WACO INDEPENDENT SCHOOL DISTRICT
REGULAR MEETING

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

Thursday, October 24, 2024 - 6:00 PM

A Regular Meeting of the Board of Trustees of Waco Independent School District will be held October 24, 2024, 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. Advanced Placement Scholar Award Recognition
   - 4.C. College Board National Recognition Awards
   - 4.D. Community Partner Award
5. **Superintendent's Report**
   - 5.A. Campus/Department Visits
   - 5.B. Waco High School Homecoming
   - 5.C. Waco High School v University High School Football Game
   - 5.D. Brook Avenue Elementary Food Distribution
   - 5.E. Thanksgiving Family Meals
   - 5.F. PEIMS Snapshot Data
6. **Public Hearing on the 2024 Annual Financial Integrity Rating System of Texas and Report (School FIRST)**
   Presenter: Sheryl Davis
7. **Information Items/Reports**
   - 7.A. Monthly and Quarterly Financial Reports for the Period Ended August 31, 2024
   - 7.B. Monthly Financial Report for the Period Ended September 30, 2024
   - 7.C. Report on 2024 Delinquent Tax Collections
8. **Consent Agenda: Consider and Take Appropriate Action**
   - 8.A. Amendments to the 2024-2025 Budget

8.B. Bid Award for Educational Consulting, Professional Development, and Other Student-Based Contracted Services
8.C. Bid Award for Local Retailers' General Merchandise
8.D. Bid Award for Maintenance Supplies, Equipment, and Services
8.E. Bid Award for Restaurant and Catering Services
8.F. Bid Award for Temporary Labor Services
8.G. Bid Award for Waco High School Furniture Package
8.H. Purchases in Excess of $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
8.I. Independent Sources of Investment Officer Training
8.J. List of Qualified Brokers Authorized to Engage in Investment Transactions with the District and Local Banks for the Purchase of Certificates of Deposit
8.K. Investment Policy and Strategies as Codified Under Policy CDA (LOCAL) - Other Revenues: Investments
8.L. School Health Advisory Council (SHAC) Members
8.M. Mutual Aid Agreement with the City of Waco
8.N. Resolution to Cast Votes in the McLennan County Appraisal District Board of Directors Election
8.O. Class Size Waiver
8.P. Second Reading of Board Policy DFE (LOCAL)
8.Q. Second Reading of Board Policy FFAC (LOCAL)
8.R. Second Reading of Board Policy Update 123
8.S. Administrator Contract Approval for 2024-2025
8.T. T-TESS Appraisers for 2024-2025 School Year
8.U. Board of Trustees Meeting Minutes
8.U.1. Special Meeting - September 12, 2024
8.U.2. Regular Meeting - September 19, 2024
8.U.3. Special Meeting - October 3, 2024
8.U.4. Special Meeting - October 4, 2024

9. **Review, Discuss, and Take Appropriate Action on the Required Annual Review of College, Career and Military Readiness (CCMR) Board-Adopted Goals**
Presenter: Dr. Deena Cornblum
10. **Review, Discuss, and Take Appropriate Action on the Required Annual Review of Early Childhood Literacy and Mathematics Board-Adopted Goals**
Presenter: Dr. Deena Cornblum and Karmen Logan
11. **Announcements**
12. **Consideration of Personnel**
12.A. Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
12.B. Hear a Complaint or Charge Against an Officer or Employee
13. **Adjournment**

Waco Independent School District

Board of Trustees Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Wendy Sledd

RE: Special Recognitions

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Background Information:

Pledge Leaders

Pledge Leaders are Marcelina Ramos and Dominique Jones both of Hillcrest Elementary School.

Advanced Placement Scholars

Thirty-three Waco ISD high school students were named Advanced Placement Scholars by the College Board this year in recognition of high achievement on college-level Advanced Placement exams.

Nine WISD students earned the AP Scholar with Distinction award for earning an average score of at least 3.5 on all AP exams taken and scores of 3 or higher on five or more of these exams.

Kevin A. Gutierrez	University High
Andres V. Luevano	University High
Lydia B. Allen	Waco High
Annabeth N. Carlson	Waco High
Samuel M. Everett	Waco High
Daniel W. Garner	Waco High
Anna G. Hogue	Waco High
Alexis Hookham	Waco High
Caroline C. Rice	Waco High

Six WISD students earned the AP Scholar with Honors awarded for earning an average score of at least 3.25 on all AP exams taken and scoring 3 or higher on four or more of these exams.

Osmar D. Cazares Guillen	University High
Ayanna N. Flores	University High
Christian Velazquez	University High
Jonathan Leija Marin	Waco High
Daniella Mercado	Waco High
Denny A. Rivera-Espinoza	Waco High

Eighteen WISD students earned the AP Scholar award for scoring 3 or higher on three or more AP exams.

Daisy Barco	University High
Jovanni Contreras	University High

Oscar D. Estrada Jr.	University High
Daneida M. Hernandez	University High
Jautyrael Kendricks	University High
Stiven Uceda	University High
Yessenia Antonio	Waco High
Willow C. Cunningham	Waco High
Andrew C. Eggers	Waco High
Hudson K. Harp	Waco High
Lily E. Howell	Waco High
Finley E. McCallie	Waco High
Ivy G. Moore	Waco High
Claire E. Prather	Waco High
Isaiah A. Pullen	Waco High
Kohen E. Scott	Waco High
Fletcher T. Woodward	Waco High
Athan M. Zimmerman	Waco High

National College Board Recognition Scholars

Forty-five Waco ISD students earned College Board national awards in the categories of the National African American Recognition Program, National Hispanic Recognition Program, National Indigenous Recognition Program, and First-Generation College Program for their scores on the PSAT.

The following WISD students earned College Board National Hispanic Recognition.

Waco High School
Jeremiah DeLaRosa
Isabella Ganske
Andrew Gonzalez (also under First Generation)
Eli Guillen (also under First Generation)
Brittany Leija (also under African American)
Jonathan Leija Marin (also under First Generation)
Oscar Loredo (also under First Generation)
Daniella Mercado (also under First Generation)
Abigail Ochoa
Karyme Reyes (also under First Generation)
Denny Rivera-Espinoza (also under First Generation)
Isaiah Tavera
Manuel Valadez
Camila Vega (also under First Generation)
August Zimmerman

University High School
Natalie Alvarez-Alvarado (also under First Generation)
Jonathon Bautista (also under First Generation)
Osmar Cazares Guillen (also under First Generation)
Jovanni Contreras (also under First Generation)
Angel DeLaCruz (also under First Generation)
Ian Flores (also under First Generation)
Ayanna Flores (also under First Generation)
Jayden Lopez
Cristian Martinez (also under First Generation)

Elicia Ochoa (also under First Generation)
Mark Ochoa (also under First Generation)
Luciano Perez
Joseph Ramos (also under First Generation)
Cassandra Saucedo (also under First Generation)
Cesar Tenorio (also under First Generation)
Christian Velazquez (also under First Generation and Rural)
Thomas Vidaña (also under First Generation)
Ashley Zuniga (also under First Generation)
Luke Courtney

The following WISD students earned College Board National African American Recognition.

Waco High School
Brittany Leija (also under Hispanic)
Isaiah Pullen (also under First Generation)

University High School
Micah Hatten
Justin Neal (also under First Generation)
Derrick Thomas

The following WISD student earned College Board National Indigenous Recognition.

Waco High School
Joshua Nelson

The following WISD students earned College Board National First-Generation Recognition.

Waco High School
Yessenia Antonia
Andrew Gonzalez (also under Hispanic)
Eli Guillen (also under Hispanic)
Jonathan Leija Marin (also under Hispanic)
Oscar Loredo (also under Hispanic)
Daniella Mercado (also under Hispanic)
Isaiah Pullen (also under African American)
Karyme Reyes (also under Hispanic)
Denny Rivera-Espinoza (also under Hispanic)
Lily Rose
Camila Vega (also under Hispanic)

University High School
Natalie Alvarez-Alvarado (also under Hispanic)
Daisy Barco
Jonathon Bautista (also under Hispanic)
Osmar Cazares Guillen (also under Hispanic)
Jovanni Contreras (also under Hispanic)
Angel DeLaCruz (also under Hispanic)
Ian Flores (also under Hispanic)
Ayanna Flores (also under Hispanic)
Kevin Gutierrez
Jautyrael Kendricks

Christian Martinez (also under Hispanic)
Justin Neal (also under African American)
Elicia Ochoa (also under Hispanic)
Mark Ochoa (also under Hispanic)
Joseph Ramos (also under Hispanic)
Cassandra Saucedo (also under Hispanic)
Cesar Tenorio (also under Hispanic)
Stiven Uceda
Christian Velazquez (also under Hispanic and Rural)
Thomas Vidaña (also under Hispanic)
Ashley Zuniga (also under Hispanic)

Community Partner

Pilot Travel Centers is Waco ISD's premier partner in the district's Special Olympics program. With Pilot's financial commitment, Waco ISD is expanding its Special Olympics program, further allowing our students with disabilities to be included in athletics and maintain physically healthy lifestyles.

Fiscal Implications:

NONE

Administration Recommendations:

Take no action on this item.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: Sheryl Davis**

RE: Public Hearing on the 2024 Annual Financial Integrity Rating System of Texas and Report (School FIRST)

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Background Information:

School FIRST (Financial Accountability Rating System of Texas) is the financial accountability system developed by the Texas Education Agency in response to Senate Bill 875 of the 76th Texas Legislature. The primary goal of Schools FIRST is to achieve quality performance in the management of a school districts' financial resources, a goal made more significant due to the complexity of accounting associated with Texas' school finance system.

There are twenty-one accountability indicators including four critical indicators, ten solvency indicators, and seven financial competence indicators. Financial accountability rating indicators for 2024 are based on fiscal year 2022-2023 financial data.

The first three of the four critical indicators do not receive a point value. They are either validated or not. Failure to pass any of these critical indicators results an automatic rating of "Substandard Achievement". Ceiling indicators limit the maximum points allowed by the applicable indicator. The District will receive a rating based on the lesser points earned. The ceiling indicators apply to indicators 5, 6, 16, 17, 20, and 21.

The types of financial accountability ratings that school districts may receive are as follows:

Rating	Description
A	Superior Achievement
B	Above Standard Achievement
C	Standard Achievement
F	Substandard Achievement
No Rating	Districts receiving territory due to an annexation order or consolidation

The letter grade will be assigned depending on the District's score on the solvency and financial competence indicators and, of course, passing all the critical indicators. The highest possible score on the indicators is 100 points. Any district scoring below 70 points will receive a rating of "F - Substandard Achievement". The school district receives an "F" if it scores below the minimum passing score, if it failed any critical indicators 1 through 5, if the annual financial report or the data were not both complete, or if either the annual financial report or the data were not submitted on time for FIRST analysis. Districts that do not receive a passing score must file a corrective action plan with the Texas Education Agency.

Within two months of receiving the final financial accountability rating, school districts are required to prepare an annual financial management report that includes the following:

- The district's financial management performance rating provided by the Texas Education Agency (TEA) based on its comparison with indicators established by the Commissioner of Education;
- The district's financial management performance under each indicator for the current and previous years' financial accountability ratings;
- Additional information required by the Commissioner of Education, including:
    - a copy of the Superintendent's current employment contract;
    - a summary schedule for the fiscal year (12-month period) of total reimbursements received by the superintendent and each board member;
    - a summary schedule for the fiscal year of the dollar amount of compensation or fees received by the superintendent from another school district or any other outside entity in exchange for professional consulting or other personal services;
    - a summary schedule for the fiscal year of the dollar amount by the executive officers and board members of gifts that had an economic value of $250 or more in the aggregate in the fiscal year; and
    - a summary schedule for the fiscal year of the dollar amount, by board member, for the aggregate amount of business transactions with the school district; and
- Additional information that the district's board of trustees deems useful.

