Math	187				
	202	Aide - Library	187, 188				
	202	Aide - Nurse/ Medication	187				
	202	Aide - PE	187				
	202	Aide - Pre-K	187				
	202	Aide - Pre-K/ Bilingual	187				
	202	Aide - Pre-K/ Kindergarden	187				
	202	Aide - Primary Literacy	187				
	202	Aide - Reach Associate	187				
	202	Aide - Student Services	187				
	202	Aide - Teacher Resident	187				
	202	Nurse - CNA	187				

Pay Grade	Current Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
203				**Hourly**	**$15.00**	**$18.07**	**$21.14**
	203	Aide - Sped	187	**187 Days**	22,440	27,033	31,625
	203	Aide - Sped - 18-21 Transition	187	**193 Days**	23,160	27,900	32,640
	203	Aide - Sped - Achieve	187	**202 Days**	24,240	29,201	34,162
	203	Aide - Sped - Aspire	187	**212 Days**	25,440	30,647	35,853
	203	Aide - Sped - Deaf Ed	187	**226 Days**	27,120	32,671	38,221
	203	Aide - Sped - ECSE	187				
	203	Aide - Sped - FA/Achieve	187				
	203	Aide - Sped - FA/Aspire	187				
	203	Aide - Sped - Inclusion	187				
	203	Aide - Sped - Resource/Inclusion	187				
	203	Aide - Sped - Sail	187				
	203	Bilingual Asst - Sped	202				
	203	Clerk - Athletic	212				
	203	Clerk - Campus Office	193				
	203	Clerk - English Learners Dept Testing	226				

	203	Clerk - Sped	202					
Pay Grade	**Current Grade**	**Job Title**	**Calendars**			**Minimum**	**Midpoint**	**Maximum**
204				**Hourly**		**$15.90**	**$19.16**	**$22.42**
	204	Liaison - Parent Campus	193	**193**	**Days**	24,550	29,583	34,616
	204	Receptionist - Admin	226	**196**	**Days**	24,931	30,043	35,155
	204	Secretary - Principal ES	226	**202**	**Days**	25,694	30,963	36,231
	204	Specialist - Parent Involvement	202	**226**	**Days**	28,747	34,641	40,535
	204	Specialist - PEIMS ES	196					
	204	Specialist - PEIMS HS	196					
	204	Specialist - PEIMS MS	196					
Pay Grade	**Current Grade**	**Job Title**	**Calendars**			**Minimum**	**Midpoint**	**Maximum**
205				**Hourly**		**$17.20**	**$20.72**	**$24.24**
	205	Registrar II - Para	226	**226**	**Days**	31,098	37,462	43,826
	205	Secretary - Principal Challenge	226					
	205	Secretary - Principal DAEP	226					
	205	Secretary - Principal GWAHCA	226					
	205	Secretary - Principal GWAMA	226					
	205	Secretary - Principal MS	226					
Pay Grade	**Current Grade**	**Job Title**	**Calendars**			**Minimum**	**Midpoint**	**Maximum**
206				**Hourly**		**$18.40**	**$22.17**	**$25.94**
	206	Bookkeeper - HS	226	**187**	**Days**	27,526	33,166	38,806
	206	Child Care Director	187	**226**	**Days**	33,267	40,083	46,900
	206	Interpreter - Sign Language Noncertified	187					
	206	Secretary - Principal HS	226					
	206	Specialist - Police Support Services	226					
	206	Specialist - Warehouse	226					
Pay Grade	**Current Grade**	**Job Title**	**Calendars**			**Minimum**	**Midpoint**	**Maximum**
207				**Hourly**		**$19.90**	**$23.97**	**$28.04**
	207	Admin Asst - Athletics	226	**187**	**Days**	29,770	35,859	41,948
	207	Admin Asst - Bernard & Audre Rapport Vision Center	202	**202**	**Days**	32,158	38,736	45,313
	207	Admin Asst - Bilingual	226	**226**	**Days**	35,979	43,338	50,696
	207	Admin Asst - Career & Technology Education	226					
	207	Admin Asst - CNS	226					
	207	Admin Asst - Custodial Services	226					
	207	Admin Asst - Fine Arts	226					
	207	Admin Asst - Homeless Department	187					
	207	Admin Asst - Maintenance	226					
	207	Admin Asst - Police	226					
	207	Admin Asst - Student Management	226					
	207	Bookkeeper - Athletics	226					
	207	Nurse - LVN	187					
	207	Specialist - Accounting Revenue	226					
	207	Specialist - Accounts Payable	226					
	207	Specialist - Bilingual Assessor	226					
	207	Specialist - HR Personnel Services	226					

207	Specialist - HR Risk Mgmt, Benefits & Leave	226	
207	Specialist - HR Substitute Mgmt	226	
207	Specialist - Maintenance Business	226	
207	Specialist - Payroll	226	
207	Specialist - Purchasing II	226	
207	Specialist - Special Ed - PEIMS	226	
207	Technician - Network Services	226	
207	Technician - Technology	226	
207	Technician - Technology Help Desk	226	

Pay Grade	Current Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
208				**Hourly**		**$22.50**	**$27.11**	**$31.72**
	208	Ex Admin Asst - Business & Financial Services	226	**187**	**Days**	33,660	40,557	47,453
	208	Ex Admin Asst - C&I	226	**226**	**Days**	40,680	49,015	57,350
	208	Ex Admin Asst - Communications	226					
	208	Ex Admin Asst - HR	226					
	208	Ex Admin Asst - Ops	226					
	208	Ex Admin Asst - Sped	226					
	208	Ex Admin Asst - Student Services	226					
	208	Ex Admin Asst - Technology Services	226					
	208	Ex Admin Asst - TW	226					
	208	Interpreter - Sign Language Certified	187					
	208	Specialist - Admin Budget	226					
	208	Specialist - PEIMS Interface	226					

Pay Grade	Current Grade	Job Title	Calendars			Minimum	Midpoint	Maximum
209				**Hourly**		**$26.30**	**$31.69**	**$37.08**
	209	Asst - OT	187	**187**	**Days**	39,345	47,408	55,472
	209	Specialist - Budget	226	**226**	**Days**	47,550	57,296	67,041
	209	Specialist - PEIMS Interface Student Services	226					
	209	Technician - Communication Systems	226					

2023-2024 Clerical-Paraprofessional Placement Scale

Waco ISD

Placement scales are used to establish a minimum rate for new hires based on experience approved by the district. Current employees may be paid above this placement scale. This scale is for placement of new hires only. Future wage increases are determined annually and are not guaranteed.

Range Position	2023-2024 Total Exp	Pay Grades								
		201	202	203	204	205	206	207	208	209
Minimum	0	$12.50	$14.00	$15.00	$15.90	$17.20	$18.40	$19.90	$22.50	$26.30
	1	$12.63	$14.14	$15.15	$16.06	$17.38	$18.59	$20.10	$22.73	$26.57
	2	$12.75	$14.28	$15.30	$16.22	$17.55	$18.77	$20.30	$22.96	$26.83
	3	$12.87	$14.42	$15.45	$16.38	$17.72	$18.95	$20.50	$23.19	$27.09
	4	$12.99	$14.56	$15.60	$16.54	$17.89	$19.13	$20.70	$23.42	$27.35
	5	$13.11	$14.70	$15.75	$16.70	$18.06	$19.31	$20.90	$23.65	$27.61
	6	$13.23	$14.84	$15.90	$16.86	$18.23	$19.49	$21.10	$23.88	$27.87
	7	$13.35	$14.98	$16.05	$17.02	$18.40	$19.67	$21.30	$24.11	$28.13
	8	$13.47	$15.12	$16.20	$17.18	$18.57	$19.85	$21.50	$24.34	$28.39
	9	$13.59	$15.26	$16.35	$17.34	$18.74	$20.03	$21.70	$24.57	$28.65
	10	$13.71	$15.40	$16.50	$17.50	$18.91	$20.21	$21.90	$24.80	$28.91
	11	$13.83	$15.54	$16.65	$17.66	$19.08	$20.39	$22.10	$25.03	$29.17
	12	$13.95	$15.68	$16.80	$17.82	$19.25	$20.57	$22.30	$25.26	$29.43
	13	$14.07	$15.82	$16.95	$17.98	$19.42	$20.75	$22.50	$25.49	$29.69
	14	$14.19	$15.96	$17.10	$18.14	$19.59	$20.93	$22.70	$25.72	$29.95
	15	$14.31	$16.10	$17.25	$18.30	$19.76	$21.11	$22.90	$25.95	$30.21
	16	$14.43	$16.24	$17.40	$18.46	$19.93	$21.29	$23.10	$26.18	$30.47
	17	$14.55	$16.38	$17.55	$18.62	$20.10	$21.47	$23.30	$26.41	$30.73
	18	$14.67	$16.52	$17.70	$18.78	$20.27	$21.65	$23.50	$26.64	$30.99
	19	$14.79	$16.66	$17.85	$18.94	$20.44	$21.83	$23.70	$26.87	$31.25
Midpoint	20	$15.06	$16.87	$18.07	$19.16	$20.72	$22.17	$23.97	$27.11	$31.69

2023-2024 Proposed Auxiliary Pay Plan

Waco ISD

*Annual amounts are based on 8 hours per day.

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
301			**Hourly**	**$12.00**	**$14.12**	**$16.24**
	Crosswalk Guard	178	**178 Days**	17,088	20,107	23,126
	Temporary - Cafeteria Worker	180	**180 Days**	17,280	20,333	23,386
	Temporary - Custodian	240	**240 Days**	23,040	27,110	31,181
	Temporary - Student Worker	240				
302			**Hourly**	**$14.00**	**$16.87**	**$19.74**
	Cafeteria	180	**180 Days**	20,160	24,293	28,426
	Custodian	240	**240 Days**	26,880	32,390	37,901
303			**Hourly**	**$14.70**	**$17.71**	**$20.72**
	Cafeteria - Lead	184	**184 Days**	21,638	26,069	30,500
	Custodian - Lead	240	**240 Days**	28,224	34,003	39,782
	Specialist - Floor Care	240				
	Utility Worker	240				
304			**Hourly**	**$15.45**	**$18.61**	**$21.77**
	Cafeteria - Lead Trainee	184	**184 Days**	22,742	27,394	32,045
	General Maintenance I	240	**240 Days**	29,664	35,731	41,798
	Groundskeeper	240				
	Utility Worker - Lead	240				
305			**Hourly**	**$16.55**	**$19.94**	**$23.33**
	Cafeteria Manager - ES	184	**184 Days**	24,362	29,352	34,342
	CNS Warehouse - Worker	226	**207 Days**	27,407	33,021	38,634
	Custodian - Head ES	240	**226 Days**	29,922	36,052	42,181
	General Maintenance II	240	**240 Days**	31,776	38,285	44,794
	Groundskeeper - Equipment Operator	240				
	Security Guard	207				
	Technician - Pest Control	240				
	Utility Worker - WISD Stadium	240				
	Warehouse - Worker	240				
306			**Hourly**	**$18.05**	**$21.75**	**$25.45**
	Cafeteria Manager - MS	184	**184 Days**	26,570	32,016	37,462
	Custodian - Head MS	240	**240 Days**	34,656	41,760	48,864
	Groundskeeper - Irrigation	240				
	Groundskeeper - Lead	240				
	Warehouse Worker - Senior	240				

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
307			**Hourly**	**$19.68**	**$23.71**	**$27.74**
	Cafeteria Manager - HS	184	**184 Days**	28,969	34,901	40,833
	Carpenter	240	**240 Days**	37,786	45,523	53,261
	Custodian - Head Administration	240				
	Custodian - Head DAEP	240				
	Custodian - Head HS	240				
	Energy Controls Technician II	240				
	Locksmith	240				
	Painter	240				
	Plumber (non licensed)	240				
	Roofer	240				
	Specialist - Warehouse Receiving	240				
	Welder	240				

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
308			**Hourly**	**$21.85**	**$26.33**	**$30.81**
	Electrician	240	**240 Days**	41,952	50,554	59,155
	Pest Control - Lead	240				
	Plumber	240				
	Technician - Asbestos	240				
	Technician - HVAC	240				

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
309			**Hourly**	**$23.61**	**$28.44**	**$33.27**
	Preventive Maintenance - Lead	240	**240 Days**	45,331	54,605	63,878
	Asst Custodial Supervisor - PM	240				

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
310			**Hourly**	**$25.50**	**$30.72**	**$35.94**
	Electrician - Lead	240	**207 Days**	42,228	50,872	59,517
	Manager - CNS Warehouse	226	**226 Days**	46,104	55,542	64,980
	Plumber - Lead	240	**240 Days**	48,960	58,982	69,005
	Police Officer	207, 226				
	Supervisor - CNS Compliance & Employee Relations	226				
	Supervisor - CNS Dev & Ops	226				
	Supervisor - Area Cafeteria	226				
	Technician - HVAC Lead	240				

Pay Grade	Job Title	Calendars		Minimum	Midpoint	Maximum
311			**Hourly**	**$29.32**	**$35.33**	**$41.34**
	Lead Asst Supervisor - Custodial	240	**240 Days**	56,294	67,834	79,373
	Foreman - Grounds	240				

2023-2024 Auxiliary Placement Scale

Waco ISD

Placement scales are used to establish a minimum rate for new hires based on experience approved by the district. Current employees may be paid above this placement scale. This scale is for placement of new hires only. Future wage increases are determined annually and are not guaranteed.

Range Position	2023-2024 Total Exp	Pay Grades										
		301	302	303	304	305	306	307	308	309	310	311
Minimum	0	$12.00	$14.00	$14.70	$15.45	$16.55	$18.05	$19.68	$21.85	$23.61	$25.50	$29.32
	1	$12.12	$14.14	$14.85	$15.61	$16.72	$18.24	$19.88	$22.07	$23.85	$25.76	$29.62
	2	$12.22	$14.28	$15.00	$15.76	$16.88	$18.42	$20.08	$22.29	$24.09	$26.02	$29.92
	3	$12.32	$14.42	$15.15	$15.91	$17.04	$18.60	$20.28	$22.51	$24.33	$26.28	$30.22
	4	$12.42	$14.56	$15.30	$16.06	$17.20	$18.78	$20.48	$22.73	$24.57	$26.54	$30.52
	5	$12.52	$14.70	$15.45	$16.21	$17.36	$18.96	$20.68	$22.95	$24.81	$26.80	$30.82
	6	$12.62	$14.84	$15.60	$16.36	$17.52	$19.14	$20.88	$23.17	$25.05	$27.06	$31.12
	7	$12.72	$14.98	$15.75	$16.51	$17.68	$19.32	$21.08	$23.39	$25.29	$27.32	$31.42
	8	$12.82	$15.12	$15.90	$16.66	$17.84	$19.50	$21.28	$23.61	$25.53	$27.58	$31.72
	9	$12.92	$15.26	$16.05	$16.81	$18.00	$19.68	$21.48	$23.83	$25.77	$27.84	$32.02
	10	$13.02	$15.40	$16.20	$16.96	$18.16	$19.86	$21.68	$24.05	$26.01	$28.10	$32.32
	11	$13.12	$15.54	$16.35	$17.11	$18.32	$20.04	$21.88	$24.27	$26.25	$28.36	$32.62
	12	$13.22	$15.68	$16.50	$17.26	$18.48	$20.22	$22.08	$24.49	$26.49	$28.62	$32.92
	13	$13.32	$15.82	$16.65	$17.41	$18.64	$20.40	$22.28	$24.71	$26.73	$28.88	$33.22
	14	$13.42	$15.96	$16.80	$17.56	$18.80	$20.58	$22.48	$24.93	$26.97	$29.14	$33.52
	15	$13.52	$16.10	$16.95	$17.71	$18.96	$20.76	$22.68	$25.15	$27.21	$29.40	$33.82
	16	$13.62	$16.24	$17.10	$17.86	$19.12	$20.94	$22.88	$25.37	$27.45	$29.66	$34.12
	17	$13.72	$16.38	$17.25	$18.01	$19.28	$21.12	$23.08	$25.59	$27.69	$29.92	$34.42
	18	$13.82	$16.52	$17.40	$18.16	$19.44	$21.30	$23.28	$25.81	$27.93	$30.18	$34.72
	19	$13.92	$16.66	$17.55	$18.31	$19.60	$21.48	$23.48	$26.03	$28.17	$30.44	$35.02
Midpoint	20	$14.12	$16.87	$17.71	$18.61	$19.94	$21.75	$23.71	$26.33	$28.44	$30.72	$35.33

Waco ISD

Stipends and Incentives

2023-2024

The mission of Waco ISD is to provide an educational foundation that empowers and values all.

Waco ISD

Stipend Overview

2023-2024

A stipend form must be completed and submitted to Human Resources by the appropriate principal or district administrator. All stipends are subject to certification and schedule verification. Stipends are prorated based on the number of sections taught in the subject/content area. Unless otherwise noted, most annual stipends are paid over 24 paychecks for the year.

SUPPLEMENTAL PAY DUTIES & TERMS

Assignment to any supplemental duty and receipt of compensation is separate from your employment contract and from any compensation for which you may earn under your employment contract with Waco ISD.

Any supplemental duty assigned or volunteered for does not create a property right in the duty or in the compensation for the duty.

Any supplemental duty assignment does not create any future right to assignment of any supplemental duty.

Assignment of any supplemental duty for any school year will not guarantee that any supplemental duties will be assigned in subsequent school years.

You or the District may change the supplemental duty at any time.
If a supplemental duty is changed by you or the District, you will receive compensation for only the actual supplemental duties performed.

Any supplemental pay received will be treated this way now and for future school years unless and until the employee is notified otherwise.

SUPPLEMENTAL PAY DUTIES & TERMS

Only stipends listed in the Employee Compensation Plan are eligible to be issued. No other stipends may be created or offered by any campus/dept supervisor.

Waco ISD

Recruiting Stipends & Incentives

2023-2024

Stipend Amount: $500

Baylor/Tarleton New Teacher Recruitment and Retention Incentive: Recent graduate of Baylor or Tarleton State Universities, newly hired as a zero-year teacher who has served at least one semester in the past two (2) years as an intern, teacher assistant, resident assistant, etc. on a Waco ISD campus. A teacher is eligible for a $500 retention incentive when returning for the following school year. (Both are a one-time stipend paid out in the August 31st check). HR will review and submit for payment.

Stipend Amount: $500 - $750

Relocation Reimbursement Assistance: Newly hired teachers relocating to Waco from 250-499 miles may be approved for reimbursement of up to $500; those greater than 500 miles may be approved for reimbursement of up to $750. Request must be made in advance and approved by Human Resources (limited number are available). Receipts are required when submitting request for payment.

Waco ISD

Teacher Incentive Allotment

2023-2024

For any funds received by Waco ISD for a designated teacher under the Teacher Incentive Allotment (TIA), 75%, less the TRS deduction (both employee and district) and any other applicable payroll taxes or deductions, will be paid to the designated teacher. The other 15 % will be paid equally to the other high-performing teachers on the designated teacher's campus.

The remaining 10% will be collected at the district level and used for training/ support, expansion, administrative expenses, and professional development.

Employees who resign or retire: Should the district receive funding for a designated teacher who has resigned or retired, the district will forward payment to the retired teacher if the retired teacher notifies the district in writing by May 13. If an employee resigns, the funds will be redistributed to designated teachers and other high-performing teachers from the campus the employee was assigned.

Allotment
$3,000–$9,000

Allotment
$6,000–$18,000

Allotment
$12,000–$32,000

Waco ISD
2023-2024 Stipends
HR Alert: This is a working document subject to revisions as needed by the HR division.

STIPENDS IF APPROVED/ISSUED ARE FOR 1 YEAR ONLY AND ARE NOT PART OF YOUR SALARY.

Athletics	Athletics	Athletics	Bilingual - Certified Only	Content/Critical Shortage	ESL - Certified Only	Fine Arts	Fine Arts	Special Education
HS Campus Athletic Coordinator (1 Boys, 1 Girls Per Campus) $7,000	Baseball, Varsity Asst. $5,000	Athletic Coordinator, Middle School (1 Boys, 1 Girls per school) $2,000	Elementary Bilingual Teacher $6,000	***Engineering High School (Funded out of CTE Budget) $8,000	Elementary - 1 to 6 Students or up to 25% of Students Assigned $500	High School Band Director (207 Day Calendar) - Includes Lead Cluster Responsibilities $16,000	Middle School Band Director $6,000	SAIL Teacher $4,000
Head Varsity Coach Baseball $8,000	Baseball, JV/9th $4,000	Basketball, Middle School $2,000		English I and II High School (prorated per section) $1,400	Elementary - 7-12 Students or 26 to 50% of Students Assigned $1,000	High School Assistant Band Director (207 Day Calendar) $7,500	Middle School Assistant Band Director $4,000	Self-Contained ECSE, FA/Achieve, FA/Aspire $3,000
Head Varsity Coach Basketball $9,000	Basketball, Varsity Asst. $5,000	Cross Country, Middle School $2,000		Math / Physics High School Stipend (CERTIFIED ONLY) $8,000	Elementary - 13-18 Students or 51 to 75% of Students Assigned $1,500	High School Mariachi Band Director $3,000	Middle School Choir Director $3,000	Visually Impaired Teacher $6,000
Head Varsity Coach Cross Country $7,000	Basketball, JV/9th $4,000	Football, Middle School $2,000		**Science High School Stipend (CERTIFIED ONLY) $8,000	Elementary - 19-23+ Students or 76% to 100% of Students Assigned $2,000	High School Steel Drum Director $1,500	Middle School Orchestra Director – Per Campus $2,000	Inclusion/Resource Teacher with case management duties $1,500
Head Varsity Coach Golf (Year Round) $6,000	Football, Varsity Asst.* $6,500	Golf, Middle School $2,000		Math Stipend Middle School (MATH CERTIFIED ONLY) $6,000	Elementary - 19-23+ Students or 76% to 100% of Students Assigned $2,000	Color Guard/Flag Corps $2,000	Middle School Theater Arts Director $3,000	RDSPD Teacher with Deaf Ed Certification $2,000
Head Varsity Coach Powerlifting $3,000	Football, JV/9th** $5,500	Head Football, Middle School $3,500		Science Middle School Stipend (SCIENCE CERTIFIED ONLY) $6,000	Secondary - 1% to 25% Students Served $500	Jazz/Stage Band $2,000		Special Olympics Coach $2,500
Head Varsity Coach Soccer $8,000	Powerlifting, Varsity Asst. $2,000	Soccer, Middle School $1,600		*Math & Science Middle School (GENERALIST CERTIFIED) $3,000	Secondary - 26% to 50% Students Served $1,000	ROTC Marching Guards (207 day calendar) $3,000		*Bilingual Diagnostician $6,000
Head Varsity Coach Softball $8,000	Soccer, Varsity Asst. $5,000	Tennis, Middle School $2,000		*Stipend amount will be prorated based on the number of sections taught in the content area. 50% of the content stipend. Maximum of $3000. **Includes Forensic Science and Forensic Psychology with Science Certification. *** Must teach Engineering classes and hold appropriate certification (Principals of Manufacturing not included).	Secondary - 51% to 75% Students Served $1,500	High School Choir Director $6,000		*Bilingual Speech Pathologist $6,000
Head Varsity Coach Tennis $7,500	Soccer, JV/9th $4,000	Track, Middle School $2,000			Secondary - 76% to 100% Students Served $2,000	High School Assistant Choir Director $4,000		**Bilingual Asst. Speech Pathologist $6,000
Head Varsity Coach Track $7,000	Softball, Varsity Asst. $5,000	Volleyball, Middle School $2,000				High School Show Choir Director $1,000		*Bilingual LSSP $6,000
Head Varsity Coach Volleyball $8,000	Softball, JV $4,000	Single Sport (After School), Middle School $1,200				High School Orchestra Director (Multi Campuses) $7,500		***Bilingual ARD Facilitator $6,000
Football Offensive/Defensive Coordinator* $8,500	Tennis, Asst. $3,500	**Miscellaneous Athletics**				High School Theater Arts Director $6,000		
*Includes $1,000 for football related responsibilities: 15 days report prior to first day for teachers **Includes $500 for football related responsibilities: 15 days early report (if applicable)	Track/Cross Country, Asst. $3,000	Audio-Visual - Athletic Support $7,000				High School Assistant Theater Arts Director $4,000		
	Volleyball, Varsity Asst. $5,000	Photographer - Athletic Support $3,000				Performing Arts Facility Manager (manage UHS PAC for all campuses). $7,500		
	Volleyball, JV/9th $4,000	Tournament Coordination $700				Fine Arts Event Coordinator $3,000		
	After School Single Sport Assistant (except football) $2,000							

Special Education Information	*Must complete all job responsibilities and possess appropriate professional certification(s); be proficient in Spanish (understand, read, write, speak, and translate). Will be required to conduct and facilitate Special Education related meetings between staff, students and parents (this includes staffing, ARD meetings, parent/guardian phone calls); and complete and translate all required IEP documentation/paperwork as needed. The Bilingual Diagnostician, LSSP and SLP are expected to conduct necessary evaluations in Spanish and translate the reports in Spanish. Attend the ARD meetings to review the evaluation in the parent's/guardian's native language.
**Must complete all job responsibilities and possess appropriate professional certification(s). Must be proficient in Spanish (understand, read, write, speak and translate). Conduct Special Education related meetings between staff, students and parents (this includes Spanish. As needed, required to conduct and facilitate Special Education related meetings between staff, students and parents.	
***Must complete all job responsibilities and possess appropriate professional certification(s); be proficient in Spanish (understand, read, write, speak and translate). Conduct and facilitate Special Education related meetings between staff, students and parents (including staffing, ARD meetings, parent/guardian phone calls). Complete and translate all required IEP documentation/paperwork, as needed.	

Waco ISD

2023-2024 Stipends

HR Alert: This is a working document subject to revisions as needed by the HR division.

STIPENDS IF APPROVED/ISSUED ARE FOR 1 YEAR ONLY AND ARE NOT PART OF YOUR SALARY.

District Various Level Position	Campus Various Level Position	Campus Specific	Campus High School Specific	Campus Middle School Specific	Transformation Waco	Opportunity Culture
*Bilingual Dyslexia Specialist $6,000	Choral Music - Cluster Lead Teacher (Elementary) $4,000	***Specialized Health Science Teacher $6,000. (GWAHCA Only)	Cheerleader Sponsor, Varsity $5,000	Middle School Cheerleader Sponsor $2,000	Master Teacher I, Transformation Waco $13,000	Multi-Classroom Leader (MCL) $13,000
Gifted & Talented Itinerant Teacher (CERTIFIED) $2,000	Elementary School UIL Coordinator $500	Health Science Teacher $4,000 (WHS and UHS Only)	Cheerleader Sponsor, Asst. Varsity $3,000	Middle School UIL Coordinator $1,000	Master Teacher II, Transformation Waco $16,000	Multi-Classroom Leader (MCL) II $16,000
Counselor, Lead High School $1,000	Grade Level Chair, Elementary (Grades PK-5) $1,000	Welding $4,500	Drill Team Sponsor, Varsity $4,500	Middle School UIL Academic Contests (per event) $400	TIA Teacher Expert, Transformation Waco $750	Master Team Reach Teacher (MTRT) $5,000
Counselor, Lead Middle School $1,000	Campus Specials Chair, Elementary (Grades PK-5) $1,000	****Future Educators Academy Teacher $500	Drill Team Sponsor, Asst. Varsity $3,000		Executive Coach/Chief Academic Officer, Transformation Waco $35,000	Master Team Reach Teacher (MTRT) $5,000
Counselor, Lead Elementary $1,000	Department Chair, Secondary (Core, Special Ed, Fine Arts) $1,000		High School Yearbook Sponsor $2,000			Team Reach Teacher (TRT) $2,500
Lead Speech Language Pathologist (ASHA certified) $2,000	Discipline Alternative (DAEP) Classroom Teacher $1,000		High School Student Council Sponsor $1,500			Reach Associate (RA) $1.3369 per hour added to hourly rate of pay (equivalent of $2000 stipend)
Lead Elementary Art Teacher $1,000	Foreign Languages (CERTIFIED) $3,000		High School UIL Coordinator $2,000			
Lead Secondary Art Teacher $1,000	New Teacher Campus Coordinator (June) [1 per campus] $1,000		High School UIL Debate Sponsor $1,500			
Lead Physical Education Teacher $2,000	**Safe School Student Coordinator $1,150		High School UIL Speech Sponsor $1,500			
Lead Parent as Teacher (PAT Program) $2,000	History Fair Campus Coordinator $500		High School UIL Academic Contest Sponsor (per event) $700			
Lead Registered Nurse (RN) $2,000	Non-UIL Advanced Competition (outside of contract period) $500		High School Academic Decathlon Sponsor $3,000			
Reading Recovery Teacher Leader $13,000 (extra days worked/attending training outside of regular contracted work days)	TIA Teacher Expert (1 per campus) $750		High School Assistant Academic Decathlon Sponsor $1,500			
Suspend Kids to School / Saturday Diversion Program Oversight $7,000			High School Mock Trial Sponsor $3,000			
PDS Mentor Stipend (Baylor) - bi-annually in December and May $250 TA & $500 Interns (BU/WISD MOU Agreement)						
New Teacher Mentor Stipend (June) - $500 per mentee						

*Must possess appropriate professional certification(s) including bilingual teaching credentials; be proficient in Spanish (understand, read, write, speak, and translate); have the ability to conduct and facilitate dyslexia assessments and instruct bilingual students, conduct related meetings between staff, students and parents; and complete all required documentation/paperwork and related processes within certification area.

**Must be paid by campus budget and duties performed outside of work hours.

*** Requires appropriate licensure/certification meeting industry standards for the following courses/certification pathways: Community Health Worker (CHW); Certified Nurse Assistant (CNA); Certified Clinical Medical Assistant (CCMA); Pharmacy Technician (CPhT); or Clinical Ethics.

****South Waco Elementary Teachers mentoring FEA Students (paid once per year) - Grant Funded.

Waco ISD

Guest Educator

2023-2024

The mission of Waco ISD is to provide an educational foundation that empowers and values all.

Waco ISD
2023-2024 Guest Educator Pay Information

Position/Degree	2022-2023 Daily Rate
Substitute Aide or Paraprofessional Positions High School Diploma or GED	$80 per day
Long Term Substitute Paraprofessional/Aide – after 10th consecutive day in the same assignment (long term rate starts on day 11)	$85 per day
Substitute Teacher – 30+ College Hours (previously 40+)	$100 per day
Long Term Substitute Teacher – Non-Certified with 30+ College Hours – after 10th consecutive day in the same assignment (long term rate starts on day 11)	$115 per day
Substitute Teacher – Bachelor's Degree	$100 per day
Long Term Substitute Teacher – Non-Certified with Bachelor's Degree – after 10th consecutive day in the same assignment (long term rate starts on day 11)	$125 per day
Substitute Teacher – Texas or Out of State Certification	$125 per day
Long Term Substitute Teacher with Teacher Certification – after 10th consecutive day in the same assignment (long term rate starts on day 11)	$150 per day
Substitute Nurse – LVN or RN	$150 per day
Substitute Professional (Non-Teacher Campus Role) – Counselor, Instructional Specialist, Behavior Interventionist, etc. – Must have appropriate credentials and be approved by Human Resources	$150 per day
Substitute Principal or Assistant Principal – Must have appropriate certification (Principal or Mid-Management), previous experience as a Principal or AP, and be approved by Human Resources	Rate set by HR
Substitute Central Office Administrator or Professional – Must have appropriate credentials	Rate set by HR

- Substitutes with less than 30 college hours, a high school diploma, or GED are only allowed to substitute in paraprofessional/clerical positions
- All paraprofessional/clerical positions are paid at $80 per day, regardless of degree or certification. A paraprofessional substitute is a non-teacher position such as an instructional aide, office/clerical worker, or secretary.
- Substitutes working as a teacher or aide in a special education classroom earn an additional $5 per day
- Substitutes working on Mondays and Fridays earn an additional $5 per day
- Substitutes earn incremental pay the more they work
    - $10 per day in addition to the daily rate after working 30 cumulative days (beginning on the 31st day)
    - $20 per day in addition to the daily rate after working 60 cumulative days (beginning on the 61st day)
    - NOTE: Incremental pay will carry over to the 2023-2024 school year from 2022-2023 (based on status earned by the end of 2022-2023)

Waco Independent School District

Board of Trustees Board Meeting

Date: July 27, 2023 **Contact Person**: Mrs. Grace Benson

RE: Review and Discuss Dual Language Program Update

==========

Background Information:

As part of the TEA's Newcomer Community of Practice, the agency highlights districts across the state that are implementing high quality English as a Second Language (ESL), Bilingual, Dual Language Immersion, and Newcomer programs that foster success for Emergent Bilingual students. This year, Waco ISD was highlighted by the Texas Education Agency.

The presentation that follows, *Building Unity and Equity Through Strength-Based Program Design*, was presented to the TEA and districts across the state on May 17, 2023. The purpose of the presentation was to share highlights and celebrations about ESL, Dual Language Immersion, and Newcomer programming at Waco ISD. The following staff members and student represented Waco ISD:

- Grace Benson - Director of ESL and Bilingual Education
- Milissa Johnson - Coordinator of Emergent Bilinguals
- Carmen Diaz-Perez - Coordinator of Bilingual Education
- Lynn Callentine - Coordinator of Emergent Bilinguals
- Kade Hill -Bilingual Instructional Tutor
- Maria Martinez - Bilingual Instructional Paraprofessional
- Cathleen Rooney- Coordinator of Emergent Bilinguals
- Yenny Vranich - Kindergarten Dual Language Immersion Model Classroom Teacher, Provident Heights Elementary
- Edgar Ferrel - University High School Student

Fiscal Implications: None

Administrative Recommendation(s): No action is required. This report is for information only.

BUILDING UNITY AND EQUITY THROUGH STRENGTH-BASED PROGRAM DESIGN

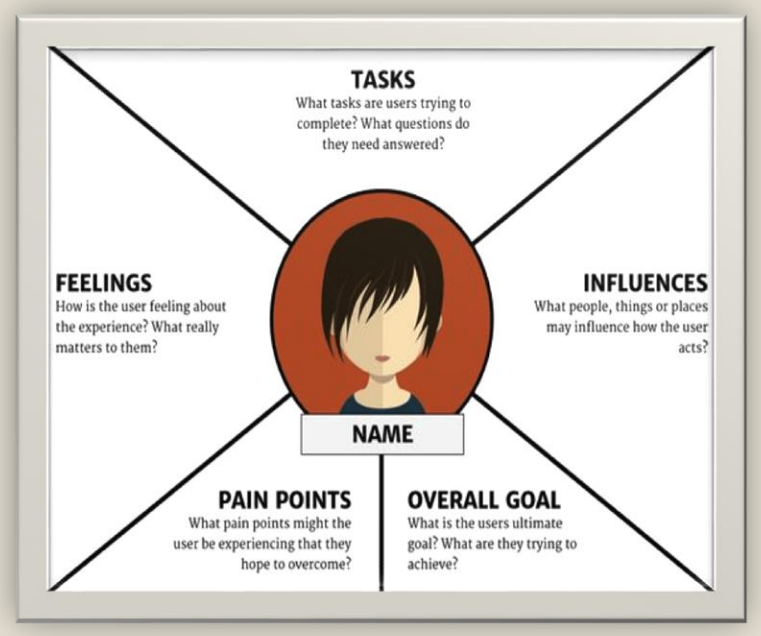
Grace Benson, Ed.S.
Director of ESL and Bilingual Education
Waco Independent School District

Human Centered Program Design Founded with Empathy

As a department, *Empathy* (one of Design Thinking's mindsets) is ever present as we work side by side with students, teachers, and administrators, to understand their needs and share in celebrations in an effort to empower them as they strive for bilingualism, biliteracy, and multiculturalism.