The financial management report is required to be made available to attendees at a public hearing for School FIRST. Notice of the hearing, including date, time and location, must be provided to a newspaper of general circulation in the district prior to holding the public meeting. The District published the public hearing notification, as required, in the Waco Tribune-Herald on October 1, 2024.

The District once again received the state's highest financial accountability rating of **"Superior" or an "A"** for the 2022-2023 fiscal year with a score of 92 out of 100 points.

A copy of the report is attached along with a brief overview that will be presented at the Public Meeting.

Fiscal Implications:

None

Administrative Recommendations:

The administration recommends the Board invite public input in response to the District's 2024 School FIRST rating, as presented.

WACO INDEPENDENT SCHOOL DISTRICT

2024 Annual Financial Accountability Management Report

Based on Data from the Fiscal Year Ended August 31, 2023

2024 Annual Financial Accountability Management Report

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Overview

School FIRST (Financial Accountability Rating System of Texas) was first developed as the financial accountability system for Texas school districts by the Texas Education Agency in response to Senate Bill 875 of the 76th Texas Legislature in 1999. The purpose of the financial accountability rating system is to ensure that school districts will be held accountable for the quality of their financial management practices and achieve improved performance in the management of their financial resources. The system is designed to encourage Texas public schools to manage their financial resources better in order to provide the maximum allocation possible for direct instructional purposes.

The system will also disclose the quality of local management and decision-making processes that impact the allocation of financial resources in Texas public schools. An evaluation of the long-term effectiveness of the system should disclose a measurable improvement in the quality of Texas public schools' financial decision-making processes. The importance of the rating system's goal is underscored by the steadily increasing complexity of the State's funding of public schools compounded by the increasing sophistication of the associated accounting system.

In accordance with Texas Education Code (TEC), Chapter 39, Subchapter D, each school district must be assigned a financial accountability rating by the Texas Education Agency (TEA). The specific procedures for determining financial accountability ratings will be established annually by the Commissioner of Education and communicated to all school districts.

As authorized by House Bill 5, Section 49, of the 83rd Texas Legislature, Regular Session, the Commissioner and the Texas Education Agency implemented major changes to the School FIRST system. Beginning with the 2015 report, the changes were phased in over three years.

As shown on the following chart, there are twenty-one accountability indicators. Financial accountability rating indicators for 2024 are based on fiscal year 2022-2023 financial data.

Indicator Category	Number of Indicators
Critical	4
Solvency	10
Financial Competence	7

The four critical indicators do not receive a point value. They are either validated or not. As in the previous system, failure to pass any of these four critical indicators results an automatic rating of "Substandard Achievement".

Ceiling indicators were introduced with the 2021 accountability rating. Indicators 5, 6, 16, 17, 20, and 21 are ceiling indicators. The scoring of these indicators limits the maximum points available and the applicable rating. If the district's overall points earned is less than the maximum points allowed by the applicable ceiling indicator, the district will receive a rating

based on the lesser points earned. If the district fails a critical indicator or the district's total number of points is equal to or less than 69 points, the school district will receive an "F = Substandard Achievement" rating, regardless of any ceiling indicator criteria met. The section on "How the Ratings are Assessed" gives a more detailed explanation of the determination of ratings based on meeting ceiling criteria.

With the exception of the ceiling indicators listed above, indicators in the solvency and financial competence categories may receive up to ten points.

Beginning with the 2020 report, a letter grade of "A" through "F" is assigned depending on the District's score on the solvency and financial competence indicators and, of course, passing all the critical indicators. The highest possible score on the indicators is 100 points. Any district scoring below 70 points will receive a rating of "Substandard Achievement". The following chart illustrates the scoring criterion for determination of ratings:

Rating	Points
A = Superior Achievement	90 through 100
B = Above Standard Achievement	80 through 89
C = Meets Standard Achievement	70 through 79
F = Substandard Achievement	0 through 69
No Rating = A school district receiving territory that annexes with a school district ordered by the commissioner under TEC 13.054, or consolidation under Subchapter H, Chapter 41. No rating will be issued for the school district receiving territory until the third year after the annexation/consolidation.	

The school district receives an "F" if it scores below the minimum passing score, if it failed any critical indicator 1, 2, 3, or 4, if the AFR or the data were not both complete, or if either the AFR or the data were not submitted on time for FIRST analysis.

Districts that do not receive a passing score must file a corrective action plan with the Texas Education Agency. The commissioner of education may apply sanctions to a district that is assigned a "Substandard Achievement" rating. Additional sanctions could apply if issues arise relating to data quality. Sanctions could result in the assignment of a financial monitor or master by the Texas Education Agency Accountability Department in accordance with Chapter 39 of the Education Code. Additional sanctions could involve an accreditation investigation that could result in specific requirements for improvements in financial management. A lowered rating status resulting from an investigation would remain in effect until the commissioner acknowledges that significant improvement was being made in financial management problem areas.

In December 2007, TEA Adopted 19 TAC Chapter 97, Planning and Accountability Subchapter EE, Accreditation Status, Standards, and Sanctions. The subchapter defined the accreditation statuses and stated how accreditation statuses would be determined and assigned to school

districts. In accordance with these rules, TEA will take into consideration a district's School FIRST rating when assigning an accreditation status. Additionally, a district's final School FIRST rating may affect its special education determination status as issued by the TEA under the requirements of the Individuals with Disabilities Education Act (IDEA).

Sanctions may also be applied because of data problems of a sufficient magnitude to raise questions about the validity of measurements used in the financial accountability rating system indicators. The district's rating would be suspended if serious, systemic data quality problems occurred.

The Texas Education Agency posts districts' final reports to the Agency's web site. Interested parties are able to print copies of all materials from that source.

On August 8, 2024, the Texas Education Agency posted the district's preliminary School FIRST rating. The School FIRST ratings were based upon an analysis of data reported for the 2022-2023 fiscal year. The District passed all the critical indicators and received a score of 92 out of a possible 100 points for the other indicators, losing two points each on indicators 12 and 13, and losing four points on indicator 11. This scoring will be discussed later in the section on "How the Ratings are Assessed".

Waco Independent School District's 2024 Rating is "A – Superior Achievement"

Upon notification of the district's rating, the ratings report must be disseminated by a school district to all the district's taxpayers, in addition to the parents and guardians of students. After receipt of the financial accountability rating system report generated by the Texas Education Agency, the district level decision-making committee must hold at least one public meeting annually for discussing the financial performance of the district and district performance objectives.

The board of trustees shall hold the hearing for public discussion of the annual financial accountability system report within 60 days of receiving the final notification. The board shall notify property owners, parents, and guardians in the district of the hearing. The District published notification, as required, in the Waco Tribune-Herald on October 1, 2024, as well as in their online advertising. The public meeting will be held on October 24, 2024.

The board of trustees will publish, or cause to be published, an annual report describing the financial management performance of the district. The report must include the information provided by the Texas Education Agency including the district's financial management performance under each indicator for both the current and previous years' financial accountability ratings.

The financial management report issued at the Schools FIRST hearing must contain certain required disclosures, in accordance with Title 19 Texas Administrative Code, Chapter 109, Budgeting, Accounting, and Auditing, Subchapter AA, Commissioner's Rules Concerning Financial Accountability Rating System. These disclosures include:

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

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

3. A summary schedule for the fiscal year of the dollar amount of compensation and/or fees received by the superintendent from another school district or any other outside entity in exchange for professional consulting and/or other personal services;

4. A summary schedule for the fiscal year of the total dollar amount of gifts with an economic value of $250 or more received by the executive officers and board members. This reporting requirement only applies to gifts received by the school district's executive officers and board members (and their immediate family as described by Government Code, Chapter 573, Subchapter B, Relationships by Consanguinity or by Affinity) from an outside entity that received payments from the school district in the prior fiscal year, and gifts from competing vendors that were not awarded contracts in the prior fiscal year. This reporting requirement does not apply to reimbursement of travel-related expenses by an outside entity when the purpose of the travel is to investigate or explore matters directly related to the duties of an executive officer or board member, or matters related to attendance at education-related conferences and seminars with the primary purpose of providing continuing education (this exclusion does not apply to trips for entertainment related purposes or pleasure trips). This reporting requirement excludes an individual gift or a series of gifts from a single outside entity that had a total economic value of less than $250 per executive officer or board member;

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

6. Any other information the local board of trustees determines to be useful.

A corrective action plan is to be filed with the TEA by each school district that received a rating of "Substandard Achievement".

If you have any questions about the report or need additional financial information about the District, please contact the Chief Financial Officer, Waco ISD, 501 Franklin Avenue, Waco,

Texas 76701. A copy of this report is available upon request through the Office of Public Information and may be found on the Financial Transparency page of the District's website.

The following pages contain the 2022-2023 School FIRST rating worksheet detailing the District's performance on each of the 21 indicators as published by the Texas Education Agency. The worksheet is followed by an explanation of the indicators and information as to how ratings are assessed as well as a comparison with last year's performance.

Financial Integrity Rating System of Texas

2023-2024 RATINGS BASED ON SCHOOL YEAR 2022-2023 DATA - DISTRICT STATUS DETAIL

Name: WACO ISD(161914)	**Publication Level 1:** 8/8/2024 6:33:40 PM
Status: Passed	**Publication Level 2:** 8/8/2024 6:33:40 PM
Rating: A = Superior Achievement	**Last Updated:** 8/8/2024 6:33:40 PM
District Score: 92	**Passing Score:** 70

#	Indicator Description	Updated	Score
1	Was the complete annual financial report (AFR) and data submitted to the TEA within 30 days of the November 27 or January 28 deadline depending on the school district's fiscal year end date of June 30 or August 31, respectively?	4/19/2024 6:26:22 PM	Yes
2	Was there an unmodified opinion in the AFR on the financial statements as a whole? (The American Institute of Certified Public Accountants (AICPA) defines unmodified opinion. The external independent auditor determines if there was an unmodified opinion.)	4/19/2024 6:26:22 PM	Yes
3	Was the school district in compliance with the payment terms of all debt agreements at fiscal year end? (If the school district was in default in a prior fiscal year, an exemption applies in following years if the school district is current on its forbearance or payment plan with the lender and the payments are made on schedule for the fiscal year being rated. Also exempted are technical defaults that are not related to monetary defaults. A technical default is a failure to uphold the terms of a debt covenant, contract, or master promissory note even though payments to the lender, trust, or sinking fund are current. A debt agreement is a legal agreement between a debtor (= person, company, etc. that owes money) and their creditors, which includes a plan for paying back the debt.)	4/19/2024 6:26:22 PM	Yes