Empathy

"Imagining yourself walking in someone else's shoes and feeling the toe pinch. It is the central mindset of human-centered design."



Beginners Mindset

"Question everything with a childlike curiosity and experimentation."

641

Goal: Maximize supports for Emergent Bilingual students at all grade levels by creating human centered programming structures that allow for academic and linguistic growth.

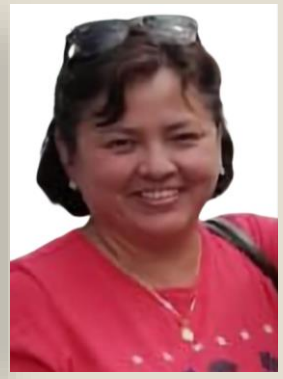
It all starts at the elementary level and like building the foundation that strengthens a structure, *every layer is essential*.

Our English Learners Department Family

Grace Benson, Director of ESL and Bilingual Education

Cris Leary
Administrative Assistant

Yadira Burciaga
Bilingual Assessor Specialist



Sandra Valencia
Emergent Bilingual Testing Clerk

Cathleen Rooney
Emergent Bilingual Coordinator

Carmen Diaz-Perez
Coordinator of Bilingual Education

Milissa Johnson
Emergent Bilingual Coordinator

Titus Moten
Emergent Bilingual Tutor

Lynn Callentine
Emergent Bilingual Coordinator

Randy James
ESL Strategist/Interventionist (High Schools)

Deneris Carrau-Martell
Bilingual Instructional Tutor

Rebecca Rivera
ESL Strategist/Interventionist

Julie Pena
ESL Strategist/Interventionist

Maria “Mimi” Martinez
Bilingual Instructional Paraprofessional

Kade Hill
Bilingual Instructional Tutor

Some of the countries represented at Waco ISD Campuses: A Cultural Mosaic

- USA
- Mexico
- Honduras
- Guatemala
- Vietnam
- Afghanistan
- Ethiopia
- Pakistan
- Moldova
- Nepal
- Philippines
- Russian Federation
- Puerto Rico (US Territory)
- Jamaica
- Tanzania

Dual Language Immersion Programs

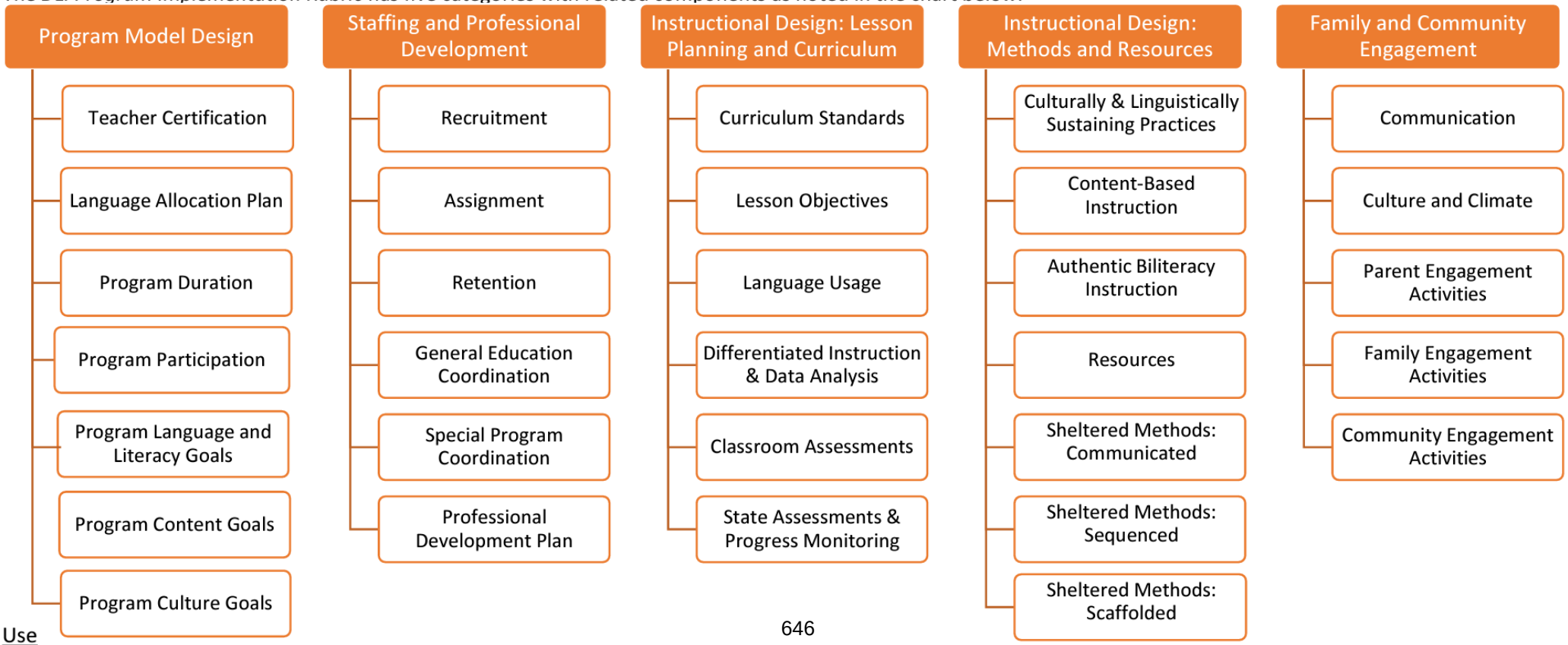
Dual Language Immersion (DLI) Program Implementation Rubric

Purpose

The *DLI Program Implementation Rubric* provides Local Education Agencies (LEAs) with a tool for self-evaluation of their DLI program effectiveness. This rubric and associated *DLI Program Scoring Tool* are intended for internal use for determining next steps for development and improvement of DLI programs at the campus and district level. Additionally, *Stakeholder Checklists* are provided to detail the specific lens and action items for the roles of teacher, campus administrator, and district administrator.

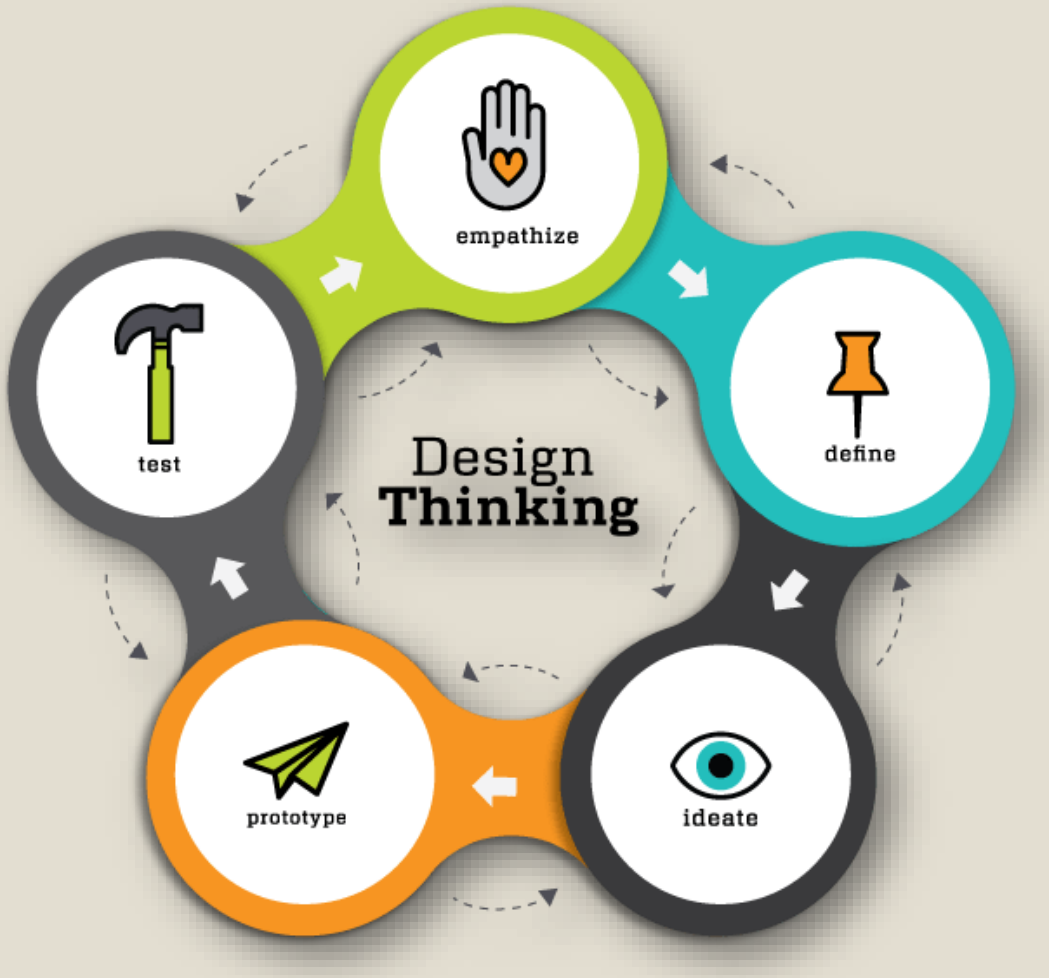
Organization

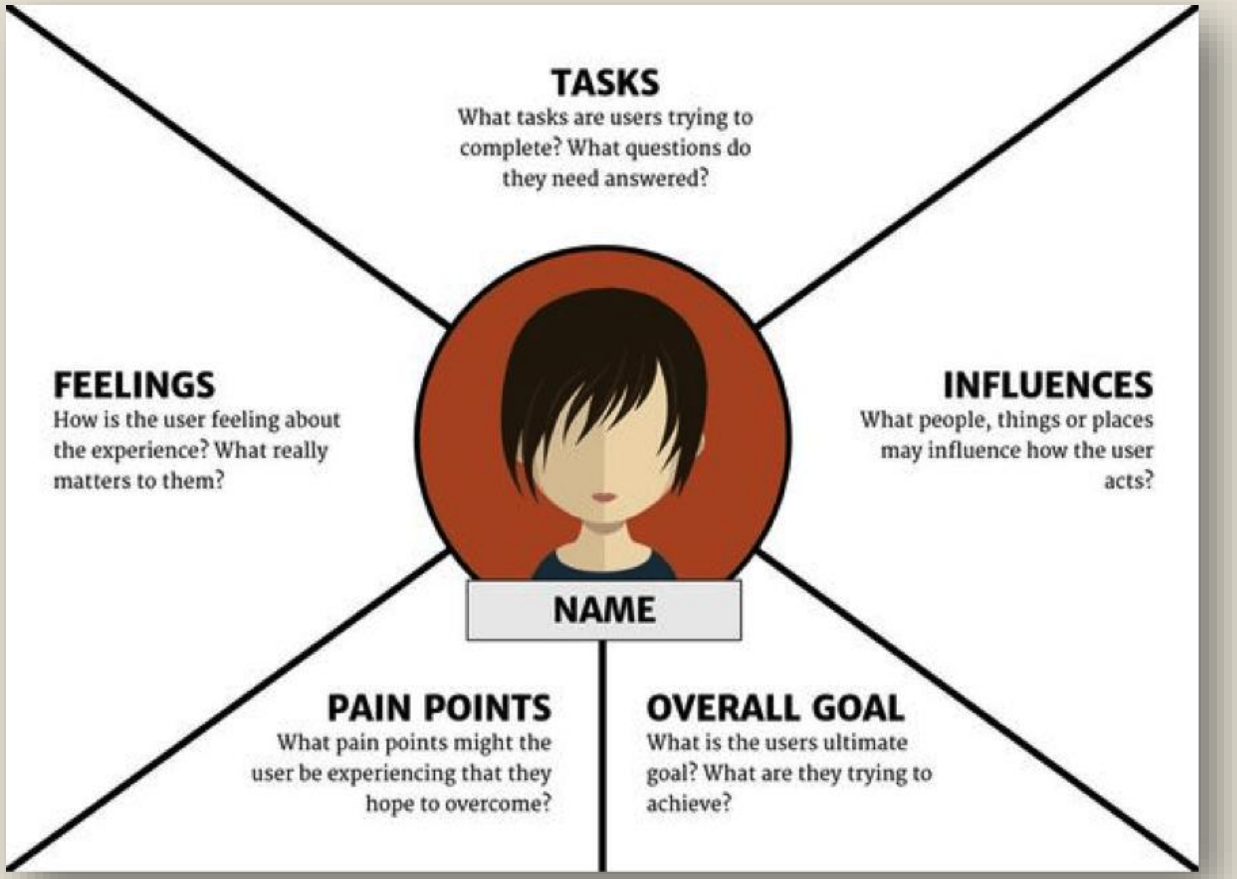
The *DLI Program Implementation Rubric* has five categories with related components as noted in the chart below.



Use

Human Centered Program Design: The Importance of Empathy





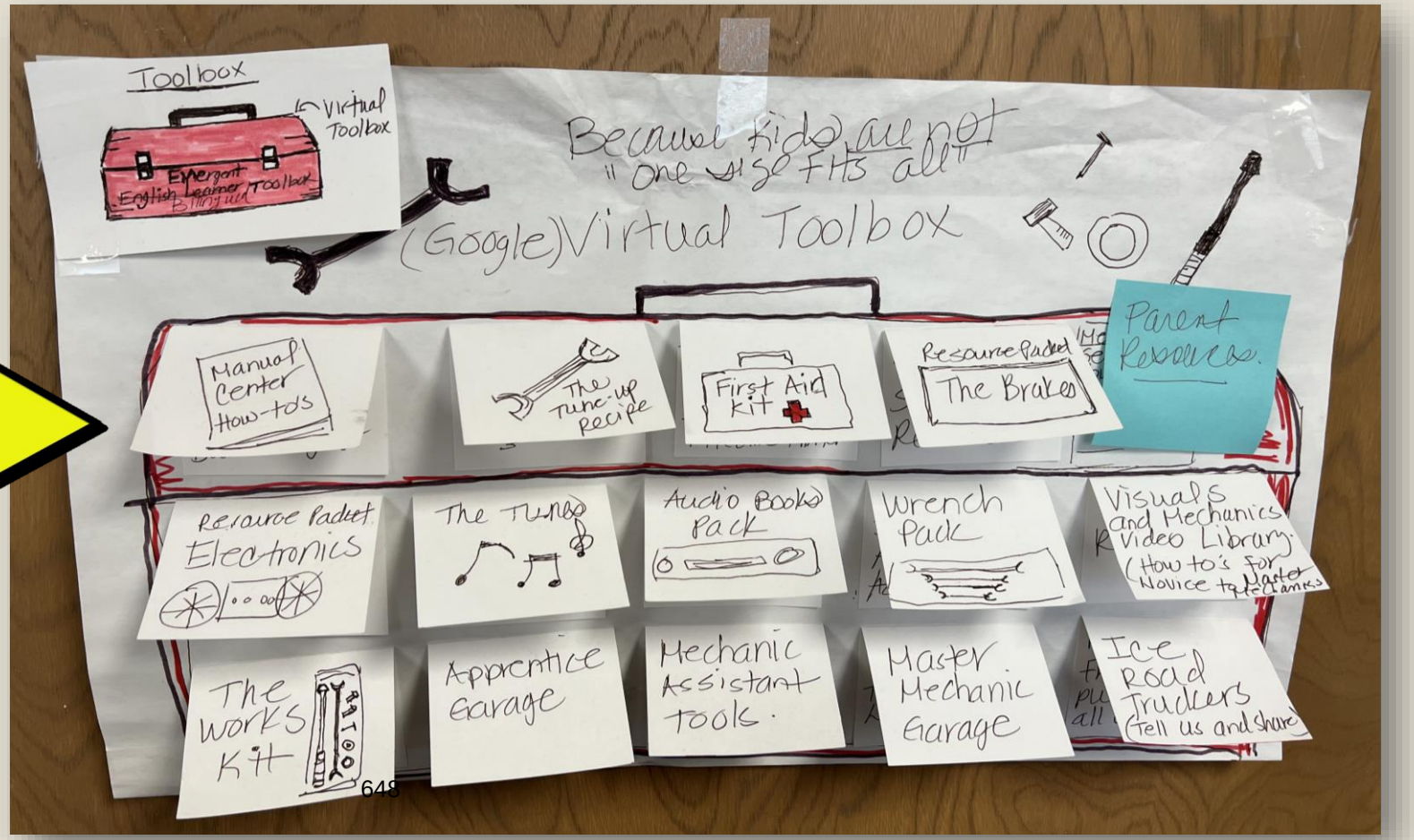
Who are we designing programming for?