4	Did the school district make timely payments to the Teachers Retirement System (TRS), Texas Workforce Commission (TWC), Internal Revenue Service (IRS), and other government agencies? (If the school district received a warrant hold and the warrant hold was not cleared within 30 days from the date the warrant hold was issued, the school district is considered to not have made timely payments and will fail critical indicator 4. If the school district was issued a warrant hold, the maximum points and highest rating that the school district may receive is 95 points, A = Superior Achievement, even if the issue surrounding the initial warrant hold was resolved and cleared within 30 days.)	4/19/2024 6:26:22 PM	Yes Ceiling Passed
5	Was the total net position in the governmental activities column in the Statement of Net Position (net of accretion of interest for capital appreciation bonds, net pension liability, and other post-employment benefits) greater than zero? (If it is not, the maximum points and highest rating that the school district may receive is 79 points, C = Meets Standard Achievement, unless the school district has an increase of students in membership over 5 years of 7 percent or more or 1,000 or more students in membership. If the school district has an increase of students in membership over 5 years of 7 percent or more or 1,000 or more students in membership, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.)	4/19/2024 6:26:22 PM	Ceiling Passed
			1 Multiplier Sum
6	Was the average change in (assigned and unassigned) fund balances over 3 years less than a 25 percent decrease or did the current year's assigned and unassigned fund balances exceed 75 days of operational expenditures? (If the school district fails indicator 6, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.)	4/19/2024 6:26:22 PM	Ceiling Passed
7	Was the number of days of cash on hand and current investments in the general fund for the school district sufficient to cover operating expenditures (excluding facilities acquisition and construction)? See ranges below in the Determination of Points section.	4/19/2024 6:26:22 PM	10
8	Was the measure of current assets to current liabilities ratio for the school district sufficient to cover short-term debt? See ranges below in the Determination of Points section.	4/19/2024 6:26:22 PM	10
9	Did the school district's general fund revenues equal or exceed expenditures (excluding facilities acquisition and construction)? If not, was the school district's number of	4/19/2024 6:26:22 PM	10

	days of cash on hand greater than or equal to 60 days? See ranges below in the Determination of Points section.		
10	This indicator is not being evaluated.		10
11	Was the ratio of long-term liabilities to total assets for the school district sufficient to support long-term solvency? (If the school district's increase of students in membership over 5 years was 7 percent or more or 1,000 or more students in membership, then the school district passes this indicator.)	4/19/2024 6:26:22 PM	6
12	What is the correlation between future debt requirements and the district's assessed property value?	8/8/2024 3:12:00 PM	8
13	Was the school district's administrative cost ratio equal to or less than the threshold ratio? See ranges below in the Determination of Points section.	6/22/2024 10:30:38 PM	8
14	Did the school district not have a 15 percent decline in the students to staff ratio over 3 years (total enrollment to total staff)? (If the student enrollment did not decrease, the school district will automatically pass this indicator.)	4/19/2024 6:26:22 PM	10
15	This indicator is not being evaluated.		5
16	Did the comparison of Public Education Information Management System (PEIMS) data to like information in the school district's AFR result in a total variance of less than 3 percent of all expenditures by function? (If the school district fails indicator 16, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.)	4/19/2024 6:26:22 PM	Ceiling Passed
17	Did the external independent auditor report that the AFR was free of any instance(s) of material weaknesses in internal controls over financial reporting and compliance for local, state, or federal funds and free from substantial doubt about the school district's ability to continue as a going concern? (The AICPA defines material weakness.) (If the school district fails indicator 17, the maximum points and highest rating that the school district may receive is 79 points, C = Meets Standard Achievement.)	4/19/2024 6:26:22 PM	Ceiling Passed
18	Did the external independent auditor indicate the AFR was free of any instance(s) of material noncompliance for grants, contracts, and laws related to local, state, or federal funds? (The AICPA defines material noncompliance.)	4/19/2024 6:26:22 PM	10
19	Did the school district post the required financial information on its website in accordance with Government Code, Local Government Code, Texas Education Code, Texas Administrative Code and other statutes, laws and rules that were in effect at the school district's fiscal year end?	4/19/2024 6:26:22 PM	5

20	Did the school district's administration and school board members discuss any changes and/or impact to local, state, and federal funding at a board meeting within 120 days before the district adopted its budget?	4/19/2024 6:26:22 PM	Ceiling Passed
21	Did the school district receive an adjusted repayment schedule for more than one fiscal year for an over-allocation of Foundation School Program (FSO) funds because of a financial hardship?	4/19/2024 6:26:22 PM	Ceiling Passed
			92 Weighted Sum
			1 Multiplier Sum
			(100 Ceiling)
			92 Score

DETERMINATION OF RATING

A.	Did the school district fail any of the critical indicators 1, 2, 3, or 4? If so, the school district's rating is **F for Substandard Achievement** regardless of points earned.	
B.	Determine the rating by the applicable number of points.	
	A = Superior Achievement	90-100
	B = Above Standard Achievement	80-89
	C = Meets Standard Achievement	70-79
	F = Substandard Achievement	<70

No Rating = A school district receiving territory that annexes with a school district ordered by the commissioner under TEC 13.054, or consolidation under Subchapter H, Chapter 41. No rating will be issued for the school district receiving territory until the third year after the annexation/consolidation.

The school district receives an **F** if it scores below the minimum passing score, if it failed any critical indicator 1, 2, 3, or 4, if the AFR or the data were not both complete, or if either the AFR or the data were not submitted on time for FIRST analysis.

CEILING INDICATORS

Did the school district meet the criteria for any of the following **ceiling indicators** 4, 5, 6, 16, 17, 20, or 21? If so, the school district's applicable maximum points and rating are disclosed below. Please note, an F = Substandard Achievement Rating supersedes any rating earned as the result of the school district meeting the criteria of a ceiling indicator.

Determination of rating based on meeting ceiling criteria.	Maximum Points	Maximum Rating
Indicator 4 (Timely Payments) - School district was issued a warrant hold.	95	A = Superior Achievement
Indicator 5 (Total Net Position) - Negative total net position and do not have 7% or more or 1,000 or more increase in growth in students in membership over 5 years.	79	C = Meets Standard Achievement
Indicator 6 (Average Change in Fund Balance) - Response to indicator is *No*.	89	B = Above Standard Achievement
Indicator 16 (PEIMS to AFR) - Response to indicator is *No*.	89	B = Above Standard Achievement
Indicator 17 (Material Weaknesses) - Response to indicator is *No*.	79	C = Meets Standard Achievement
Indicator 20 (Property Values and Tax Discussion) - Response to indicator is No.	89	B = Above Standard Achievement
Indicator 21 (FSP Repayment Plan) - Response to indicator is Yes.	70	C = Meets Standard Achievement

How the Ratings Are Assessed

The Texas Education Agency (TEA) uses the following sources of data in calculating the financial accountability indicators for districts:

- The Annual Financial Report (AFR): For each district, TEA will use audited financial data in the district's AFR. The AFR, submitted as an electronic submission through the TEA website, must include data required in the Financial Accountability System Resource Guide (FASRG).
- Texas Student Data System Public Education Information Management System (TSDS PEIMS): The TEA will use data submitted by the school district through the TSDS PEIMS system.
- Warrant holds: The TEA will use warrant hold as reported by the Texas Comptroller of Public Accounts.
- Average Daily Attendance (ADA): The TEA will use the ADA information used for Foundation School Program (FSP) funding purposes.

The questions a school district must address in completing the worksheet used to assess its financial management system can be confusing to non-accountants. The following is a nonprofessional's explanation of what the questions mean – and what our answers can mean to the Waco Independent School District's rating.

1. **Was the complete annual financial report (AFR) and data submitted to the TEA within 30 days of the November 27 or January 28 deadline depending on the school district's fiscal year end date of June 30 or August 31, respectively?**

   A simple indicator, was the Annual Financial Report filed by the deadline?

   The Annual Financial Report for the fiscal year ended August 31, 2023 was approved by the Board of Trustees on January 26, 2024 and received by the Texas Education Agency on January 26, 2024. The Annual Financial Report for the fiscal year ended August 31, 2022 was approved by the Board of Trustees on January 26, 2023 and received by the Texas Education Agency by January 26, 2023.

2. **Was there an unmodified opinion in the AFR on the financial statements as a whole? (The American Institute of Certified Public Accountants (AICPA) defines unmodified opinion. The external independent auditor determines if there was an unmodified opinion.)**

   An auditor's audit opinion is contained within the audit report. Modified opinions are given for two reasons. The first is scope limitation, which means that the auditor does not have access to enough information, or to relevant information. The second is in the circumstance that there is a departure from applicable financial reporting framework, which may be the result of either an accident or negligence on the part of the district. The district's goal, therefore, is to receive an "unmodified opinion" on its Annual Financial Report. This is a simple "Yes" or "No" indicator.

   The opinion expressed by our independent auditors on the Annual Financial Report for both the fiscal years ended August 31, 2023 and August 31, 2022 was unmodified.

3. **Was the school district in compliance with the payment terms of all debt agreements at fiscal year end? (If the school district was in default in a prior fiscal year, an exemption applies in following years if the district is current on its forbearance or payment plan with the lender and the payments are made on schedule for the fiscal year being rated. Also exempted are technical defaults that are not related to monetary defaults. A technical default is a failure to uphold the terms of a debt covenant, contract, or master promissory note even though payments to the lender, trust, or sinking fund are current. A debt agreement is a legal agreement between a debtor (person, company, etc. that owes money) and their creditors, which includes a plan for paying back the debt.)**

   This indicator seeks to make certain that the district has timely paid all bills and obligations, including any financing arrangements, to pay for school construction, school buses, photocopiers, etc.

   Waco ISD had no disclosures concerning default on bonded indebtedness for the fiscal years ended August 31, 2023 or August 31, 2022.

4. **Did the school district make timely payments to the Teachers Retirement System (TRS), Texas Workforce Commission (TWC), Internal Revenue Service (IRS), and other government agencies? If the school district received a warrant hold and the warrant hold was not cleared within 30 days from the date the warrant hold was issued, the school district is considered not to have made timely payments and will fail this indicator.** *Ceiling Indicator: If the school district was issued a warrant hold, the maximum points and highest rating that the school district may receive is 95 points, A = Superior Achievement (even if the issue surrounding the initial warrant hold was resolved and cleared within 30 days).*

   This indicator seeks to confirm the district fulfilled its obligation to the TRS, TWC, and IRS to transfer payroll withholdings and to fulfill any additional payroll-related obligations, required to be paid by the district.

   Waco ISD made timely payments to the TRS, TWC, IRS, and other government agencies for the fiscal years ended August 31, 2023 and August 31, 2022.

5. **Was the total net position balance in the governmental activities column in the Statement of Net Position (net of accretion of interest for capital appreciation bonds, net pension liability, and other post-employment benefits) greater than zero?** *Ceiling Indicator: If it is not, the maximum points and highest rating the school district may receive is 79 points, C = Meets Standard Achievement, unless the school district has an increase of students in membership over 5 years of 7 percent or more or 1,000 or more students in membership. If the school district has such an increase, the maximum points and highest rating the school district may receive is 89 points, B = Above Standard Achievement.*

   This indicator determines if the total net position in the governmental activities column of the Statement of Net Position as reported in the Annual Financial Report is greater than zero. A positive net position demonstrates financial solvency.

   At August 31, 2023, Waco ISD had a total unrestricted net deficit of $54,605,379 with accumulated accretion of interest for capital appreciation bonds of $8,849,280, a net pension liability of $59,185,439, and a net other post-employment benefit liability of

$31,028,582. At August 31, 2022, Waco ISD had a total unrestricted net deficit of $57,438,274 with accumulated accretion of interest for capital appreciation bonds of $9,690,217, a net pension liability of $23,898,324, and a net other post-employment benefit liability of $47,362,589. The deficit net position results from the recording of pension and other post-employment liabilities and the inflows and outflows related to these programs.

6. **Was the average change in (assigned and unassigned) fund balance over three years less than a 25 percent decrease or did the current year assigned and unassigned fund balance exceed 75 days of operational expenditures?** *Ceiling Indicator: If the school district fails indicator 6, the maximum points and highest rating that the school district may receive is 89 points, B – Above Standard Achievement.*

   This indicator measures the percentage change in fund balance to see whether the fund balance is declining too quickly, and if it is declining, whether sufficient fund balance remains to operate for at least 75 days.

   At August 31, 2023, the District's average change in fund balance over three years was an increase of 4.77 percent. The fund balance of $49,662,869 was sufficient to operate for at least 75 days, an amount computed to be $31,416,731. At August 31, 2022, the District's average change in fund balance over three years was an increase of 2.85 percent, the fund balance was $45,710,678 and the amount computed as sufficient to operate for at least 75 days was $32,312,076.

7. **Was the number of days of cash on hand and current investments in the general fund for the school district sufficient to cover operating expenditures (excluding facilities acquisition and construction)?**

10	8	6	4	2	0
≥ 90	< 90 ≥ 75	< 75 ≥ 60	< 60 ≥ 45	< 45 ≥ 30	< 30

   This indicator measures how many days after the end of the fiscal year the school district could have disbursed funds for its operating expenditures without receiving any new revenues. At least 90 days must be covered to receive the maximum points.

   At August 31, 2022, the District had cash on hand and current investments in the general fund to cover 179.9401 days of operating expenditures. At August 31, 2022, the District had cash on hand and current investments in the general fund to cover 157.381 days of operating expenditures.

8. **Was the measure of current assets to current liabilities ratio for the school district sufficient to cover short-term debt?**

10	8	6	4	2	0
≥ 3.00	< 3.00 ≥ 2.50	< 2.50 ≥ 2.00	< 2.00 ≥ 1.50	< 1.50 ≥ 1.00	< 1.00

This indicator measures whether the school district had sufficient short-term assets at the end of the fiscal year to pay off its short-term liabilities. Did you meet or exceed the target amount in School FIRST?

At August 31, 2023, the District had a ratio of current assets to current liabilities of 5.9274. At August 31, 2022, the District had a ratio of current assets to current liabilities of 7.9807.

9. **Did the school district's general fund revenues equal or exceed expenditures (excluding facilities acquisition and construction)? If not, was the school district's number of days of cash on hand greater than or equal to 60 days?**

10	10 points are awarded if the school district has at least 60 days cash on hand as determined in indicator #7	**0**
≥ 0%		< 0%

This indicator simply asks, "Did you spend more than you earned?" (The school district will automatically pass this indicator, if the school district had at least 60 days cash on hand.)

For the fiscal year ended August 31, 2023, the District's general fund revenues exceeded expenditures (excluding facilities acquisition and construction) by $2,509,034. Additionally, at August 31, 2023, the District had cash on hand and current investments to cover 179.940 days of operating expenditures. For the fiscal year ended August 31, 2022, the District's general fund revenues exceeded expenditures (excluding facilities acquisition and construction) by $5,218,328 and had cash equivalents and current investments to cover 157.381 days of operating expenditures.

10. **Did the school district average less than a 10 percent variance (90%-110%) when comparing budgeted revenues to actual revenues for the last 3 fiscal years?**

10	10 points are awarded if the school district's budgeted to actual revenues are < 10% variance (90% to 110%)	**0**
≥ 10%		< 10%

This indicator measures how accurately the district forecast projected revenue by comparing budgeted revenue submitted through PEIMS in October of the fiscal year to actual revenue submitted after the close of the fiscal year.

For the fiscal year ended August 31, 2023, the District's variance in budgeted to actual revenues was 0.1 percent or 0.9 percent less than the allowed variance of 10 percent. For the fiscal year ended August 31, 2022, the District's variance in budgeted to actual revenues was 0.3 percent or 0.7 percent less than the allowed variance.

Because of the impact of the COVID-19 pandemic on District enrollments, attendance and resulting State Foundation School Program revenues, this indicator was not scored for the 2022-23 fiscal year.

11. **Was the ratio of long-term liabilities to total assets for the school district sufficient to support long-term solvency? (If the school district's change of students in enrollment over 5 years was 7 percent or more or 1,000 or more students in membership, then the school district passes this indicator.)**

10	8	6	4	2	0
≤ 0.60	> 0.60 ≤ 0.70	> 0.70 ≤ 0.80	> 0.80 ≤ 0.90	> 0.90 ≤ 1.00	> 1.00

This question is like asking someone if their mortgage exceeds the market value of their home. Were you below the cap for this ratio in School FIRST? Fortunately, this indicator recognizes that high-growth districts incur additional operating costs to open new instructional campuses.

At August 31, 2023, the District has a ratio of long-term liabilities to total assets of 0.7012. At August 31, 2022, the District has a ratio of long-term liabilities to total assets of 0.684. With the issuance of $72,885,000 in the Unlimited School Building Bonds, Series 2022B and the issuance of $78,455,000 in the Unlimited School Building Bonds, Series 2023, the ratio increased resulting in a loss of four points for this indicator.

12. **What is the correlation between future debt requirements and the district's assessed property value?**

10	8	6	4	2	0
≤ 4	> 4 ≤ 7	> 7 ≤ 10	> 10 ≤ 11.5	> 11.5 ≤ 13.5	> 13.5

This indicator asks about the school district's ability to make debt principal and interest payments that will become due during the year. Did you meet or exceed the target amount in School FIRST?

At August 31, 2023, the District's debt per $100 of assessed property value ratio has a debt service coverage ratio of 5.6908. At August 31, 2022, the District's ratio was 5.0046. Again, the District lost two points for this indicator due to the issuance of bonded debt.

13. **Was the school district's administrative cost ratio equal to or less than the threshold ratio? (See ranges below.)**

ADA Size	10	8	6	4	2	0
≥ 10,000	<= 0.0855	> 0.0855 <= 0.1105	> 0.1105 <= 0.1355	> 0.1355 <= 0.1605	> 0.1605 <= 0.1855	> 0.1855
≥ 5,000 to < 10,000	<= 0.1000	> 0.1000 <= 0.1250	> 0.1250 <= 0.1500	> 0.1500 <= 0.1750	> 0.1750 <= 0.2000	> 0.2000
≥ 1,000 to < 5,000	<= 0.1151	> 0.1151 <= 0.1401	> 0.1401 <= 0.1651	> 0.1651 <= 0.1901	> 0.1901 <= 0.2151	> 0.2151
≥ 500 to < 1,000	<= 0.1311	> 0.1311 <= 0.1561	> 0.1561 <= 0.1811	> 0.1811 <= 0.2061	> 0.2061 <= 0.2311	> 0.2311
< 500	<= 0.2404	> 0.2404 <= 0.2654	> 0.2654 <= 0.2904	> 0.2904 <= 0.3154	> 0.3154 <= 0.3404	> 0.3404
Sparse	<= 0.3364	> 0.3364 <= 0.3614	> 0.3614 <= 0.3864	> 0.3864 <= 0.4114	> 0.4114 <= 0.4364	> 0.4364

This indicator measures the percentage of their budget that Texas school districts spent on administration. Did you exceed the cap in School FIRST for districts of your size?

The District's Administrative Cost Ratio was computed at 9.75 percent for the fiscal year ended August 31, 2023 compared to 9.33 percent for the prior year. The rate falls between 8.55 and 11.05 percent, garnering only eight points for this indicator.

14. **Did the school district *not* have a 15 percent decline in the students to staff ratio over three years (total enrollment to total staff)? (If the student enrollment did not decrease, the school district will automatically pass this indicator. A Yes/No indicator. A response of Yes generates 10 points.)**

    If a decline in student enrollment is occurring, this indicator measures if the decline in total staff is in proportion to the declining enrollment over a 3-year period. If declining enrollment is occurring, the change in this ratio cannot exceed 15 percent.

    For the 2022-2023 school year, the District had a student to staff ratio of 6.265:1 compared to 6.231:1 in 2021-2022. This represents a .53 percent decrease in the student to staff ratio over three years. The percent decline in the students to staff ratio was less than the allowed 15 percent, so the District passed the indicator.

    For the 2021-2022 school year, the District had a student to staff ratio of 6.424:1 compared to 6.303:1 in 2019-2020. This represents a 1.93 percent decrease in the student to staff ratio over three years.

15. **Was the school district's actual ADA within the allotted range of the district's biennial pupil projections submitted to TEA? Alternatively, if the district did not submit pupil projections to TEA, did it certify TEA's projections? (A Yes/No indicator. A response of Yes generates 5 points).**

    This indicator measures how well the district was able to project average daily attendance for the coming biennium for payment purposes. Projected ADA is compared to actual.

    For the 2022-2023 school year, the District's projection of ADA was 13,264.902 and actual ADA was 11,877.053, a variance of 11.69 percent. For the 2021-2022 school year, the District's projection of ADA was 13,305.111 and actual ADA was 11,923.316, a variance of 11.59 percent. Due to the losses in enrollment and attendance resulting from the COVID-19 pandemic, the Texas Education Agency funded the District on a hold-harmless ADA of 12,502.687.

    Because of the impact of the COVID-19 pandemic on District enrollments, attendance and resulting State Foundation School Program revenues, this indicator was not scored for the 2022-2023 fiscal year.

16. **Did the comparison of Public Education Information Management System (PEIMS) data to like information in the school district's AFR result in a total variance of less than three percent of all expenditures by function?** *Ceiling Indicator: If the school district fails indicator 16, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.*

    This indicator measures the quality of data reported to PEIMS and in the Annual Financial Report to make certain that the data reported in each case "matches up." If the difference in numbers reported in any fund type is more than three percent, the district "fails" this measure.

The comparison of the District's PEIMS data to like information in the Annual Financial Report resulted in a variance of 0.00004 for the fiscal year ended August 31, 2023 compared to a variance of 0.0000937 in the previous year.

17. **Did the external independent auditor report that the AFR was free of any instance(s) of material weaknesses in internal controls over financial reporting and compliance for local, state, or federal funds? (The AICPA defines material weakness.)** *Ceiling Indicator: If the school district fails indicator 17, the maximum points and highest rating that the school district may receive is 79 points, C = Meets Standard Achievement.*

    A clean audit of your Annual Financial Report would state that your district has no material weaknesses in internal controls. Any internal weaknesses create a risk of your district not being able to properly account for its use of public funds and should be immediately addressed.

    The Annual Financial Report for fiscal years ended August 31, 2023 and August 31, 2022 disclosed no material weaknesses in internal controls over financial reporting or compliance for local, state, or federal funds.

18. **Did the external independent auditor indicate the AFR was free of any instance(s) of material noncompliance for grants, contracts, and laws related to local, state, or federal funds? (The AICPA defines material noncompliance.)**

    This indicator measures whether the district is complying with laws, rules, and regulations related to the expenditure of grant funds, contracts, and other state and federal funds.

    The Annual Financial Report for fiscal years ended August 31, 2023 and August 31, 2022 disclosed no material noncompliance for grants, contracts, and laws related to local, state, or federal funds.

19. **Did the school district post the required financial information on its website in accordance with Government Code, Local Government Code, Texas Education Code, Texas Administrative Code, and other statutes, laws and rules?**

    This indicator measures whether the district is complying with legal requirements related to financial transparency by posting all required information.

    For the 2022-2023 fiscal year, the District posted all required financial information on the District's website. The District has been in compliance with required postings since 2008.