Prototype: Emergent Bilingual Schoolhouse

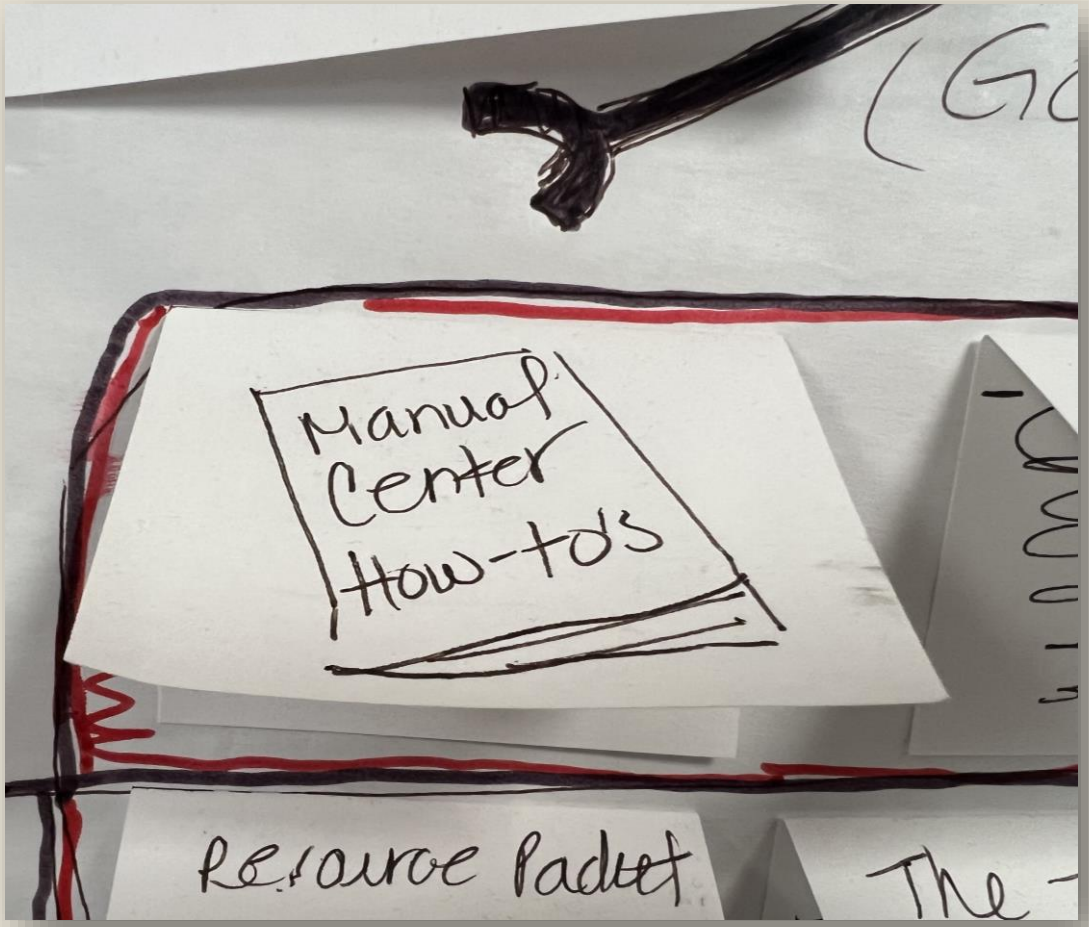
"Because Kids are Not One-Size Fits All"

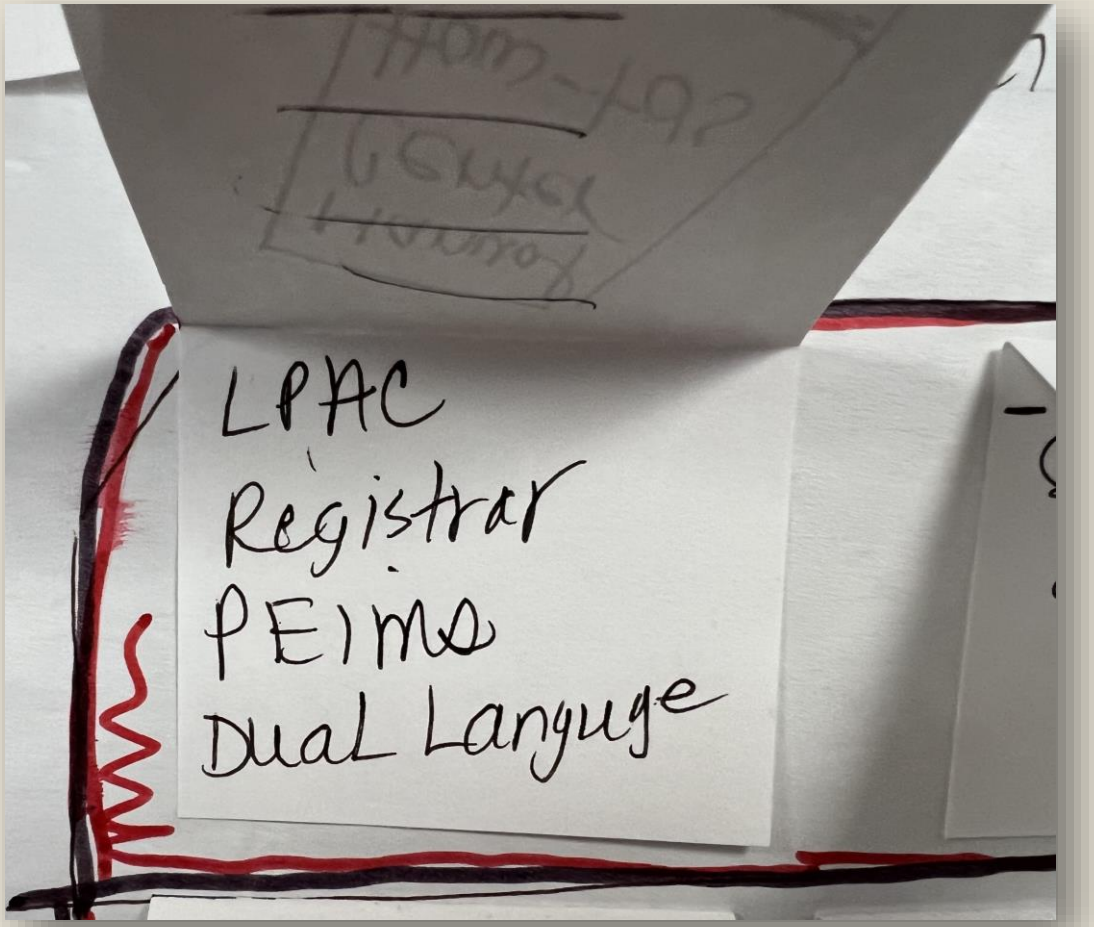
Instructional Design: Methods and Resources

- Culturally & Linguistically Sustaining Practices
- Content-Based Instruction
- Authentic Biliteracy Instruction
- Resources
- Sheltered Methods: Communicated
- Sheltered Methods: Sequenced
- Sheltered Methods: Scaffolded



A Peek Inside a Prototype: The Manual Center

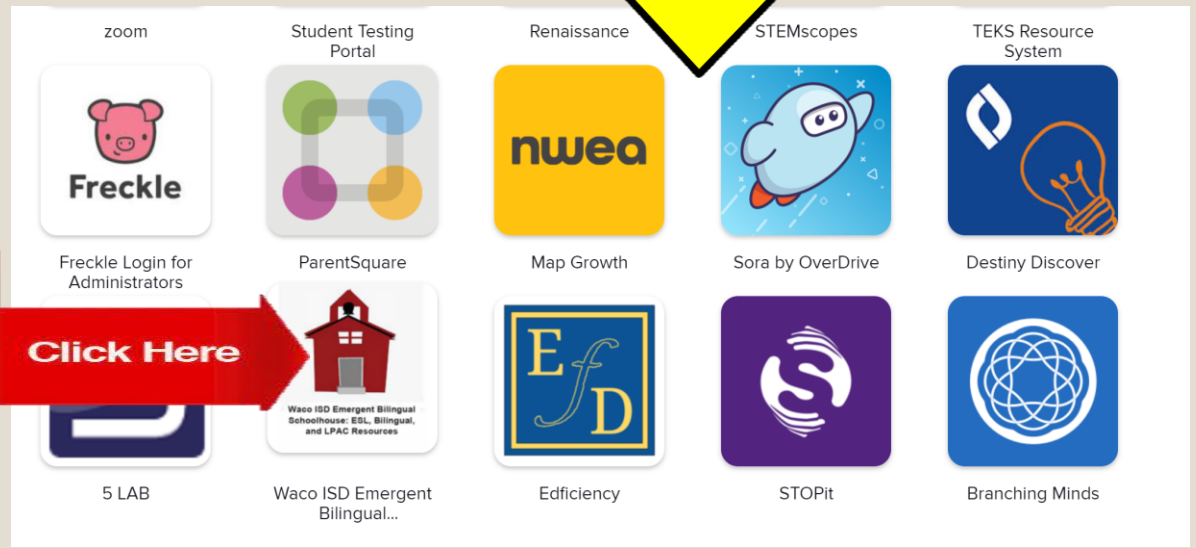


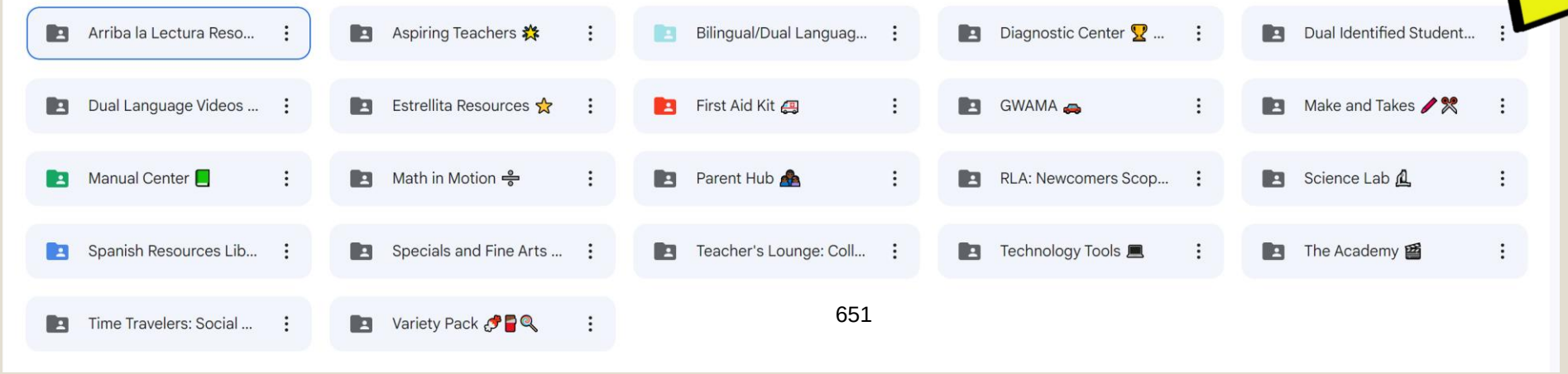


Testing the Prototype and Implementation

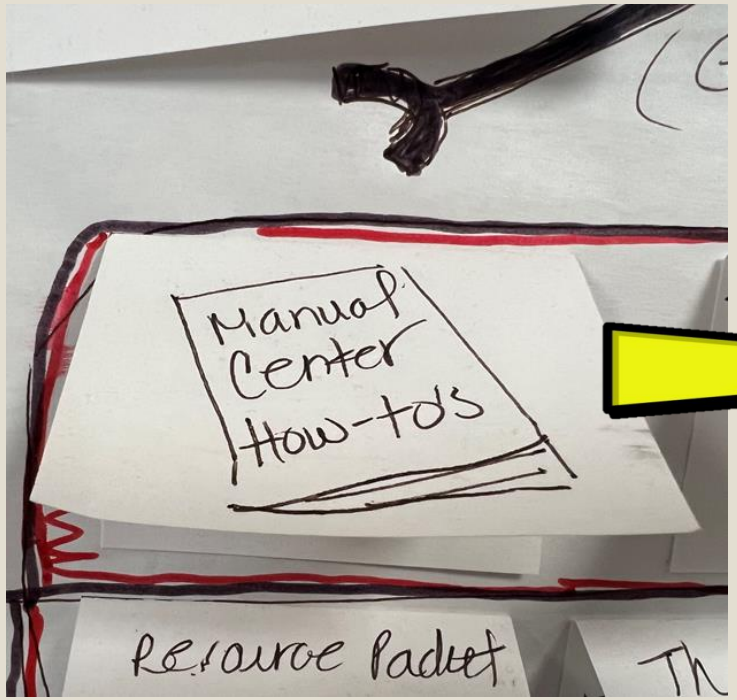
Clever
Waco Independent School District

These are your district's default Portal resources





From Prototype to Implementation



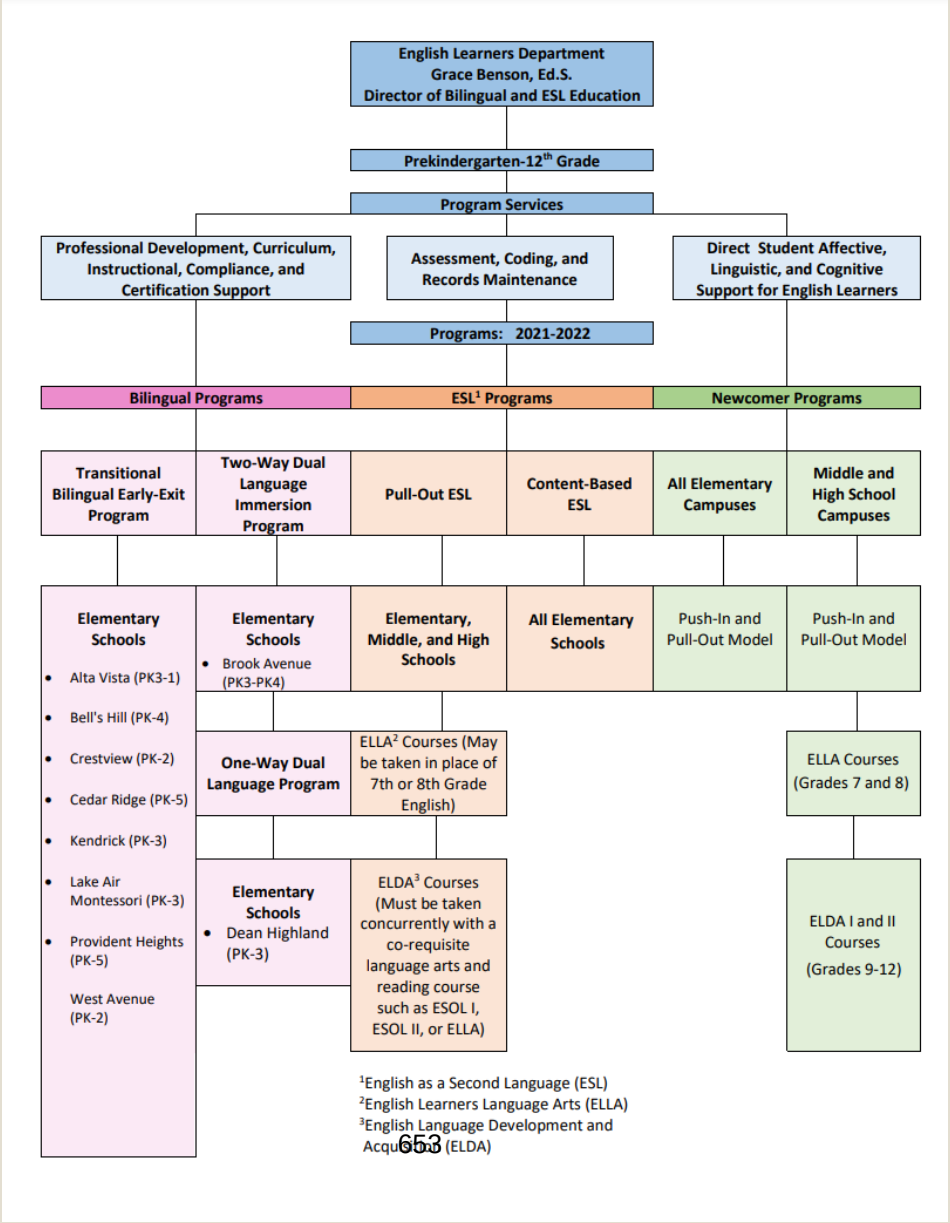
My Drive › Emergent Bilingual Schoolhouse › Manual Center

Folders

Name ↑

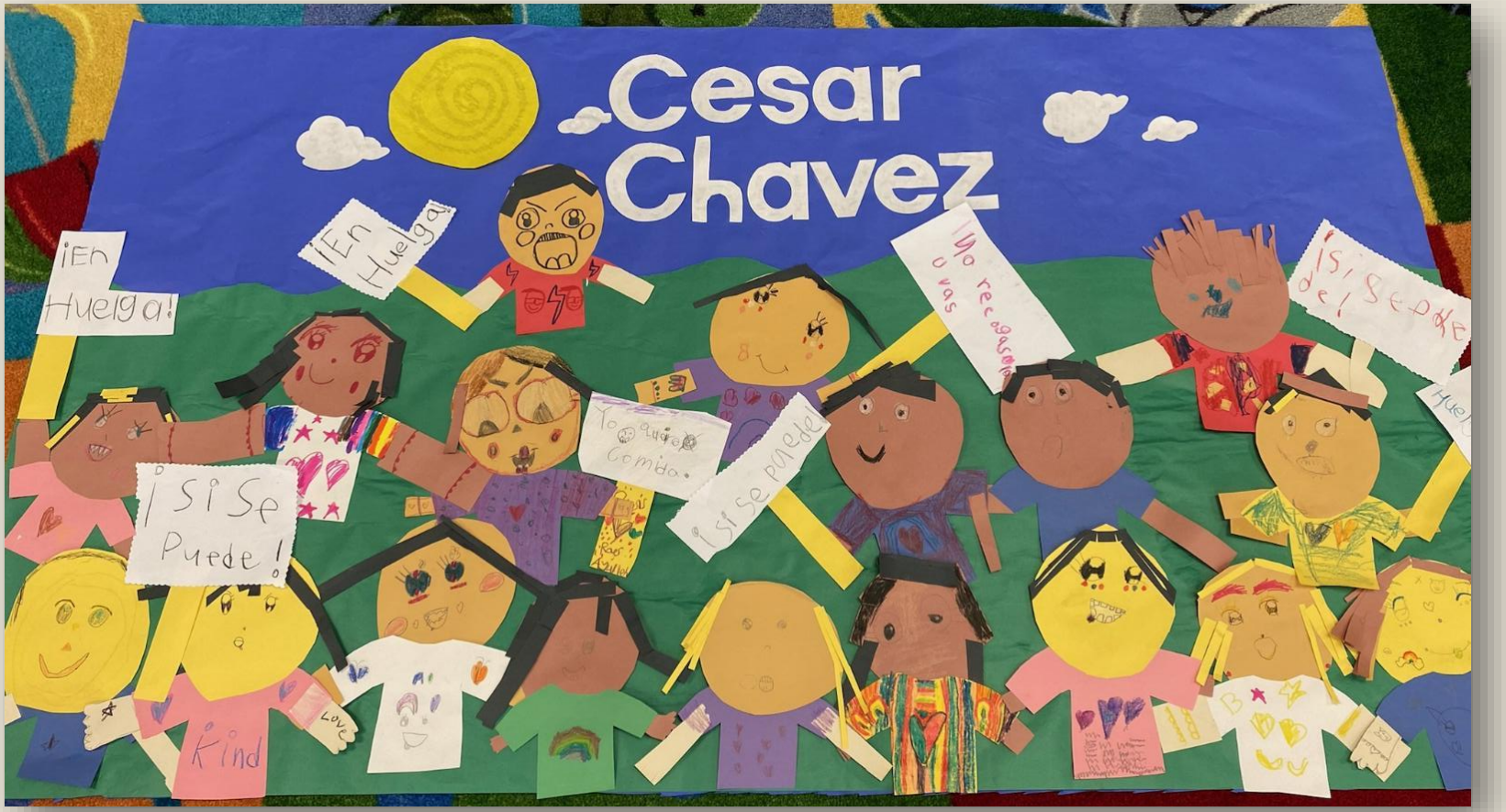
Allowable Costs for Titl...	BOY Resources	Dual Language Classro...	Dual Language Handb...	EB PEIMS, Registrar, a...
ELPS Resources	Emergent Bilingual Fed...	EOY Resources	Gómez and Gómez Du...	LPAC Manual and Che...
LPAC PPTs	MOY Resources	Reclassification Chart	TELPAS Resources	Waco ISD Developmen...
Waco ISD Title III Princi...				