20. **Did the school district's administration and school board members discuss any changes and/or impact to local, state, and federal funding at a board meeting within 120 days before the district adopted its budget?** *Ceiling Indicator: If the school district fails this indicator, the maximum points and highest rating that the school district may receive is 89 points, B = Above Standard Achievement.*

    This indicator measures whether the administration and the board had the opportunity to consider the impact of changes in local, state, and federal funding.

For the 2022-2023, fiscal year, the district's property values were discussed with the school board members at the May 19, 2022, meeting. For the prior year, the district's property values were discussed at the May 13, 2021, meeting.

21. **Did the school district receive an adjusted repayment schedule for more than one fiscal year for an over-allocation of Foundation School Program (FSP) funds because of a financial hardship?** *Ceiling Indicator: If the school district fails this indicator, the maximum points and highest rating the school district may receive is 70 points, C = Meets Standard Achievement.*

    This indicator determines if the district has an adjusted repayment schedule for an overallocation of FSP funds.

    This is a new indicator. The school district did not receive an adjusted repayment schedule for more than one fiscal year for an over-allocation of Foundation School Program (FSP) funds because of a financial hardship.

The school district is to provide a copy of the superintendent's employment contract that is effective on the date of the Schools FIRST hearing. In lieu of publication in the Schools FIRST financial management report, the school district may choose to publish the superintendent's employment contract on the school district's Internet site. If published on the Internet, the contract is to remain accessible for twelve months.

SUPERINTENDENT'S EMPLOYMENT CONTRACT

STATE OF TEXAS §
§
COUNTY OF MCLENNAN §

KNOW ALL MEN BY THESE PRESENTS:

THIS AGREEMENT ("Contract") is made and entered into on the 29th day of August 2019, by and between the Board of Trustees (the "Board") of the Waco Independent School District (the "District") and Dr. Susan Kincannon (the "Superintendent").

WITNESSETH:

NOW, THEREFORE, the Board and the Superintendent, for and in consideration of the terms hereinafter established and pursuant to Section 11.201 of the Texas Education Code, have agreed, and do hereby agree, as follows:

I. Term

1.1 Term. The Board, by and on behalf of the District, does hereby employ the Superintendent, and the Superintendent does hereby accept employment as Superintendent of Schools for the District for a term of approximately three (3) years, commencing on Thursday, September 5, 2019 and ending on June 30, 2022. The District may, by action of the Board, and with the consent and approval of the Superintendent, extend the term of this Contract as permitted by state law.

1.2 No Tenure. The Board has not adopted any policy, rule, regulation, law, or practice providing for tenure. No right of tenure is created by this Contract. No property interest, express or implied, is created in continued employment beyond the Contract term.

II. Employment

2.1 Duties. The Superintendent is the chief executive of the District and shall faithfully perform the duties of the Superintendent of Schools for the District as prescribed in the job description and as may be lawfully assigned by the Board, and shall comply with all lawful Board directives, state and federal law, district policy, rules, and regulations as they exist or may hereafter be amended. Specifically, it shall be the duty of the Superintendent to recommend for employment all contracted administrative employees of the District subject to the Board's approval. It shall be the further duty of the Superintendent to employ all other personnel consistent with the Board's policies. It shall be the further duty of the Superintendent to direct, assign, reassign, and evaluate all of the employees of the District consistent with Board policies and federal and state law. It shall be the further duty of the Superintendent to organize, reorganize, and arrange the staff of the District, and to develop and establish administrative regulations, rules, and procedures which the Superintendent deems necessary for the efficient and effective operation of the District consistent with the Board's lawful directives, the Board's policies, and state and federal law. It shall be the further duty of the Superintendent to accept all resignations of employees of the District consistent with the Board's policies, except the Superintendent's resignation, which must be accepted by the Board. The Superintendent shall perform the duties of the Superintendent of Schools for the District with reasonable care, diligence, skill, and expertise.

2.2 Professional Certification. The Superintendent shall at all times during the term of this Contract, and any renewal or extension thereof, hold and maintain a valid certificate required of a superintendent by the State of Texas and issued by the State Board for Educator Certification and any other certificates required by law.

2.3 Reassignment. The Superintendent cannot be reassigned from the position of Superintendent to another position without the Superintendent's express written consent.

2.4 Board Meetings. The Superintendent shall attend, and shall be permitted to attend, all meetings of the Board, both public and closed, with the exception of those closed meetings devoted to the consideration of any action or lack of action on the Superintendent's Contract, or the Superintendent's evaluation, or for purposes of resolving conflicts between individual Board members, or when the Board is acting in its capacity as a tribunal. In the event of illness or Board-approved absence, the Superintendent's designee shall attend such meetings.

2.5 Criticisms, Complaints, and Suggestions. The Board, individually and collectively, shall refer all substantive criticisms, complaints, and suggestions called to the Board's attention to the Superintendent for study and appropriate action, and the Superintendent shall investigate such matters and inform the Board of the results of such efforts.

2.6 Indemnification. The District shall defend, hold harmless and indemnify the Superintendent regarding any claims, demands, duties, actions or other legal proceedings against the Superintendent for any act or failure to act involving the exercise of judgment and discretion within the normal course and scope of the Superintendent's duties as Superintendent of the District, to the extent and to the limit permitted by law. This paragraph does not apply if the Superintendent is found the have acted with gross negligence or with intent to violate a person's clearly established legal rights, or to have engaged in criminal conduct. The District may, at its sole discretion, fulfill its obligation under this paragraph by purchasing appropriate insurance coverage for the benefit of the Superintendent. No individual member of the Board shall be personally liable for indemnifying or defending the Superintendent under this paragraph. The District's obligation to indemnify,

defend and hold the Superintendent harmless under this paragraph survives the termination of this Contract.

III. Compensation

3.1 Salary. The District shall provide the Superintendent with an annual salary in the sum of Two Hundred fifty-two Thousand five hundred and No/100 Dollars ($252,500.00). This annual salary rate shall be paid to the Superintendent in equal installments consistent with the Board's policies.

3.1.1 Payment of TRS Contribution. The District shall supplement the Superintendent's annual salary by an amount equal to the Superintendent's portion of the monthly member contribution to the Texas Retirement System ("TRS"). This supplement shall include the retirement part of the TRS member contribution, as applicable. This additional salary supplement shall be paid to the Superintendent in regular monthly payroll installments and shall be reported as "creditable compensation" by the District for purposes of TRS, to the extent permitted by TRS. To the extent that the District's payment of this TRS contribution benefit as "creditable compensation" to the Superintendent results in an increase in the amount of the TRS member contribution, the Superintendent shall be responsible to pay the difference.

3.2 Salary Adjustments. The Board may, in its discretion, review and adjust the salary of the Superintendent, but in no event shall the Superintendent be paid less than the salary and TRS Contribution set forth pursuant to Sections 3.1 and 3.1.1 of this Contract except by mutual agreement of the two parties. Such adjustments, if any, shall be made pursuant to a lawful Board resolution. In such event, the parties agree to provide their best efforts and reasonable cooperation to execute a new contract incorporating the adjusted salary.

3.3 Vacation, Holidays, Leave. The Superintendent may take, at the Superintendent's choice, subject to the Board's approval, the greater of ten (10) vacation days annually or the same number of days of vacation authorized by policies adopted by the Board for administrative employees on twelve-month contracts, the days to be in a single period or at different times. The vacation days taken by the Superintendent will be taken at such time or times as will least interfere with the performance of the Superintendent's duties as set forth in this Contract. The Superintendent shall observe the same legal holidays as provided by Board policies for administrative employees on twelve-month contracts. The Superintendent is hereby granted the same personal leave benefits as authorized by Board policies for administrative employees on twelve-month contracts. Any unused vacation days that have accrued during the previous twelve (12) months ending on June 30, shall be carried forward by the Superintendent and will be taken at such time or times as will least interfere with the performance of the Superintendent's duties as set forth in this Contract.

3.4 Health Insurance. The District shall pay the same premiums for hospitalization, major medical and dental insurance coverage for the Superintendent pursuant to the group health care plan provided by the District for its administrative employees.

3.5 Professional Growth. The Superintendent shall devote the Superintendent's time, attention, and energy to the direction, administration, and supervision of the District. The Board, however, encourages the continued professional growth of the Superintendent through the Superintendent's active attendance and participation in appropriate professional meetings at the local, regional, state, and national levels. The Board shall encourage the use of data and information sources, and shall encourage the participation of the Superintendent in pertinent education seminars and courses offered by public or private institutions or by educational associations, as well as the participation in informational meetings with those individuals whose

particular skills, expertise, or backgrounds would serve to improve the capacity of the Superintendent to perform the Superintendent's professional responsibilities for the District. In its encouragement of the Superintendent to grow professionally, the Board shall permit a reasonable amount of release time for the Superintendent, as the Superintendent and Board deem appropriate, to attend such seminars, courses, or meetings. The District shall pay the Superintendent's membership dues to the American Association of School Administrators and the Texas Association of School Administrators, as well as other memberships necessary to maintain and improve the Superintendent's professional skills. The District shall bear the reasonable costs and expenses for such attendance or membership.

3.6 In-District Travel. The District shall provide the Superintendent with an automobile allowance in the sum of Five Hundred and No/100 Dollars ($500.00) per month.

3.7 Reimbursement for Out-of-District Travel. The District shall reimburse the Superintendent for out-of-District travel incurred by the Superintendent in the continuing performance of the Superintendent's duties under this Contract at the standard mileage rate per mile as established by the Internal Revenue Service during each year of this Contract.

3.8 Personal Protection. Should the life or safety of the Superintendent or her family be threatened or appear to be in danger because of her performance of official duties, the District is authorized, by a subsequent vote of the Board, to pay reasonable costs for the instant protection of the Superintendent and her family. Such protection, if required, will be first sought from regular police authorities.

3.9 Civic and Community. The Superintendent is encouraged to participate in community and civic affairs and the Chamber of Commerce. The expense of such activities, subject to Board approval, shall be borne by the District.

3.10 Professional Legal Liability. The District shall obtain and pay premiums for a professional legal liability insurance policy through the Superintendent's membership with a professional organization.

3.11 Outside Consultant Activities. With the prior written approval of the Board, the Superintendent may serve as a consultant to other school districts or educational agencies, lecture, engage in writing activities and speaking engagements, and engage in other activities that are of a short-term duration, at the expense of the District.

3.12 Moving/Relocation Expense – Reimbursement. In connection with the necessary relocation of the Superintendent and the Superintendent's family to the District, the District shall reimburse the Superintendent for necessary and reasonable expenses incurred in moving the Superintendent's family and belongings from Belton, Texas to a residence located in the District. The Superintendent shall document all expenses for which reimbursement is requested with receipts, cancelled checks or credit card statements and the District shall reimburse the Superintendent for all such necessary and reasonable documented expenses, within thirty (30) days of the District's receipt of such documented expenses.

IV. Annual Performance Goals

4.1 Development of Goals. The Superintendent shall submit to the Board each year, for the Board's consideration and adoption, a preliminary list of goals for the District. The goals approved

by the Board shall at all times be reduced to writing and shall be among the criteria on which the Superintendent's performance is reviewed and evaluated.

V. Review of Performance

5.1 Time and Basis of Evaluation. The Board shall evaluate and assess in writing the performance of the Superintendent in January of each year during the term of this Contract ("Superintendent's Evaluation"). The Superintendent's Evaluation instrument and process shall be developed and/or revised with input from the Superintendent and shall be reasonably related to the duties of the Superintendent as outlined in the Superintendent's job description.