ESL and Bilingual Programs Offered at Waco ISD 2021-2022



Dual Language Immersion Programs: Year 1 of Scaling- Dean Highland Elementary

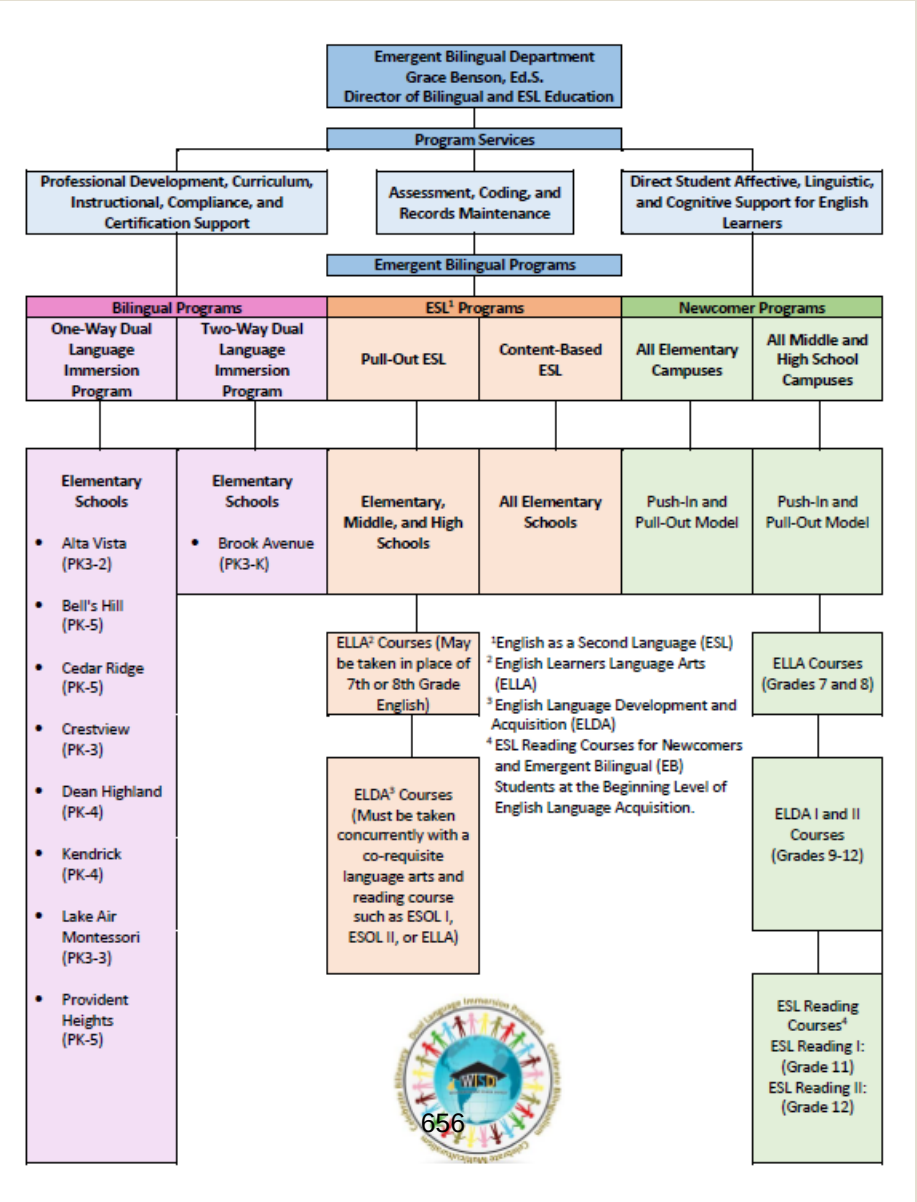
Dual Language Immersion Programs: Year 2 of Scaling



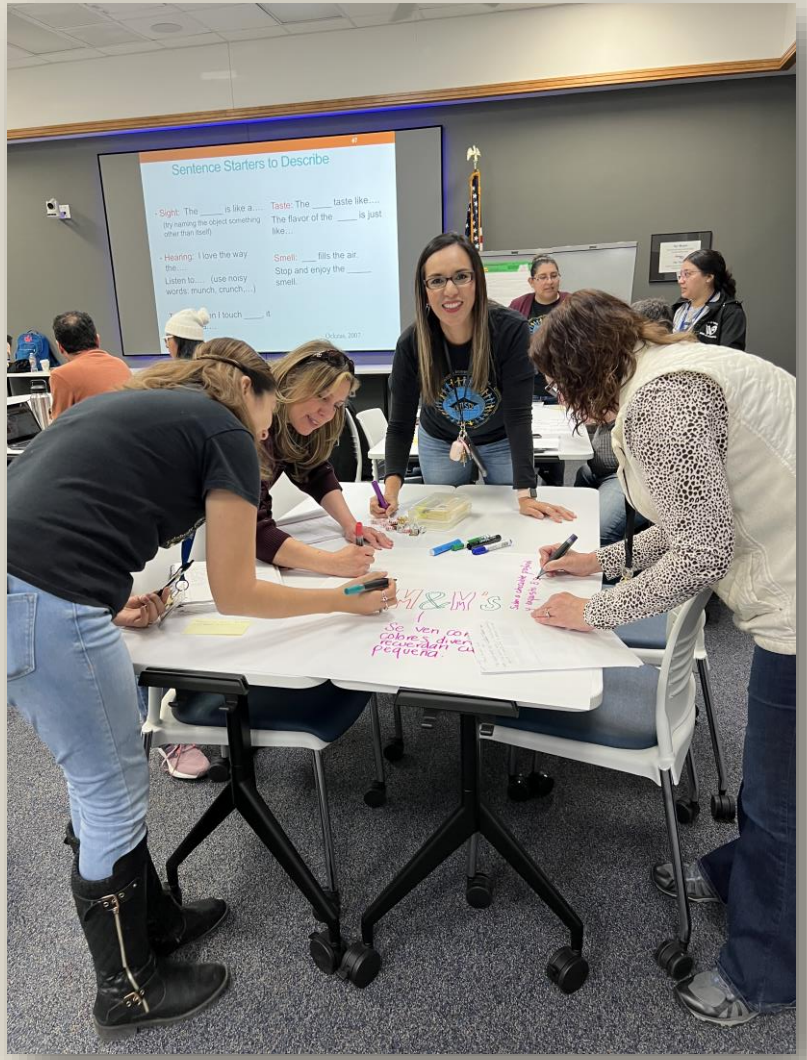
Cesar Chavez Mural: Courtesy of
Ms. Rosa Pryor's First Grade Dual Language Classroom at Dean Highland Elementary

Bilingual, Biliterate, and Multicultural*-it's about having pride in who you are and honoring the rich cultural traditions of your ancestors.*

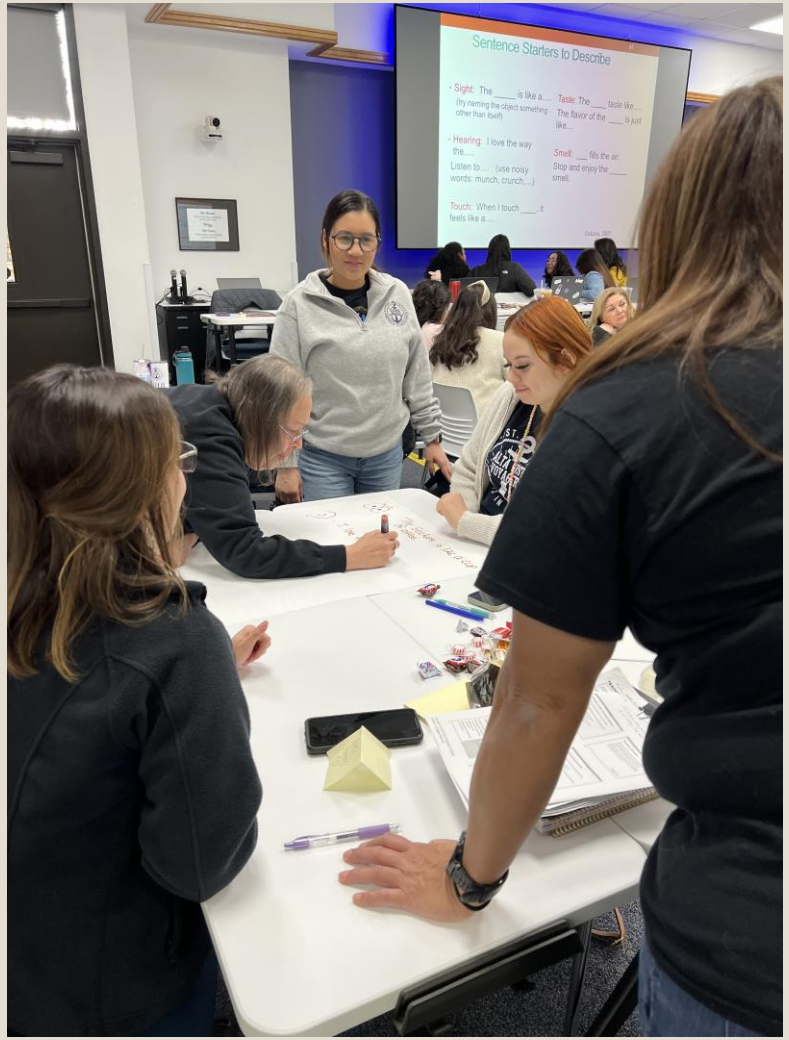
ESL and Bilingual Programs Offered at Waco ISD 2022-2023



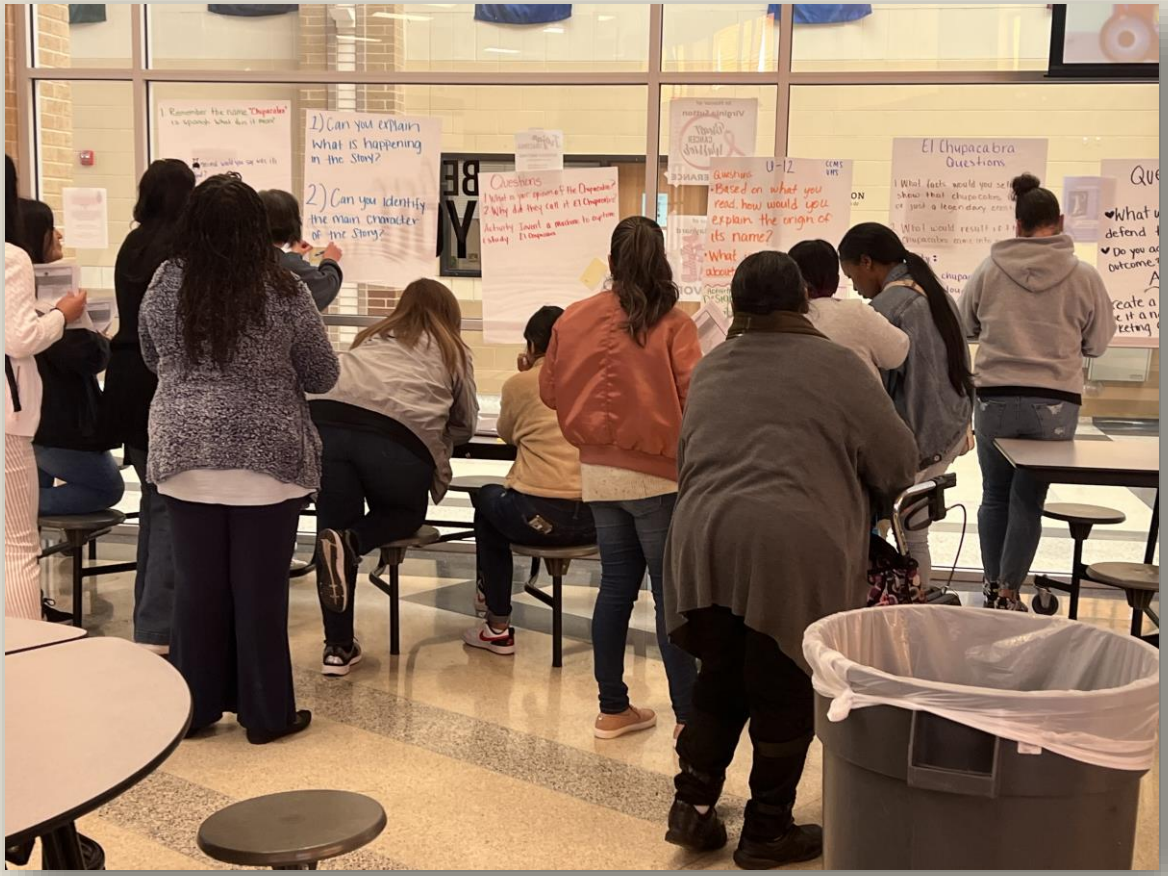
Brick by Brick: Adding Layers to the Foundation

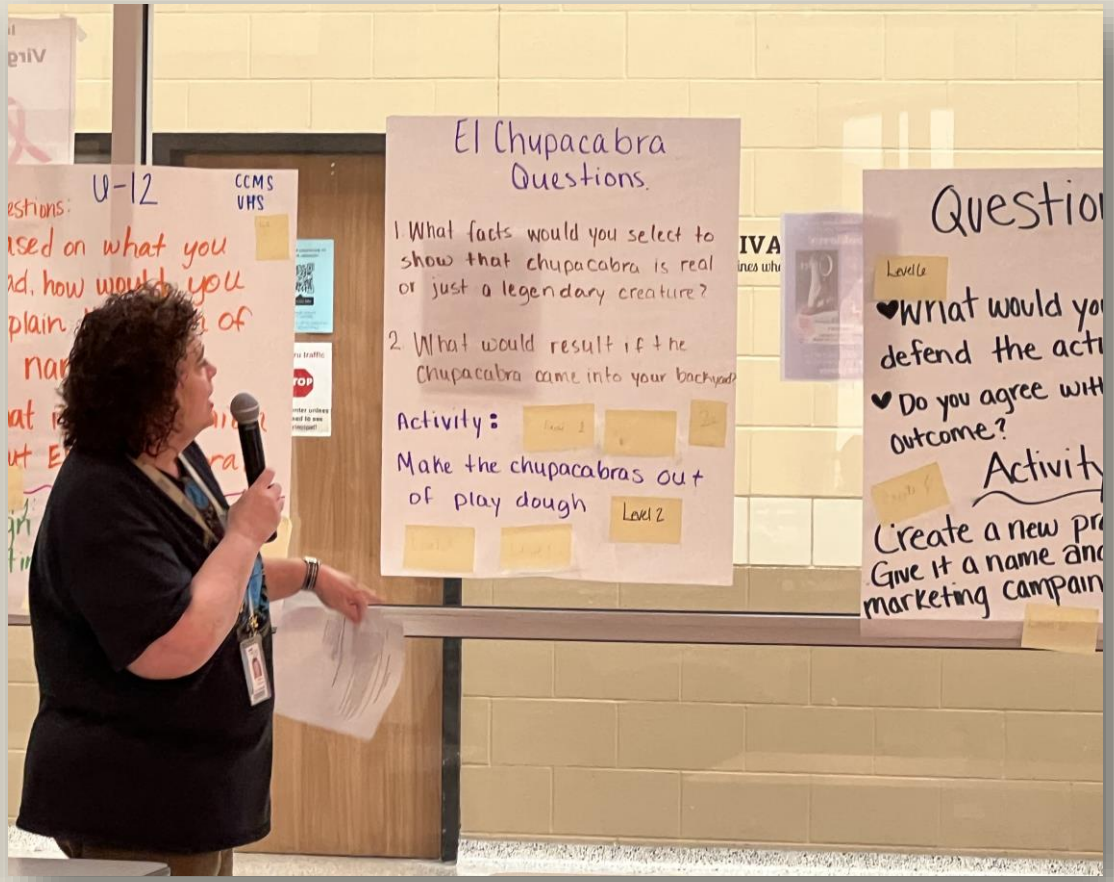


Bilingual Teachers and Paraprofessionals: Written Expression



Brick by Brick: Every Layer is Essential



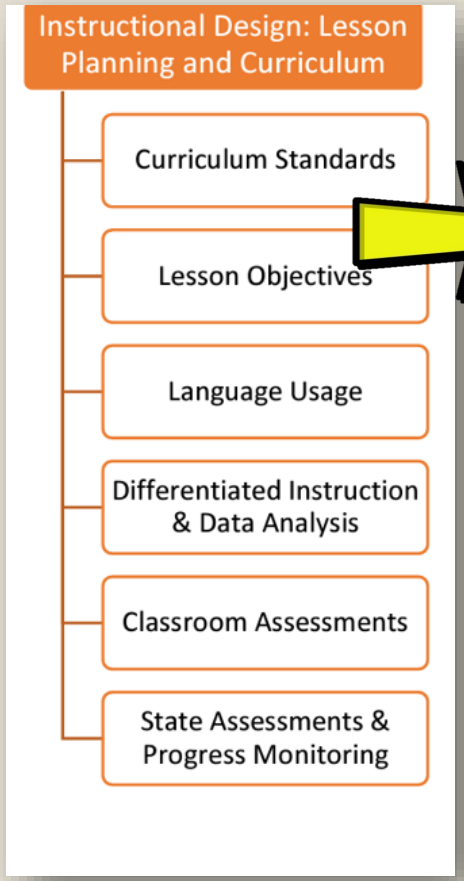


Our wonderful paraprofessionals: A Gallery Walk During Emergent Bilingual Higher Order Questioning Strategies Professional Development

Some of Our Wonderful Dual Language Teachers: Provident Heights Elementary

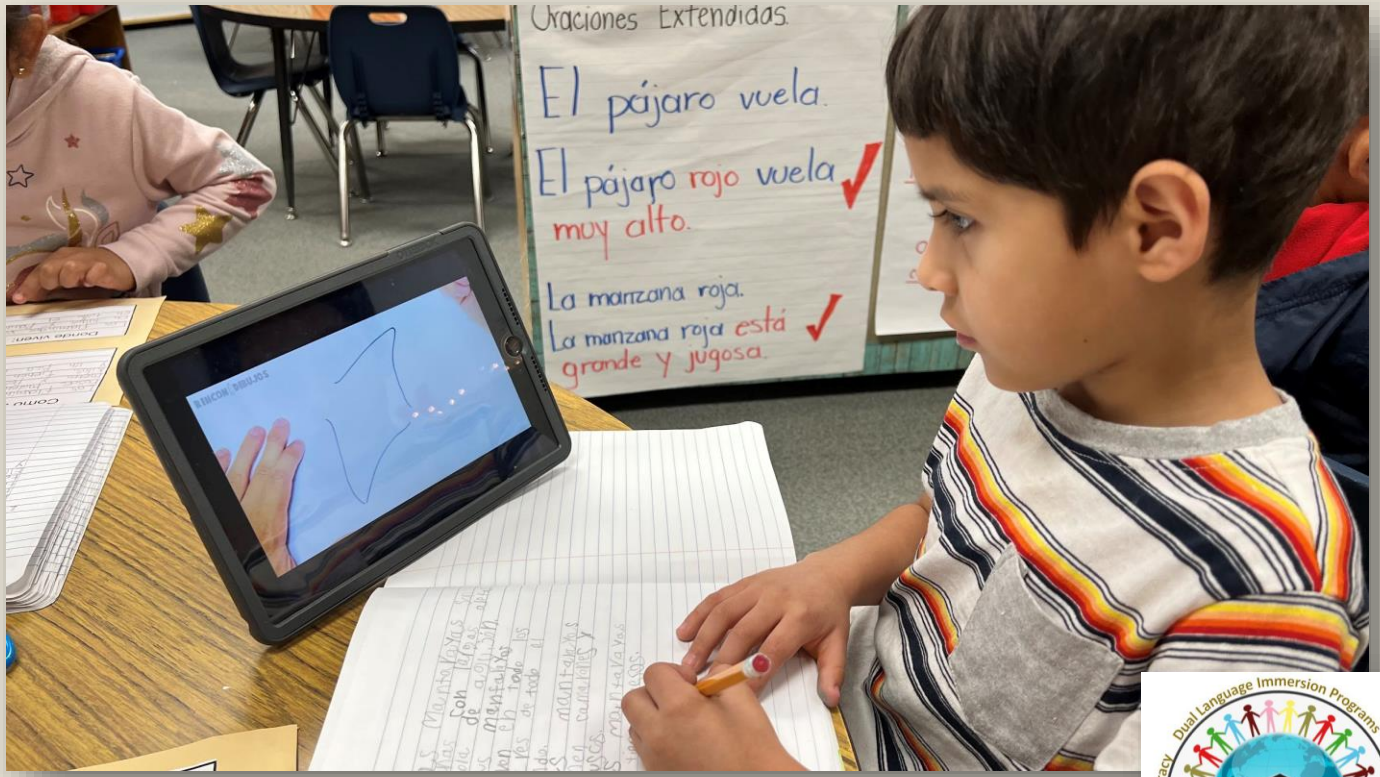
- Pictured from left to right:
- Yenny Vranich- All core-subjects (Kindergarten)-Dual Language Model Classroom Teacher
- Nelly Perez- Math and Science (Grades 4 and 5) and Multi-Classroom Lead Teacher (MCL)
- Cassandra Marin-Bilingual Student Intervention Teacher (SIT)
- Tiffany Chen Wu –Math and Science (Grades 2 and 3)
- Angelica Olvera –Language Arts and Social Studies (Grades 4 and 5)
- Victoria Nava-Cabrera – Language Arts and Social Studies, (Grades 2 and 3) Multi-Classroom Lead Teacher (MCL), and Dual Language Model Classroom Teacher

Bridging Across Languages:
Waco ISD Spanish Language Arts and Reading (SLAR) Scope and Sequence



CLUSTER 3			
2.11 Composition: listening, speaking, reading, writing, and thinking using multiple texts--writing process. The student uses the writing process recursively to compose multiple texts that are legible and uses appropriate conventions. The student is expected to: **2.11D** edit drafts using standard English conventions, including: 2.11D edit drafts using standard Spanish conventions, including: **2.11D.x** end punctuation, apostrophes in contractions, and commas with items in a series and in dates. 2.11D.x - punctuation marks at the end of declarative sentences and the beginning and end of exclamatory and interrogative sentences; and **2.11D.xi** correct spelling of words with grade-appropriate orthographic patterns and rules and high-frequency words. 2.11D.xi - correct spelling of words with grade-appropriate orthographic patterns and rules; and	1. Students need to know when to use apostrophes in contractions. 2. Students need to know how to form a contraction using apostrophes. 3. Students need to know what punctuation to use at the beginning and end of different types of sentences. 4. Students need to know that a sentence that expresses a strong emotion/feeling begins and ends with an exclamation point. 5. Students need to know that an interrogative sentence begins and ends with a question mark. 4. Students need to know where commas go with items in a series and in dates. 5. Students need to know how to identify words that do not "look right" and/or tricky/difficult words. 6. Students need to know how to apply knowledge of spelling patterns to correct misspelled words. 7. Students need to know what mentor text is and how to use it for editing. 8. Students need to know that while English has many contractions, Spanish only has two: *de*l and *a*l. 9. Students need to know that the contraction *de*l is used to demonstrate possession or the origin of an object or person. Example: Los pantalones *de*l niño son azules. 10. Students need to know *de*, is **not** combined with *e*l when the pronoun *é*l follows the preposition. Example: Los pantalones de *é*l son azules. 10. Students need to know that the contraction *a*l is used to describe the destination or direction a person or thing is heading towards. Example: Vamos *a*l parque.	1. Students will read, identify, and form contractions. 2. Students will edit for proper use of apostrophes in contractions. 3. Students will determine what kind of sentence is written and edit for correct beginning and ending punctuation. 4. Students will identify sentences with strong emotion/feeling and edit for correct beginning and ending punctuation. 5. Students will identify interrogative sentences and edit for correct beginning and ending punctuation. 6. Students will edit for correct placement of commas with items and a series and in dates. 7. Students will edit for correct spelling using spelling patterns and rules. 7. Students will edit for correct spelling of high-frequency words. 8. Students will use mentor text to imitate and support the writer's purpose. 8. Students will dentify de contractions *de*l and *a*l and edit for correct use in sentences. . 9. Students will edit for correct use of the contraction *de*l to demonstrate possession or the origin of an object or person. 10. Students will edit for correct use of the preposition *de*, when the pronoun él follows the preposition. 10. Students will edit for the correct use of *a*l in sentences when describing the destination or direction a person or thing is heading towards.	**MINILESSON TOPICS** Rereading like detectives Contractions **Lesson Resources** **Unit of Study: Lessons from the masters** Bend 1, Session 6 (pgs. 43-51) Rereading like detectives **HMH Arriba La Lectura: Taller de escritura** Modulo 1 (Narración personal), Lección 13 (GM pg. E14) Publicar una narración personal **Patterns of Power** Lesson 9.3 (pgs. 190-193) Contractions **Patterns of Power (Spanish Version)** Lección 11.3 (pgs. 204-207) Las contracciones *de*l y *a*l

A Glimpse into Ms. Vranich's Classroom: Kindergarten Dual Language Immersion Model Classroom



Bringing the Bringing the SLAR TEKS to Life: El Propósito del Autor (Author's Purpose)

CLUSTER 1			
K.8 Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to: **K.8D Recognize characteristics and structures of informational text, including: (CLUSTER Focus TEKS/Priority TEKS)** **K.8D.i the central idea and supporting evidence with adult assistance; (CLUSTER Focus TEKS/Priority TEKS)** **K.5 Comprehension skills: listening, speaking, reading, writing, and thinking using multiple texts. The student uses metacognitive skills to both develop and deepen comprehension of increasingly complex texts. The student is expected to:** **K.5A Establish purpose for reading assigned and self-selected texts with adult assistance.** **K.5C Make and confirm predictions using text features and structures with adult assistance.** **K.5E Make connections to personal experiences, ideas in other texts, ~~and society~~ with adult assistance.** **K.6 Response skills: listening, speaking, reading, writing, and thinking using multiple texts. The student responds to an increasingly challenging variety of sources that are read, heard, or viewed. The student is expected to:** **K.6B Provide an oral, pictorial, or written response to a text.** **K.8 Multiple genres: listening, speaking, reading, writing, and thinking using multiple texts--genres. The student recognizes and analyzes genre-specific characteristics, structures, and purposes within and across increasingly complex traditional, contemporary, classical, and diverse texts. The student is expected to:** **K.8F Recognize characteristics of multimodal and digital texts.** **K.9 Author's purpose and craft: listening, speaking, reading, writing, and thinking using multiple texts. The student uses critical inquiry to analyze the author's choices and how they influence and communicate meaning within a variety of texts. The student analyzes and applies the author's craft purposefully in order to develop his or her own products and performances. The student is expected to:** **K.9A Discuss with adult assistance the author's purpose for writing text. (Priority TEKS)**	1. Students need to identify different characteristics and structures in informational texts. 2. Students need to know how to create ideas, predictions, conclusions, and inferences about the author's purpose based on informational text. **Adult assistance may include:** Modeling how to determine the central idea based on text evidence Asking questions during read alouds or student reading such as: What is this text/book mainly about? What is the author trying to tell us about the topic? What details/evidence help us determine the central idea? How do the details/evidence support the central idea? Discussing the key details/text evidence that support the central idea Providing examples where the author explicitly states the central idea Assisting students in finding text evidence to support the central idea	1. Students will identify characteristics and structures of informational text and explain how they impact meaning, using text evidence. 2. Students will make predictions and explain the author's purpose based on the informational text, using text evidence. 3. Students will use text evidence to support ideas, conclusions, and inferences about the author's purpose in informational text.	**MINILESSON TOPICS** **Informational texts** **Topic and central idea** **Nonfiction books are alike in some ways** **The definition of nonfiction is what is always true about nonfiction** **The author tells about things that are real in nonfiction books** **Writers tell true facts in nonfiction books** **Nonfiction writers tell information about a topic** **The author gives a message in a nonfiction book** **Author's purpose** **Lesson Resources / Recursos de la lección** **HMH Reading / Arriba la lectura** **Module 1, Lesson 16, (TG pages 208-209)** **Informational texts and developing listening comprehension** **Tomo 1, Módulo 1, Lección 16 (T págs. 208 - 209)** **Textos informativos y desarrollar la comprensión auditiva** **Cuento: Escuelas alrededor del mundo** **PagiNotas: 1.4a Escuelas alrededor del mundo** **Module 1, central ide** **Tomo 1, M** **Tema e ide** **Cuento: E** **Hoja de tr** **alrededor** **Module 2,** **Tomo 1, M** **principal** **Cuento: N** **HMH Teac** **or online i** **lectura Lib** **encuentra** **pestaña d**

Anchor chart: Central idea and key details
Cartel didáctico: Idea principal y detalles clave

Graphic organizers: Central idea and details
Organizador gráfico: Idea central y detalles

HMH Teacher Resource Book (alphabetically listed or online in the HMH anchor chart tab) / Arriba la lectura Libro de Recursos del maestro (se encuentra en orden alfabético o en línea en la pestaña del Cartel didáctico)

Anchor chart: Informational texts
Cartel didáctico: Téxtos informativos

Anchor chart: Author's purpose
Cartel didáctico: Propósito del autor

Ms. Yenny Vranich
Bringing the SLAR TEKS to Life: El Propósito del Autor

"Language is a city to the building of which every human being brought a stone."

Ralph Waldo Emerson

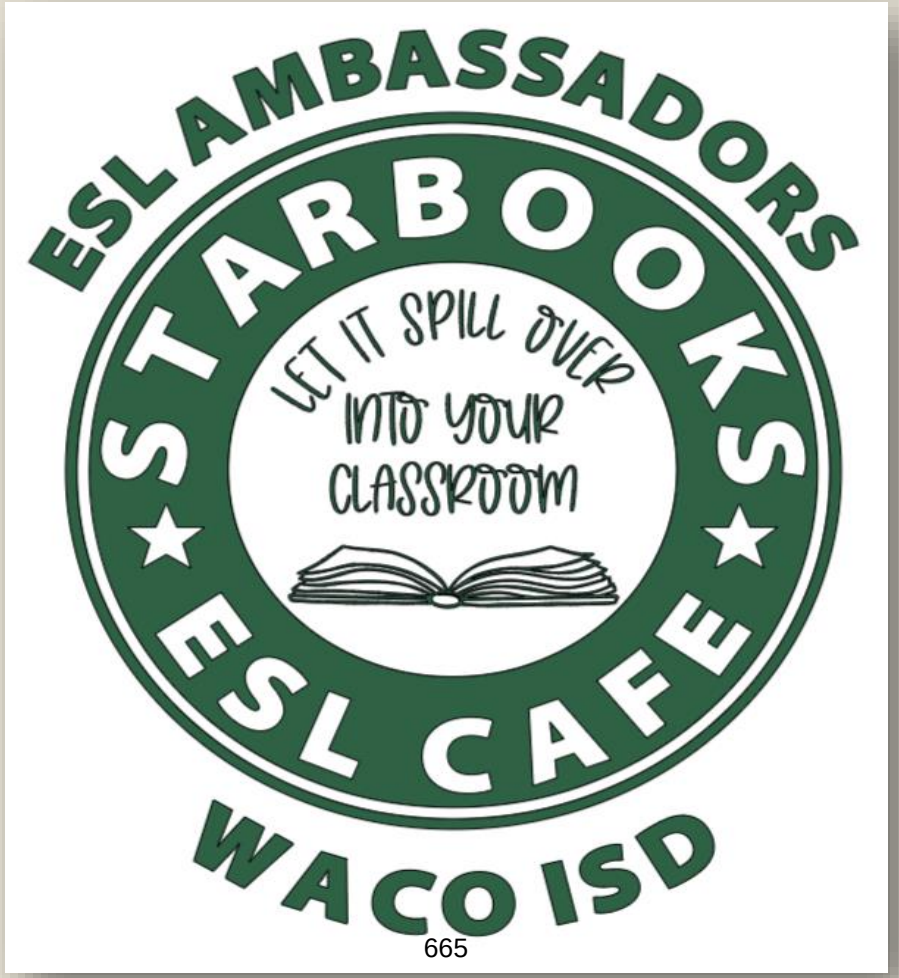
Instructional Design: Methods and Resources

- Culturally & Linguistically Sustaining Practices
- Content-Based Instruction
- Authentic Biliteracy Instruction
- Resources
- Sheltered Methods: Communicated
- Sheltered Methods: Sequenced
- Sheltered Methods: Scaffolded

664

Pictured above: Teachers and students from Dean Highland

English as a Second Language (ESL) Programs



Waco ISD ESL Cafe

ESL Cafe Port of Call: Ireland

Topic of Focus:

Strategies to get Students Talking: Would You Rather, Picture and Sequence Cards

ESL Cafe Port of Call: France

Topic of Focus: *Chat Mats: Incorporating Writing and Speaking Stems into Instruction*

ESL AMBASSADORS
STARBOOKS
LET IT SPILL OVER INTO YOUR CLASSROOM
ESL CAFE
WACO ISD

Building Unity and Equity through Strength-Based Program Design

The Busy Street

I'm holding Mimi's hand very tight, again
as tight as I held it
When we crossed the river to come here.
I was so afraid.
Mimi and I had to cross first.
while my mamá and my papá waited
on dry, Mexican sand.
Mamá stands under the stoplight
making us go first again.
She is pushing the air toward school with one hand.
She is telling us to go fast
-fast across a busy street.
At least we crossed the river only once.
We have to cross this street every day.