5.2 Confidentiality. Unless the Superintendent expressly requests otherwise in writing, the Superintendent's Evaluation shall at all times be conducted in executive session and shall be considered confidential to the extent permitted by law. Nothing herein shall prohibit the Board or the Superintendent from sharing the content of the Superintendent's Evaluation with their respective legal counsel.

5.3 Evaluation Format and Procedures. The evaluation format and procedure shall be in accordance with the evaluation instrument selected by the Board in accordance with the provisions of Article V of this Contract, the Board's policies, and state and federal law. In the event the Board deems that the evaluation instrument, format and/or procedure is to be modified by the Board, such modification must be adopted at least 12 months prior to its implementation.

VI. Renewal or Nonrenewal of Employment Contract

6.1 Renewal/Nonrenewal. Renewal or nonrenewal shall be in accordance with Board policy and applicable law. Notwithstanding anything to the contrary in Section 21.212(a) of the Texas Education Code, the Superintendent shall be entitled to written notice, containing reasonable

notice of the reason for the proposed nonrenewal, not later than 365 days before the last day of the Contract term, containing reasonable notice of the reason(s) for the proposed nonrenewal of the Superintendent's Contract with the District.

VII. Termination of Employment Contract

7.1 Mutual Agreement. This Contract shall be terminated by the mutual agreement of the Superintendent and the Board in writing, upon such terms and conditions as may be mutually agreed upon.

7.2 Retirement or Death. This Contract shall be terminated upon the retirement or death of the Superintendent.

7.3 Dismissal for Good Cause. The Board may dismiss the Superintendent during the term of the contract for good cause. The term "good cause" is defined as follows:

(a) Failure to fulfill duties or responsibilities as set forth under the terms and conditions of this Contract;

(b) Incompetence or inefficiency in the performance of required or assigned duties as documented by evaluations, supplemental memoranda, or other written communication from the Board; provided, however, the terms and conditions of the paragraph shall not justify good cause unless the Board has provided the Superintendent a reasonable opportunity to remediate any incompetency or inefficiency;

(c) Insubordination or failure to comply with lawful written Board directives;

(d) Failure to comply with the Board's policies or the District's administrative regulations;

(e) Neglect of duties;

(f) Drunkenness or excessive use of alcoholic beverages;

(g) Illegal use of drugs, hallucinogens, or other substances regulated by the Texas Controlled Substances Act;

(h) Conviction of a felony or crime involving moral turpitude;

(i) Failure to meet the District's standards of professional conduct;

(j) Failure to comply with reasonable District professional development requirements regarding advanced course work or professional development;

(k) Disability, not otherwise protected by law, that impairs performance of the required duties of the superintendent;

(l) Immorality, which is conduct the Board determines is not in conformity with the accepted moral standards of the community encompassed by the District. Immorality is not confined to sexual matters, but includes conduct inconsistent with rectitude or indicative of corruption, indecency, or depravity;

(m) Assault on an employee or student;

(n) Knowingly falsifying records or documents related to the District's activities;

(o) Conscious misrepresentation of facts to the Board or other District officials in the conduct of the District's business;

(p) Failure to fulfill requirements for superintendent certification;

(q) Failure to fulfill the requirements of a deficiency plan under an Emergency Permit; or

(r) Any other reason constituting "good cause" under Texas law.

7.4 Termination Procedure. In the event that the Board proposes to terminate and/or terminates this Contract for "good cause," the Superintendent shall be afforded all the rights as set forth in the Board's policies, and state and federal law.

VIII. Miscellaneous

8.1 Controlling Law. This Contract shall be governed by the laws of the State of Texas and shall be performable in McLennan County, Texas, unless otherwise provided by law.

8.2 Complete Agreement. This Contract embodies the entire agreement between the parties hereto and cannot be varied except by written agreement of the undersigned parties, except as expressly provided herein.

8.3 Conflicts. In the event of any conflict between the terms, conditions, and provisions of this Contract and the provisions of the Board's policies, or any permissive state or federal law, then, unless otherwise prohibited by law, the terms of this Contract shall take precedence over the contrary provisions of the Board's policies or any such permissive law during the term of the Contract.

8.4 Savings Clause. In the event any one or more of the provisions contained in this Contract shall, for any reason, be held to be invalid, illegal, or unenforceable, such invalidity, illegality, or unenforceability shall not affect any other provision thereof, and this Contract shall be construed as if such invalid, illegal, or unenforceable provision had never been contained herein. All existing agreements and contract, both verbal and written, between the parties hereto regarding the employment of the Superintendent have been superseded by this Contract, and this Contract constitutes the entire agreement between the parties unless amended pursuant to the terms of this Contract.

8.5 Acceptance. This offer will expire unless signed and returned to the Board President or Board Secretary by 5:00 p.m. on the 30th day of August 2019.

Board of Trustees of the
Waco Independent School District
By: _____
Angela Tekell, President

ATTEST: _____
Norman Manning, Secretary

_____
Dr. Susan Kincannon, Superintendent

Salary Addendum to Superintendent's Contract

The Board of Trustees (the "Board") of WACO INDEPENDENT SCHOOL DISTRICT and DR. SUSAN KINCANNON (the "Superintendent") agree to amend the Superintendent's Contract (the "Contract") initially approved by the Board on August 29, 2019 (with an effective date of September 5, 2019) and extended and amended by the Board on March 23, 2023, as follows:

> Paragraph 3.1 Salary is changed to increase the annual salary by 3% from the sum of Two Hundred sixty-two Thousand six hundred seventy-five and 75/100 Dollars ($262,675.75) to the sum of Two Hundred seventy Thousand five hundred fifty-six and 02/100 Dollars ($270,556.02).

The Board and the Superintendent agree that there have been no oral modifications to the Superintendent's Contract. All other terms and conditions of the Contract, as amended, shall remain in full force and effect.

I have read this Addendum and agree to abide by its terms and conditions:

Superintendent: Susan Kincannon

Date signed: 4/3/23

Waco Independent School District

By: _____
President, Board of Trustees

Date signed: 4/4/23

Extension Addendum IV to Superintendent's Contract

Pursuant to action taken on March 23, 2023 at its meeting, the Board of Trustees (the "Board") of WACO INDEPENDENT SCHOOL DISTRICT and DR. SUSAN KINCANNON (the "Superintendent") agree to further extend and amend the Superintendent's Contract (the "Contract") initially approved by the Board on August 29, 2019 (with an effective date of September 5, 2019), and previously amended and extended by the Board (extending the Contract to June 30, 2025) as follows:

> Paragraph 1.1 Term of the Contract is changed to extend the ending date of employment under the Contract to June 30, 2026.

The Board and the Superintendent agree that there have been no oral modifications to the Superintendent's Contract. All other terms and conditions of the Contract, as previously amended, shall remain in full force and effect.

I have read this Addendum and agree to abide by its terms and conditions:

Superintendent: Susan Kincannon

Date signed: 4/3/23

Waco Independent School District

By: _____
President, Board of Trustees

Date signed: 4/4/23

Exhibit A-2
Summary Schedule of Total Reimbursements Received by Superintendent and Board Members
For the Twelve-Month Period Ended August 31, 2022

Description of Reimbursements	Meals	Lodging	Transportation	Motor Fuel	Other	Total
Superintendent:						
Dr. Susan Kincannon	$ 615	$ 3,789	$ 7,936		$ 1,886	14,225
Board Members:						
Jeremy Davis	454	1,848	329		226	2,858
Jonathan Grant	489	2,039	625		171	3,324
Keith Guillory	432	2,471	349		226	3,478
Emily Iazzetti	80				71	151
Stephanie Korteweg	169	2,039	286		171	2,665
Angelo Ochoa	306	1,816	115		171	2,408
Jim Patton	226	860	245		110	1,441
Jose Vidana	489	2,039	625		171	3,324

All "reimbursements" expenses, regardless of the manner of payment, including direct pay, credit card, cash, and purchase order are to be reported. Items to be reported per category include:

Meals – Meals consumed out of town, and in-district meals at area restaurants (outside of board meetings, excludes catered board meeting meals).

Lodging - Hotel charges.

Transportation - Airfare, car rental (can include fuel on rental, taxis, mileage reimbursements, leased cars, parking and tolls), and travel allowances.

Motor fuel – Gasoline.

Other - Registration fees, telephone/cell phone, internet service, fax machine, dues, and other reimbursements (or on-behalf of) to the superintendent and board member not defined above.

Exhibit A-3
Compensation and/or Fees Received by Superintendent from Outside Entities for Professional Consulting and/or Other Personal Services
For the Twelve-Month Period Ended August 31, 2022

Name(s) of Entity(ies)	Amount Received
None	$ -

Compensation does not include business revenues generated from a family business (farming, ranching, etc.) that has no relation to school district business.

Exhibit A-4
Summary Schedule of Total Dollar Amount of Superintendent and Board Members (and First Degree Relatives) of Gifts That Had an Economic Value Exceeding $250 in the Aggregate
For the Twelve-Month Period Ended August 31, 2022

	Total
Superintendent:	
Dr. Susan Kincannon	$ -
Board Members:	
Jeremy Davis	-
Jonathan Grant	-
Keith Guillory	-
Emily Iazzetti	-
Stephanie Korteweg	-
Angelo Ochoa	-
Jim Patton	-
Jose Vidana	-

Note -- An executive officer is defined as the superintendent, unless the board of trustees or the district administration names additional staff under this classification for local officials.

Exhibit A-5
Summary Schedule of the Total Dollar Amount by Board Member of Business Transactions with the School District
For the Twelve-Month Period Ended August 31, 2022

	Total
Superintendent:	
Dr. Susan Kincannon	$ -
Board Members:	
Jeremy Davis	-
Jonathan Grant	-
Keith Guillory	-
Emily Iazzetti	-
Stephanie Korteweg	-
Angelo Ochoa	-
Jim Patton	-
Jose Vidana	-

Note -- The summary amounts reported under this disclosure are not to duplicate the items disclosed in the summary schedule of reimbursements received by board members.

The following words and terms, when used in the financial accountability ratings, have the following meanings, unless the context clearly indicates otherwise.

Accounting: A standard school fiscal accounting system must be adopted and installed by the board of trustees of each school district. The accounting system must conform to generally accepted accounting principles. This accounting system must also meet at least the minimum requirements prescribed by the state board of education, subject to review and comment by the state auditor.

Accretion of Interest: The interest that accrues on a capital appreciation bond until it reaches maturity. The accreted value of a bond at a particular time equates to the initial amount invested, plus the accumulated interest over the period to that date.

Ad Valorem Property Tax: Literally, the term means "according to value." Ad valorem taxes are based on a fixed proportion of the value of the property with respect to which the tax is assessed. They require an appraisal of the taxable subject matter's worth. General property taxes are almost invariably of this type. Ad valorem property taxes are based on ownership of the property, and are payable regardless of whether the property is used or not and whether it generates income for the owner (although these factors may affect the assessed value).

Adopted Tax Rate: This is the tax rate set by the school district to meet its legally adopted budget for a specific calendar year.

Annual Financial Report (AFR): The audited annual report required by the Texas Education Code (TEC), §44.008, that is due to the Texas Education Agency (TEA) by no later than 150 days after the close of a school district's fiscal year.

Assessed Property Value: This is a valuation set upon real estate or other property by a government as a basis for levying taxes.

Assigned Fund Balance: The assigned fund balance represents tentative plans for the future use of financial resources. Assignments require executive management (per board policy to assign this responsibility to executive management prior to end of fiscal year) action to earmark fund balance for bona fide purposes that will be fulfilled within a reasonable period. The assignment and dollar amount for the assignment may be determined after the end of the fiscal year when final fund balance is known.