Jane Medina, *My Name is Jorge on Both Sides of the River*

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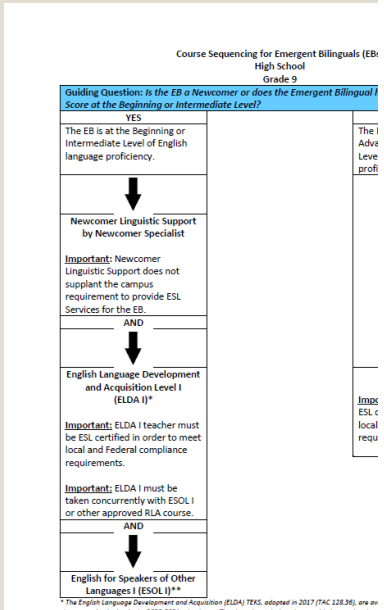
Course Sequencing for Success



Course Sequencing for Emergent Bilingual
High School
Grade 10

Guiding Question: *Is the EB a Newcomer or does the Emergent Bil*
Score at the Beginning or Intermediate Level?

YES

The EB is at the Beginning or Intermediate Level of English language proficiency.

↓

Newcomer Linguistic Support by Newcomer Specialist

Important: Newcomer Linguistic Support does not supplant the campus requirement to provide ESL Services for the EB.

AND

↓

English Language Development and Acquisition Level I or II (ELDA I or ELDA II)*[1-3]

Important: ELDA I or ELDA II teacher must be ESL certified in order to meet local and Federal compliance requirements.

AND

↓

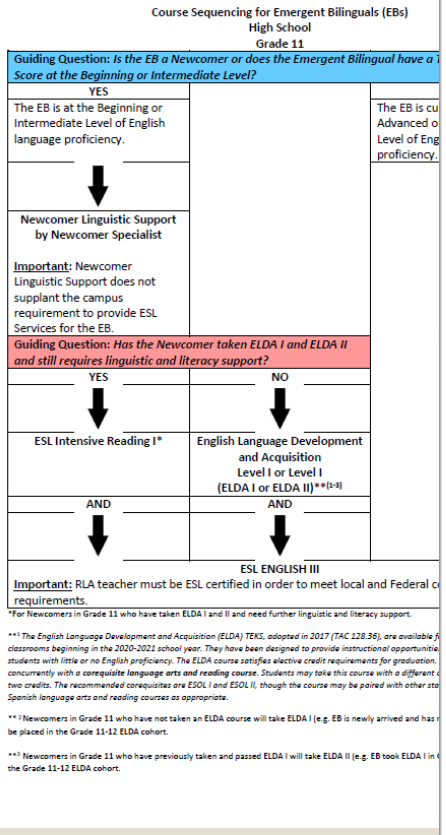
****English for Speakers of Other Languages II (ESOL II)**

[1] The English Language Development and Acquisition (ELDA) TEKS, adopted in 2017 (TAC 128.
classrooms beginning in the 2020-2021 school year. They have been designed to provide instru
students with little or no English proficiency. The ELDA course satisfies elective credit requirem
*concurrently with a **corequisite language arts and reading course**. Students may take this cou*
two credits. The recommended corequisites are ESOL I and ESOL II, though the course may be p
Spanish language arts and reading courses as appropriate.

[2] Newcomers in Grade 10 who have not taken an ELDA course will take ELDA I (e.g. EB is new
placed in the Grade 9-10 ELDA I and II cohort.

[3] Newcomers in Grade 10 who have previously taken and passed ELDA I will take ELDA II (e.g.
the Grade 9-10 ELDA I and II cohort.

** EBs in ESOL I in Grade 9 are automatically enrolled in the ESOL II course upon promotion to



Course Sequencing for Emergent Bilinguals (EBs)
High School
Grade 11

Guiding Question: *Is the EB a Newcomer or does the Emergent Bilingual have a T*
Score at the Beginning or Intermediate Level?

YES

The EB is at the Beginning or Intermediate Level of English language proficiency.

↓

Newcomer Linguistic Support by Newcomer Specialist

Important: Newcomer Linguistic Support does not supplant the campus requirement to provide ESL Services for the EB.

Guiding Question: *Has the Newcomer taken ELDA I and ELDA II and still requires linguistic and literacy support?*

YES

↓

ESL Intensive Reading I*

AND

↓

NO

↓

English Language Development and Acquisition Level I or Level I (ELDA I or ELDA II)[1-3]**

AND

↓

ESL ENGLISH III

Important: RLA teacher must be ESL certified in order to meet local and Federal c
requirements.

*For Newcomers in Grade 11 who have taken ELDA I and II and need further linguistic and literacy support.

**[1] *The English Language Development and Acquisition (ELDA) TEKS, adopted in 2017 (TAC 128.36), are available f*
classrooms beginning in the 2020-2021 school year. They have been designed to provide instructional opportunitie
students with little or no English proficiency. The ELDA course satisfies elective credit requirements for graduation.
*concurrently with a **corequisite language arts and reading course**. Students may take this course with a different*
two credits. The recommended corequisites are ESOL I and ESOL II, though the course may be paired with other sta
Spanish language arts and reading courses as appropriate.

**[2] Newcomers in Grade 11 who have not taken an ELDA course will take ELDA I (e.g. EB is newly arrived and has
be placed in the Grade 11-12 ELDA cohort.

**[3] Newcomers in Grade 11 who have previously taken and passed ELDA I will take ELDA II (e.g. EB took ELDA I in
the Grade 11-12 ELDA cohort.

Course Sequencing for Emergent Bilinguals (EBs)
High School
Grade 12

Guiding Question: *Is the EB a Newcomer or does the Emergent Bilingual have a TELPAS Composite Score at the Beginning or Intermediate Level?*

YES

The EB is at the Beginning or Intermediate Level of English language proficiency.

↓

Newcomer Linguistic Support by Newcomer Specialist

Important: Newcomer Linguistic Support does not supplant the campus requirement to provide ESL Services for the EB.

NO

The EB is currently at the Advanced or Advanced High Level of English language proficiency.

↓

Guiding Question: *Has the Newcomer taken ELDA I and ELDA II and still requires linguistic and literacy support?*

YES

↓

ESL Intensive Reading II*

AND

↓

NO

↓

English Language Development and Acquisition Level I or Level I (ELDA I or ELDA II)[1-3]**

AND

↓

ESL ENGLISH IV

Important: RLA teacher must be ESL certified in order to meet local and Federal compliance requirements.

*Newcomers in Grade 12 who have taken ELDA I and II and need further linguistic and literacy support.

[1] *The English Language Development and Acquisition (ELDA) TEKS, adopted in 2017 (TAC 128.36), are available for implementation in classrooms beginning in the 2020-2021 school year. They have been designed to provide instructional opportunities for recent immigrant students with little or no English proficiency. The ELDA course satisfies elective credit requirements for graduation. The course must be taken concurrently with a **corequisite language arts and reading course. Students may take this course with a different corequisite for a maximum two credits. The recommended corequisites are ESOL I and ESOL II, though the course may be paired with other state-approved English or Spanish language arts and reading courses as appropriate.*

**[2] Newcomers in Grade 12 who have not taken an ELDA course will take ELDA I (e.g. EB is newly arrived and has not taken ELDA I yet). EB wi be placed in the Grade 11-12 ELDA I and II cohort.

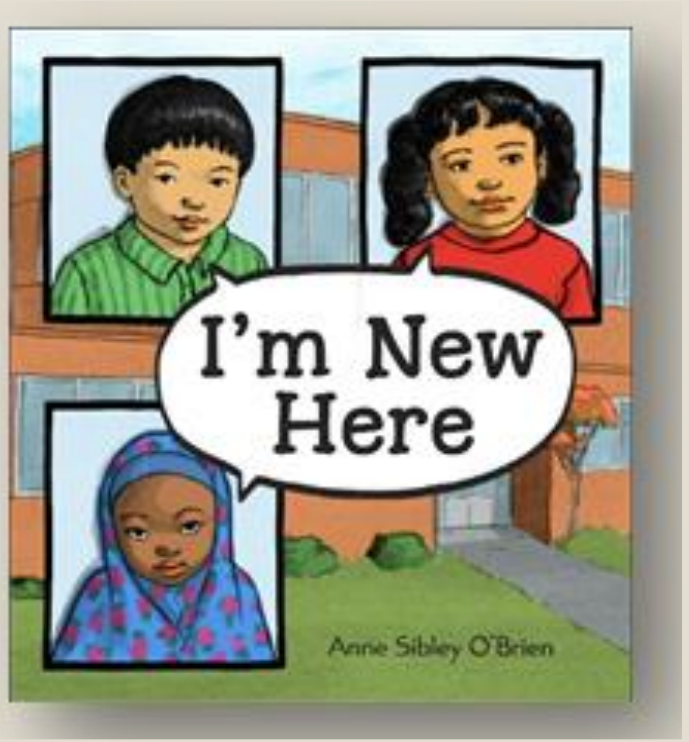
**[3] Newcomers in Grade 12 who have previously taken and passed ELDA I will take ELDA II (e.g. EB took ELDA I in Grade 11 as a recent arrival EB will be placed in the Grade 11-12 ELDA I and II cohort.

Capitalizing on the Many Gifts that Newcomers Bring

English Language Acquisition Scope and Sequence for Newcomers

- **For students who are Newcomers and/or Emergent Bilinguals at the Beginning level of English language acquisition:**
  - Newcomers Grades 3-12
  - ELLA (small group linguistic and foundational literacy support)
  - ELDA (whole group and/or small group)
  - Linguistic and foundational literacy elements of instruction
  - 17 units with accompanying instructional resources and activities

- **Layout of the Scope and Sequence Overview:**
  - Philosophy of the Curriculum
  - Learning a Second Language: Linguistics and Second Language Acquisition Primer
  - How to Create a Welcoming Environment
  - Recommendations for Teachers of Newcomers
  - Important Legislation Regarding Immigrant Students/Newcomers
  - Syllabus
  - Instructional Materials:
    - Units of Study
    - Ancillary Materials for Units of Study (Appendices A-E)



Unit Overview with Literacy Component

ELLA/ELDA/Newcomers
Suggested Timeline: 2-3 weeks
Dates: January 24-February 10

Unit Ten
All About Emotional and Physical Health

TEKS/ ELPS	Instructional Objectives	Assessment	Topics Addressed in this Unit	Vocabulary	Technology/Educational Software	Instructional Activities
TEKS 1D, 1E, 1G, 1I, 1J, 1K, 1L, 2B, 2C, 2D, 2F, 3B, 3D, 4A, 6A, 6B, 6C, 6E **ELPS** c1A, c1B, c1C, c1D, c1E, c1F, c1H, c2B, c2D, c2E, c2H, c2I, c3C, c3D, c3E, c3G, c4D, c4E, c4F, c4G, c4H, c4I, c4J, c4K, c5B, c5C, c5F, c5G	Students will learn the words for different character traits. Students will learn the words for different emotions people have. Students will build high-frequency words related to expressing emotions. Students will learn words related to physical health and fitness.	Discussion Oral Reading Homework Test/Quizzes Projects	• How we act • How we feel • Talking about and expressing emotions • Fitness and exercise	*kind, generous, selfish, strict, mean, serious, funny, friendly, quiet, shy, act, looks, frowning, seem, smiling, laughing, so, shares, think, joke, upset, nervous, happy, sad, embarrassed, excited, bored, lonely, angry, confused, been, why, because, feelings, be, but, mind, don't, wrong, mood, bothering, counselor, express, letter, care, argue, agree, fight, make up, apologize, messages, sorry, about, alone, with, yourselves, himself, herself, themselves, ourselves, fitness, athlete, team, physical, muscles, helmet, pads, active, flexible, stretch, daily, body, practice, work out, warm up, weights, exercise, jog, in shape, fit*	• Access Newcomers • IPad/Computer • Imagine Language and Literacy • Please refer to *Appendix 10A* for the activities and resources that go along with this unit. Microsoft Word -picture prompt (Powerful images from the New York Times)	Class discussions Partner activities Cooperative learning Writing Grammar lessons Reading: • "A Soccer Misunderstanding" • "I Don't Understand"

Foundational Literacy Skills:
"A Soccer Misunderstanding" **(Pair with, Talk About It)**
Story Grammar/Elements of Fiction

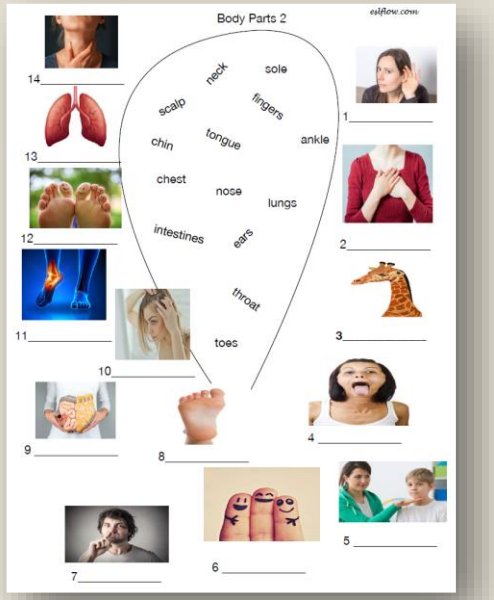
"I Don't Understand" **(Pair with, How We Feel)**
Inferences, Vocabulary, Problem/Solution, Story Grammar, Elements of Fiction

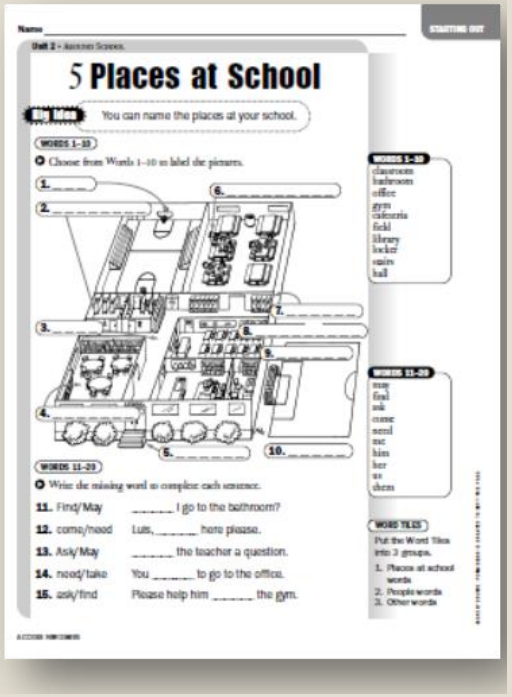
Unit Breakdown with Language Objective

Essential Question addressed in this Unit	What critical vocabulary is necessary to discuss one's actions, feelings and express our emotions?		
Words	**Big Idea**	**Essential Vocabulary**	**Develop Language/Language Objective**
How We Act	Friends have different character traits. **Newcomers:** Pages 92-93	*kind, generous, selfish, strict, mean, serious, funny, friendly, quiet, shy, act, looks, frowning, seem, smiling, laughing, so, shares, think, joke*	Students will learn the words for different character traits. • Understand when and how to use *is*, *isn't*, *are*, and *aren't*.
How We Feel	People have different emotions. **Newcomers:** Pages: 94-95	*upset, nervous, happy, sad, embarrassed, excited, bored, lonely, angry, confused, been, why, because, feelings, be, but, mind, don't, wrong, mood*	Students will learn the words for different emotions people have. • Understand how to use adjectives when talking about people and things.
Talk About It	You can express your emotions. **Newcomers:** Pages: 96-97	*bothering, counselor, express, letter, care, argue, agree, fight, make up, apologize, messages, sorry, about, alone, with, yourselves, himself, herself, themselves, ourselves*	Students will build high-frequency words related to expressing emotions. • Practice using reflexive pronouns • Recognize when to use *a* and *an*
Fitness and Exercise	You can stay in shape by exercising regularly. **Newcomers:** Pages: 132-133	*fitness, athlete, team, physical, muscles, helmet, pads, active, flexible, stretch, daily, body, practice, work out, warm up, weights, exercise, jog, in shape, fit*	Students will learn words related to physical health and fitness. • Choose synonyms • Learn to form and use the present continuous verb tense.

Units of Study

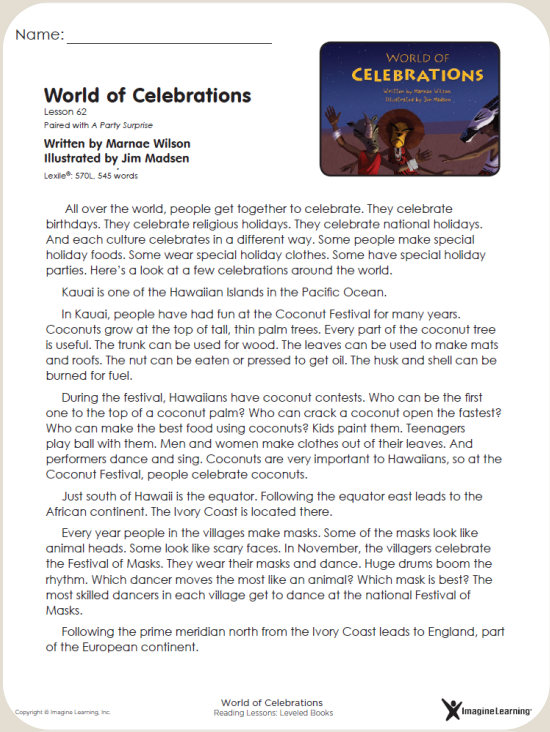
- **Unit One**
  - The Basics-Part I
  - The Basics-Part II
  - The Basics-Part III
  - The Basics-Part IV
- **Unit Two**
  - My Classmates
- **Unit Three**
  - All About Me, My culture, and Where I Come From
- **Unit Four**
  - All About School
- **Unit Five**
  - Basics of English Grammar





Units of Study

- **Unit Six**
  - The Calendar, Holidays, and Time
- **Unit Seven**
  - Helpful Learning Resources: Part 1
  - Helpful Learning Resources: Part II
- **Unit Eight**
  - All About Family
- **Unit Nine**
  - All About Home
- **Unit Ten**
  - All About Emotional Health
- **Unit Eleven**
  - Getting Around/Places Around Met



Name: _____

World of Celebrations

Lesson 62

Paired with *A Party Surprise*

Written by Marnae Wilson
Illustrated by Jim Madsen

Lexile®: 570L, 545 words

All over the world, people get together to celebrate. They celebrate birthdays. They celebrate religious holidays. They celebrate national holidays. And each culture celebrates in a different way. Some people make special holiday foods. Some wear special holiday clothes. Some have special holiday parties. Here's a look at a few celebrations around the world.