Auditing: Accounting documents and records must be audited annually by an independent auditor. The Texas Education Agency (TEA) is charged with review of the independent audit of the local education agencies.

Average Daily Attendance (ADA): The number of students in average daily attendance, or the sum of attendance for each day of the minimum number of days of instruction as described under the TEC, §25.081(a), divided by the minimum numbers of days of instruction.

Beginning Fund Balance: The General Fund balance on the first day of a new school year. This is, typically, equivalent to the fund balance at the end of the previous school year.

Budget: The projected financial data for the current school year. Budget data are collected for the general fund, food service fund, and debt service fund.

Budgeting: Not later than August 20th of each year, the superintendent (or designee) must prepare a budget for the school district if the fiscal year begins on September 1. (For those districts with fiscal years beginning July 1, this date would be June 20.) The legal requirements for funds to be budgeted are included in the Budgeting module of the TEA Resource Guide. The budget must be adopted before expenditures can be made, and this adoption must be prior to the setting of the tax rate for the budget year. The budget must be itemized in detail according to classification and purpose of expenditure, and must be prepared according to rules and regulations established by the State Board of Education. The adopted budget, as necessarily amended, shall be filed with TEA through the Public Education Information Management System (PEIMS) as of the date prescribed by TEA.

Capital Appreciation Bonds (CABs): A government security on which the investment return on an initial principal amount is reinvested at a stated compounded rate until maturity. At maturity, the investor receives a single payment representing both the initial principal amount and the total investment return. CABs typically are sold at a deeply discounted price with maturity values in multiples of $5,000. The investment return is considered to be in the form of compounded interest rather than accreted original issue discount. For this reason, only the initial principal amount of a CAB is counted against an issuer's statutory debt limit, rather than the total par value, as is the case of a traditional zero coupon bond.

Capital Outlay: This term is used as both a Function and an Object. Expenditures for land, buildings, and equipment are covered under Object 6600. The amount spent on acquisitions, construction, or major renovation of school district facilities are reported under Function 81. Capitalization thresholds are generally established by district policy.

Capital Projects Funds: Fund type used to account for financial resources to be used for the acquisition or construction of major capital facilities (other than those financed by proprietary funds and trust funds).

Cash and Cash Equivalents: The term, as used in connection with cash flows reporting, includes not only currency on hand, but also demand deposits with banks or other financial institutions. Cash also includes deposits in other kinds of accounts or cash management pools that have the general characteristics of demand deposit accounts in that the governmental enterprise may deposit additional cash at any time and effectively may withdraw cash at any time without prior notice or penalty.

Ceiling Indicator: An upper limit (the maximum score) at which a score from a standard limit of a specific indicator will result regardless of overall points.

Chapter 49 (previously Chapter 41): A key "equity" chapter in the Texas Education Code (TEC) is Chapter 49. This chapter is devoted to wealth equalization through the mechanism of recapture, the recovery of financial resources from districts defined by the state as high property wealth. Resources are recovered for the purpose of sharing them with low-wealth districts. Districts that are subject to the provisions of Chapter 49 must make a choice among several options in order to reduce their property wealth and share financial resources.

Committed Fund Balance: The committed fund balance represents constraints made by the board of trustees for planned future use of financial resources through a resolution by the board, for various specified purposes including commitments of fund balance earned through campus activity funds. Commitments are to be made as to purpose prior to the end of the fiscal year. The dollar amount for the commitment may be determined after the end of the fiscal year when final fund balance is known.

Comptroller Certified Property Value: The district's total taxable property value as certified by the Comptroller's Property Tax Division (Comptroller Valuation).

Current Assets: Current assets are assets that are expected to be consumed, sold, or converted into cash in one year. They are usually presented in order of liquidity on the balance sheet and include cash and cash equivalents, accounts receivables, inventory, prepaid and other short-term assets.

Current Investments: A current investment is an investment that is, by its nature, readily available and is intended to be held for not more than one year from the date on which such investment is made.

Current Liabilities: Financial obligations that are due and payable within one year usually by current assets or by the creation of new current liabilities.

Days of Cash on Hand: The number of days the school district can disburse funds for its operating expenditures without receiving any new revenues.

Debt Service Fund: Governmental fund type used to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest. Also may be referred to as the Interest and Sinking Fund.

Debt: An amount of money owed to a person, bank, company, or other organization.

Debt Services: Two function areas (70 and 71) and one object code series (6500) are identified using this terminology "debt services." Function 70 is a major functional area that is used for expenditures that are used for the payment of debt principal and interest including Function 71. Expenditures that are for the retirement of recurring bond, capital lease principal, and other debt, related debt service fees, and for all debt interest fall under Function 71. Although these expenditures are budgeted and expended as function 71, financial statement presentation may break the expenditures into three functions to differentiate expenditures: function 71, principal, function 72, interest, and function 73, related debt service fees. Object code series 6500 covers all expenditures for debt service.

Debt Service Coverage Ratio: This ratio measures an organization's ability to make debt principal and interest payments that will become due during the year.

Deferred Revenue: Previously reported as liabilities, terminology for resource inflows that do not yet meet the criteria for revenue recognition. These deferred amounts include resources available but unearned, unearned revenue reported as a liability, and revenues earned but not available, reported in a separate section of the financial statements as deferred inflows of resources. This terminology is no longer used; see definitions under deferred outflow/inflow of resources and unearned revenue.

Deferred Outflow/Inflow of Resources: Items previously reported as assets and liabilities in the financial statements. A deferred outflow of resources is defined as "a consumption of net assets by the government that is applicable to a future reporting period," and a deferred inflow of resources is defined as "an acquisition of net assets by the government that is applicable to a future reporting period." Only those instances identified by the Governmental Accounting Standards Board (GASB) will be considered a deferred outflow or inflow of resources. Deferred outflows of resources are reported on the government-wide statement of financial position in a separate section directly following assets, and deferred inflows of resources section should directly follow liabilities.

Electronic Submission: The TEA electronic data feed format required for use by school districts, open-enrollment charter schools, and regional education service centers (ESCs).

Ending Fund Balance: The ending fund balance is the amount of unencumbered surplus fund balance reported by the district at the end of the specified school year. For most school districts, this will be equivalent to the fund balance at the beginning of the next school year.

Enrollment: Students reported as enrolled as of the last Friday in October.

Existing Debt Allotment (EDA): Is the amount of state funds to be allocated to the district for assistance with existing debt.

Expenditures: The cost of goods delivered or services rendered, whether paid or unpaid including expenses, provisions for debt retirement not reported as a liability of the fund from which retired and capital outlays.

Facilities Acquisition and Construction (Function 81): Used to accounts for costs incurred to acquire, construct, equip, or make major renovations/additions to school district facilities, including capital lease transactions.

Federal Revenues: Revenues paid either directly to the district or indirectly through a local or state government entity for federally subsidized programs including the School Breakfast Program, National School Lunch Program, and School Health and Related Services Program. This amount is recorded as Revenue Object 5900.

Financial Integrity Rating System of Texas (FIRST): The financial accountability rating system administered by the TEA in accordance with the TEC, §39.082 and §39.085. The system provides additional transparency to public education finance and meaningful financial oversight and improvement for school districts (School FIRST) and open-enrollment charter schools and charter schools operated by a public institution of higher education under TEC, Chapter 12, Subchapters D and E (Charter FIRST).

Fiscal Year: A period of twelve consecutive months legislatively selected as a basis for annual financial reporting, planning, and budgeting. The fiscal year of a school district or an open-enrollment charter school, which begins on July 1 or September 1 of each year, as determined by the board of trustees of the district or the governing body of the charter holder in accordance with the TEC, §44.0011.

Foundation School Program (FSP): The program established under the TEC, Chapters 46, 48, and 49, or any successor program of state-appropriated funding for school districts in the state. The FSP is the shared financial arrangement between the state and the school district, where property taxes are blended with revenues from the state to cover the cost of basic and mandated programs. The nature of this arrangement falls in one of the following status categories: Regular, Special Statutory, State Administered, Education Service Center, or Open Enrollment Charter School District.

Full-Time Equivalent (FTE): Measures the extent to which one individual or student occupies a fulltime position or provides instruction, e.g., a person who works four hours a day or a student that attends a half of a day represents a .5 FTE.

Function: Function codes identify the expenditures of an operational area or a group of related activities. For example, in order to provide the appropriate atmosphere for learning, school districts transport students to school, teach students, feed students and provide health services. Each of these activities is a function. The major functional areas are:

- Instruction and Instructional-Related Services
- Instructional and School Leadership
- Support Services - Student
- Administrative Support Services
- Support Services - Non-Student Based
- Ancillary Services
- Debt Service
- Capital Outlay
- Intergovernmental Charges

Funds: A school district's accounting system is organized and operated on a fund basis where each fund is a separate fiscal entity in the school district much the same as various corporate subsidiaries are fiscally separate in private enterprise. All Funds refers to the combined total of all the funds listed below:

- The General Fund
- Special Revenue Funds (Federal Programs, Federally Funded Shared Services, State Programs, Shared State/Local Services, Local Programs)
- Debt Service Funds
- Capital Projects Funds
- Enterprise Funds.

Fund Balance: The difference between assets and liabilities reported in a governmental fund. The fund balance may be further delineated as required into the following components: Nonspendable, Restricted, Committed, or Assigned with the remaining balance identified as the Unassigned Fund Balance.

General Administration: The amount spent on managing or governing the school district as an overall entity. Expenditures associated with this functional area are reported under Function 41.

General Fund: This fund finances the fundamental operations of the district in partnership with the community. All revenues and expenditures not accounted for by other funds are

included. This is a budgeted fund and any fund balances are considered resources available for current operations.

Governmental Activities: Activities of the government financed by taxes and intergovernmental revenues and other non-exchange revenues, activities reported in governmental funds and internal service funds, and internal clearing account funds.

Interest & Sinking (I&S) Tax Rate: The tax rate calculated to provide the revenues needed to cover interest and sinking requirements (also referred to as Debt Service). Debt Service includes the interest and principal on bonds and other debt secured by property tax revenues.

Incremental Costs: The amount spent by a school district with excess wealth per WADA on the purchase of attendance credits either from the state or from other school district(s). Expenditures associated with this functional area are reported under Function 92.

Instruction: The amount spent on direct classroom instruction and other activities that deliver, enhance, or direct the delivery of learning situations to students regardless of location or medium. Expenditures associated with this functional area are reported under Function 11.

Instructional Facilities Allotment (IFA): (State Aid) Provides assistance to school districts in making debt service payments on qualifying bonds and lease-purchase agreements. Proceeds must be used for the construction or renovation of an instructional facility.

Intergovernmental Charges: "Intergovernmental" is a classification used when one governmental unit transfers resources to another. In particular, when a Revenue Sharing District purchases WADA or where one school district pays another school district to educate transfer students. Expenditures associated with this functional area are reported under Function 90.

Investments in Capital Assets, Net of Related Debt: One of three components of Net Position that must be reported in both government-wide and proprietary fund financial statements. Related debt, for this purpose, includes the outstanding balances of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, of improvement of capital assets of the government.

Local & Intermediate Source Revenues: All revenues from local taxes and other local and intermediate source revenues. For specifics, see the definitions for Local Property Tax and Other Local & Intermediate Source Revenues. This amount is recorded under Object 5700.

Local Property Tax: This is all revenues from local real and personal property taxes, including recaptured funds from 1) Contracted Instructional Services Between Public Schools (Function 91) and 2) Incremental Costs associated with Chapter 41 of the Texas Education Code (Function 92).