Kauai is one of the Hawaiian Islands in the Pacific Ocean.

In Kauai, people have had fun at the Coconut Festival for many years. Coconuts grow at the top of tall, thin palm trees. Every part of the coconut tree is useful. The trunk can be used for wood. The leaves can be used to make mats and roofs. The nut can be eaten or pressed to get oil. The husk and shell can be burned for fuel.

During the festival, Hawaiians have coconut contests. Who can be the first one to the top of a coconut palm? Who can crack a coconut open the fastest? Who can make the best food using coconuts? Kids paint them. Teenagers play ball with them. Men and women make clothes out of their leaves. And performers dance and sing. Coconuts are very important to Hawaiians, so at the Coconut Festival, people celebrate coconuts.

Just south of Hawaii is the equator. Following the equator east leads to the African continent. The Ivory Coast is located there.

Every year people in the villages make masks. Some of the masks look like animal heads. Some look like scary faces. In November, the villagers celebrate the Festival of Masks. They wear their masks and dance. Huge drums boom the rhythm. Which dancer moves the most like an animal? Which mask is best? The most skilled dancers in each village get to dance at the national Festival of Masks.

Following the prime meridian north from the Ivory Coast leads to England, part of the European continent.

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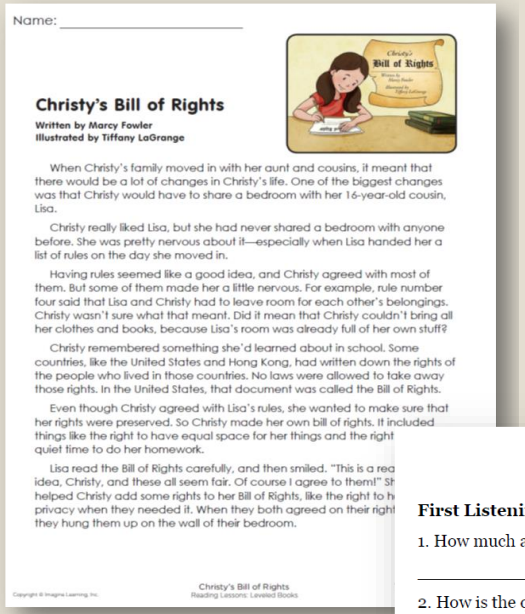
Units of Study

- **Unit Twelve**
  - Let's Go Shopping: Part 1
  - Let's Go Shopping: Part 2
- **Unit Thirteen**
  - The Weather
- **Unit Fourteen**
- Going to the Doctor and Getting Help During an Emergency
- **Unit Fifteen**
  - Idioms in the English Language
- **Unit Sixteen**
  - Singular and Plural Nouns
- **Unit Seventeen**
  - All About America and Being American



Name: _____

Christy's Bill of Rights

Written by Marcy Fowler
Illustrated by Tiffany LaGrange

When Christy's family moved in with her aunt and cousins, it meant that there would be a lot of changes in Christy's life. One of the biggest changes was that Christy would have to share a bedroom with her 16-year-old cousin, Lisa.

Christy really liked Lisa, but she had never shared a bedroom with anyone before. She was pretty nervous about it—especially when Lisa handed her a list of rules on the day she moved in.

Having rules seemed like a good idea, and Christy agreed with most of them. But some of them made her a little nervous. For example, rule number four said that Lisa and Christy had to leave room for each other's belongings. Christy wasn't sure what that meant. Did it mean that Christy couldn't bring all her clothes and books, because Lisa's room was already full of her own stuff?

Christy remembered something she'd learned about in school. Some countries, like the United States and Hong Kong, had written down the rights of the people who lived in those countries. No laws were allowed to take away those rights. In the United States, that document was called the Bill of Rights.

Even though Christy agreed with Lisa's rules, she wanted to make sure that her rights were preserved. So Christy made her own bill of rights. It included things like the right to have equal space for her things and the right quiet time to do her homework.

Lisa read the Bill of Rights carefully, and then smiled. "This is a rea idea, Christy, and these all seem fair. Of course I agree to them!" Sh helped Christy add some rights to her Bill of Rights, like the right to h privacy when they needed it. When they both agreed on their right they hung them up on the wall of their bedroom.

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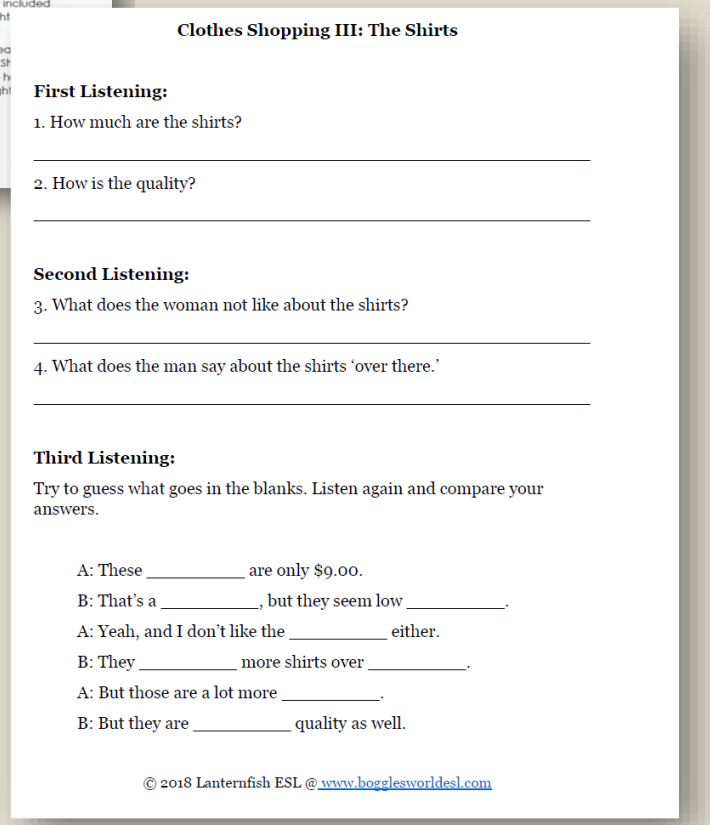

Clothes Shopping III: The Shirts

First Listening:

1. How much are the shirts?

_____

2. How is the quality?

_____

Second Listening:

3. What does the woman not like about the shirts?

_____

4. What does the man say about the shirts 'over there.'

_____

Third Listening:

Try to guess what goes in the blanks. Listen again and compare your answers.

A: These _____ are only $9.00.
B: That's a _____, but they seem low _____.
A: Yeah, and I don't like the _____ either.
B: They _____ more shirts over _____.
A: But those are a lot more _____.
B: But they are _____ quality as well.

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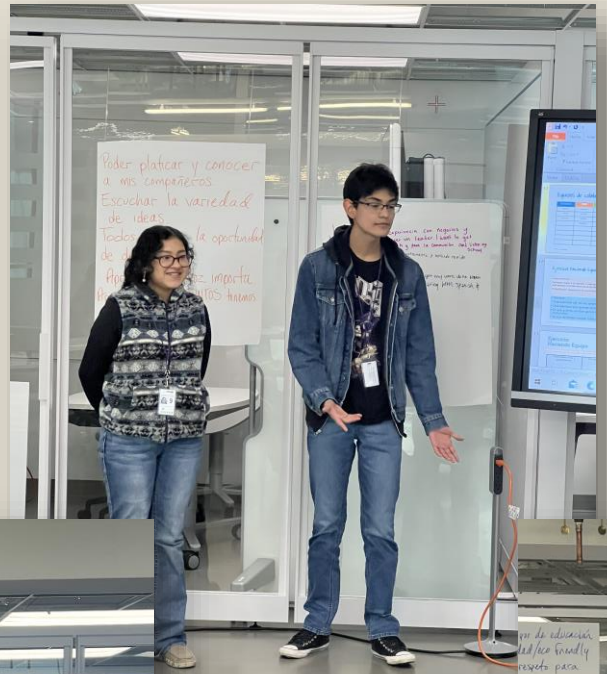
Design Thinking Workshop in Spanish

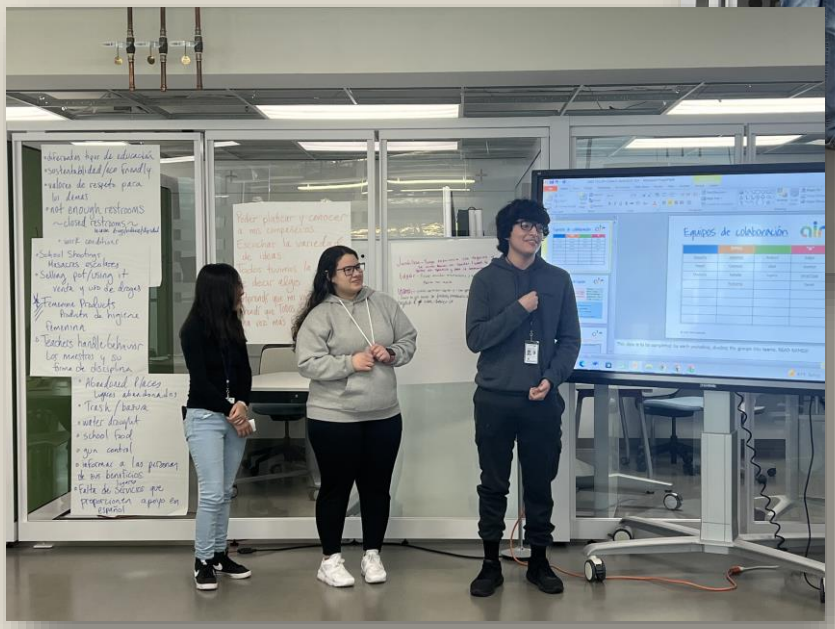
Inaugural Cohort:

2022-2023

Day I: There is a Leader that Lies Quietly Inside of Me

Day 2: Designing with Empathy: Now It's the Students' Turn...





Day 3: Can You Tell Who the Newcomer and Dual Identified Students Are?

The Importance of Programming for Equity

Day 3: The Judges

Waco Immigrant Resource Fair

Pictured above from left to right: Rebecca Rivera, Julie Pena, Grace Benson, Arid Enriquez, and Cathleen Rooney.

Mentoring to Inspire:
Building a Ceiling with No Limits

Building a Ceiling with No Limits

Baylor Tour-May 15, 2023

The Baylor tour was provided in Spanish so that our newcomers could fully participate. Students learned all about Baylor, academic programs, the application process, and financial aid resources. All students also received a complimentary lunch and a Baylor T-Shirt.

Why is All of This So Important?
Waco ISD's Dropout Rate

An essential goal of the English Learners Department is to reduce the drop-out rate of Emergent Bilingual students. As a department we have put into place systems to specifically address our most at-risk secondary Emergent Bilingual students. We rejoice when we see Emergent Bilingual students walk across the stage and obtain their high school diploma despite facing significant barriers each day as they acquire a second language.

- 2017-2018: 8.1%
- 2018-2019: 5.7%
- 2019-2020: 2.5%
- 2020-2021: 3.1%

Source: Texas Academic Performance Report (TAPR)

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My English is not Broken

"My English is not broken.
I did not drop it carelessly,
watch it shatter into fragments of speech-
splintered words so fragile
that not even the broom
could locate the shards.
My English is soft clay.
With hard work, I am shaping it.
I am using it to create something new,
a vessel in which to carry my dreams."

Christina Ensling

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: July 27, 2023 **Contact Person**: **Elizabeth Cox & Chief David Williams**

RE: Review and Discuss House Bill 3 Implications

==========

Background Information:

House Bill 3 has been passed by the 88th Texas Legislature to address school safety. The bill includes the requirement that districts have at least one armed security officer per campus.

This agenda item is intended to provide the board with an update and opportunity to discuss implications for the district and the Waco ISD Police Department.

Fiscal Implications:
None

Administration Recommendations:
None

Review and Discuss House Bill 3 Implications

July 27, 2023

House Bill 3 Requirements

- Education Service Centers must act as a school safety resource
- Requires employees who regularly interact with students to complete an evidence-based mental health training program
- Requires mental health training for personnel who work directly with students

House Bill 3 Requirements

- Requires at least one armed security officer to be present during regular school hours at each district campus

  A security officer must be:

  - A school district peace officer;
  - A school resource officer (SR0); or
  - A commissioned peace officer employed as security

WACO INDEPENDENT SCHOOL DISTRICT

House Bill 3 Funding

$15,000 per campus allotment:	$375,000
*Does not include GWAMA & GWAHCA	
$0.28 increase in School Safety Allotment:	$2,777
Total new funding:	$377,777
2022-2023 Safety Allotment total:	$115,386.12

WACO INDEPENDENT SCHOOL DISTRICT

Current Waco ISD Police Staffing

- 14 SRO positions assigned to facilities, patrol and K9 officer
- 3 command officers
- 13 security guards
- 2 TCOLE certified telecommunicators for dispatch & response

32 positions

$1,591,913 in salaries and benefits

WACO INDEPENDENT SCHOOL DISTRICT

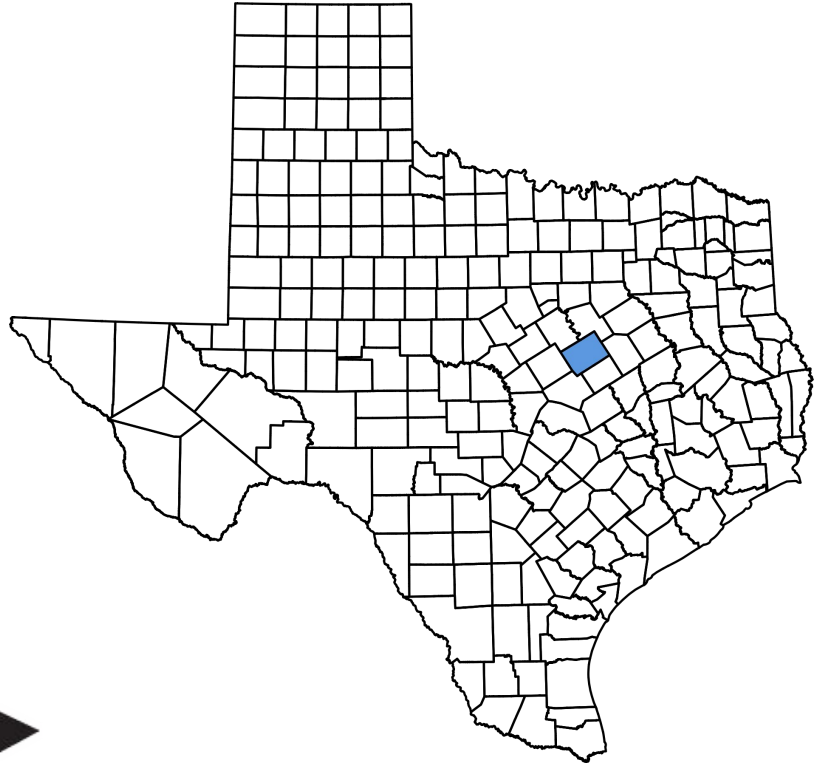
Additional Funding Needed

- 12 additional SRO positions needed
- Average salary and benefit costs for 1 SRO: $62,937.83
- $10,000+ to equip each new SRO: $120,000+
- New state funding: $377,777
- Total additional funds to meet state requirements: $497,477

WACO INDEPENDENT SCHOOL DISTRICT

McLennan County School Campuses

- 18 School Districts
- 100 Total School Campuses*



*Data provided by ESC Region 12, includes public Charter School campuses subject to 37.0814

695

WISD

WACO INDEPENDENT SCHOOL DISTRICT

McLennan County
Law Enforcement Vacancies

- 522 TCOLE Certified Positions*
- 35 Vacancies (20 with City of Waco PD)*

*Data provided by municipal police departments in the 7 most populated cities in McLennan County & the Sheriff's Department

WISD
WACO INDEPENDENT SCHOOL DISTRICT

House Bill 3 Provided Exception

Good cause exception due to lack of:

- Funding; or
- Personnel who qualify to serve as a an armed officer

A district that claims an exemption must develop an alternative standard.

WACO INDEPENDENT SCHOOL DISTRICT

Alternative Standard

An alternative standard may include providing a person to act as a security officer who is:

- A school marshal; or
- A school school district employee or a person with whom the district contracts who:
    - Has completed school safety training provided by a qualified handgun instructor; and
    - Carries a handgun on school premises in accordance with written regulations or written authorization of the district.

WACO INDEPENDENT SCHOOL DISTRICT

Next Steps for Meeting State Requirements

- Enhanced recruiting efforts for School Resource Officers
- Ongoing conversations with local law enforcement agencies & Texas ISD Police Chiefs Association
- Long-term opportunities for CTE pathway with partners

Questions?
POLICE
WACO
WPD
700
WISD
WACO INDEPENDENT SCHOOL DISTRICT