Long-term Liabilities: Non-current liabilities that are due beyond a year. On the balance sheet, accounts are listed in order of liquidity, so long-term liabilities come after current liabilities. In addition, the specific long-term liability accounts are listed on the balance sheet in order of liquidity.

Major Program: A Federal program determined by the auditor to be a major program in accordance with 2 CFR §200.518 or a program identified as a major program by a Federal awarding agency or pass-through entity in accordance with §200.503.

Material Noncompliance: Material noncompliance with the provisions of Federal statutes, regulations, or the terms and conditions of Federal awards related to a major program. The auditor's determination of whether a noncompliance is material for reporting an audit finding is in relation to a type of compliance requirement for a major program identified in the Compliance Supplement.

Material Weaknesses in Internal Controls: Significant deficiencies and material weaknesses in internal control over major programs and significant instances of abuse relating to major programs. The auditor's determination of whether a deficiency in internal control is a significant deficiency or a material weakness for reporting an audit finding is in relation to a type of compliance requirement for a major program identified in the Compliance Supplement.

Membership: Membership differs from enrollment, as it does not include those students who are served for less than two hours per day. A student is in membership if he/she is enrolled and is either scheduled to attend at least two hours of instruction each school day or participating in an alternative attendance accounting program.

Maintenance & Operations (M&O) Tax Rate: The tax rate calculated to provide the revenues needed to cover maintenance and operations. M&O includes such things as salaries, utilities, and day-to-day operations.

Modified Opinion: A term used in connection with financial auditing. A modification of the independent auditor's report on the fair presentation of the financial statements indicates that there exists one or more specific exception to the auditor's general assertion that the financial statements present fairly the financial information contained therein according to generally accepted accounting principles.

Net Investment in Capital Assets: One of three components of net position that must be reported in both government-wide and proprietary fund financial statements. The calculation includes capital assets net of accumulated depreciation less the outstanding balances of any bonds, mortgages, notes, or other borrowings attributable to the acquisition, construction, or improvement of capital assets. Once called "Invested in Capital Assets, Net of Related Debt" the designation now includes deferred outflows, such as deferred losses on refunding of debt, and deferred inflows attributable to capital assets and capital related debt in the calculation. Deferred gains/losses on refunding of debt is the difference between the reacquisition price and the net carrying amount of the old debt and is classified as a deferred inflow or outflow depending on whether it is a gain or loss on the refunding.

Net Pension Liability (NPL): The net pension liability is the difference between the total pension liability (the present value of projected benefit payments to employees based on their past service) and the assets (mostly investments reported at fair value) set aside in a trust and restricted to paying benefits to current employees, retirees, and their beneficiaries.

No New Revenue Tax Rate (previously known as the Effective Tax Rate): Provides the unit with approximately the same amount of revenue it had the year before on properties taxes in both years. A comparison of the effective tax rate to the taxing unit's proposed tax rate shows if there will be a tax increase.

Nonspendable Fund Balance: The portion of fund balance that is in non-liquid form, including inventories, prepaid items, deferred expenditures, long-term receivables, and encumbrances (if significant). Nonspendable fund balance may also be in the form of an endowment fund balance that is required to remain intact.

Object: An object is the highest level of accounting classification used to identify either the transaction posted or the source to which the associated monies are related. Each object is assigned a code that identifies in which of the following eight major object groupings it belongs:

- 1000 Assets
- 2000 Liabilities
- 3000 Fund Balances
- 5000 Revenue
- 6000 Expenditures/Expenses
- 7000 Other Resources/Non-Operating Revenue/Residual Equity Transfers In
- 8000 Other Uses/Non-Operating Revenue/Residual Equity Transfers Out

Operating (or Operational) Expenditures: Operating expenditures are a wide variety of expenditures necessary to a district's operations fall into this category with the largest portion going to payroll and related employee benefits and the purchase of goods and services.

Operating Expenditures per Student: Total Operating Expenditures divided by the total number of enrolled students. Student enrollment is typically reported as of fall PEIMS.

Operating Revenues and Expenses: Operating revenues and expenses are terms used in connection with the proprietary fund statement of revenues, expenses, and changes in net assets. The term is not defined as such in the authoritative accounting and financial reporting standards, although financial statement preparers are advised to consider the definition of operating activities for cash flows reporting in establishing their own definition.

Other Local & Intermediate Source Revenues: All local and intermediate revenues NOT from local real and personal property taxes including:

- Revenues realized because of services rendered to other school districts
- Tuition and Fees
- Rental payments, interest, investment income
- Sale of food and revenues from athletic and extra/co-curricular activities
- Revenues from counties, municipalities, utility districts, etc.

Other Operating Costs: Expenditures necessary for the operation of the school district that are not covered by Payroll Costs, Professional and Contracted Services, Supplies and Materials, Debt Services, and Capital Outlay fall into this category and include travel, insurance and bonding costs, election costs, depreciation, and other costs not defined elsewhere. This amount is recorded as Expenditure/Expense Object 6400.

Other Post-Employment Benefits (OPEB): Other post-employment benefits are benefits that will need to be paid after the employee has completed his/her employment such as post-employment medical insurance. The net OPEB liability equals the total OPEB liability minus the value of the assets in the OPEB plan that is administered through a trust that meets the specified criteria. The total OPEB liability and the OPEB plan's net position are measured as of the same date.

Other Resources: This amount is credited to total actual other resources or non-operating revenues received, such as the sale of real or personal property, bond proceeds, etc., or residual equity transfers in. This amount is recorded under Object 7020.

Payments for Shared Services Arrangements: Payments made from a member district to a fiscal agent or payments from a fiscal agent to a member district as part of a Shared Services Arrangement (SSA). The most common types of SSAs relate to special education services, adult education services, and activities funded by the Elementary and Secondary Education Act (ESEA). Expenditures associated with this functional area are reported under Function 93.

Payroll: Payroll costs include the gross salaries or wages and benefit costs for services or tasks performed by employees at the general direction of the school district. This amount is recorded as Expenditure/Expense Object 6100. *(NOTE: Payroll amounts do not include salaries for contract workers. Therefore, this figure will vary significantly between districts and campuses that use contract workers and those that do not.)*

Public Education Information Management System (PEIMS): See *Texas Student Data System Public Education Information Management System (TSDS PEIMS).*

Plant Maintenance & Operations: The amount spent on the maintenance and operation of the physical plant and grounds and for warehousing and receiving services. Expenditures associated with this functional area are reported under Function 51.

Property Value per Refined ADA: The district's Comptroller Certified Property Value divided by its total Refined ADA (Average Daily Attendance).

Property Value per WADA: The district's Comptroller Certified Property Value divided by its total WADA (Weighted Average Daily Attendance).

Refined ADA: Refined Average Daily Attendance (also called RADA) is based on the number of days of instruction in the school year. The aggregate eligible day's attendance is divided by the number of days of instruction to compute the refined average daily attendance.

Restricted Fund Balance: This is that portion of fund balance that has externally enforceable constraints made by outside parties. The restricted fund balance, shown on the balance sheet in the governmental fund statements, may not equal the restricted component of net position of governmental activities due to different measurement focus and/or different basis of accounting.

Restricted Net Position: The second of three components of net position of governmental activities reported as restricted when constraints placed on its use are either:

- Externally imposed by creditors (such as through debt covenants), grantors, contributors, or

laws or regulations of other governments, or

- Imposed by law through constitutional provisions or enabling legislation.

The restricted component of net position is reduced by liabilities and deferred inflows, related to those assets. This component must be reported by the major categories of restrictions, e.g., restricted for capital projects, debt service, etc. No category of restricted net position can be negative. If liabilities related to restricted assets exceed those assets, no balance should be reported. The negative amount should be reported as a reduction of the unrestricted component of net position.

Revenues: Any increase in a school district's financial resources from property taxes, foundation fund entitlements, user charges, grants, and other sources. Revenues fall into the three broad sources of revenues: Local & Intermediate Source, State, and Federal.

Short-term Debt: See *Current Liabilities*.

Snapshot: PEIMS data is submitted four times per year. Submission 1 is the fall submission and contains data pertaining to student enrollment, staff employed, and budgeted expenditures as of the last Friday in October. Snapshot provides an overview of public education in Texas, at both the state and district levels, and includes almost 100 separate data elements.

Special Revenue Fund: A governmental fund type used to account for the proceeds of specific revenue sources (other than for major capital projects) that are legally restricted to expenditures for specified purposes.

State Revenues: Revenues realized from the Texas Education Agency, other state agencies, shared services arrangements, or allocated based on state laws relating to the Foundation School Program Act. This amount is recorded as Revenue Object 5800.

Summary of Finances (SOF) Report: The document of record for FSP allocations. An SOF report is produced for each school district and open-enrollment charter school by the TEA division responsible for state funding that describes the school district's or open-enrollment charter school's funding elements and FSP state aid.

Texas Student Data System Public Education Information Management System (TSDS PEIMS): A statewide data management system for public education information in the State of Texas. One of the basic goals of PEIMS, as adopted by the State Board of Education in 1986, is to improve education practices of local school districts. PEIMS is a major improvement over previous information sources gathered from aggregated data available on paper reports. This is the system that school districts and open-enrollment charter schools use to load, validate, and submit their data to the TEA. These are defined in a yearly publication, the PEIMS Data Standards.

Unassigned Fund Balance: Available expendable financial resources in a governmental fund that are not the object of tentative management plans (i.e., committed or assigned). One primary criterion of rating agencies for school bonds is the relative amount of unassigned fund balance. Bond rating agencies view unassigned fund balances as a reflection of the financial strength of school districts and show concern when district fund balances decrease.

Unearned Revenue: Unearned revenues are resource inflows that do not yet meet the criteria for revenue recognition. Unearned amounts are always reported as unearned revenue. Generally, accepted accounting principles require that contract and grant revenue be recognized when earned, which is typically based on when expenses are incurred. Grant fund awards made in advance of expenses are reported as unearned revenue at the close of the fiscal period. In governmental funds, earned amounts also are reported as unearned revenue until they are available to liquidate liabilities of the current period.

Unmodified Opinion: Term used in connection with financial auditing. An unmodified independent auditor's opinion means there are no stated exceptions to the auditor's general assertion that the district's financial statements present fairly the financial information contained according to generally accepted accounting principles.

Unrestricted Net Position: The final of three components of net position of governmental activities, the term net position refers to the amount of total assets less total liabilities. Unrestricted net position balance refers to the portion of total net position that is neither included in the calculation of the net investment in capital assets nor restricted.

Voter-Approval (Rollback) Tax Rate: The rollback tax rate provided for under Tax Code, §26.08, has been renamed the voter-approval tax rate. There is no longer an effective tax rate calculation. The voter-approval tax rate is a calculated maximum rate allowed by law without voter approval. School district's voter-approval rate is equal to the district's maximum compressed rate plus the greater of the previous year's enrichment rate or five cents per $100 of taxable value plus the current debt rate. Each year, school districts must get approval from the Texas Education Agency of their maximum compression rate.

Weighted Average Daily Attendance (WADA): A Weighted Average Daily Attendance (WADA) is used to measure the extent students are participating in special programs. The concept of WADA converts all of a school district's students with their different weights to a calculated number of regular students required to raise the same amount of revenue. The greater the number of students eligible for special entitlements, the greater a school district's WADA.

Warrant Hold: The process by which state payments issued to payees indebted to the state, or payees with a tax delinquency, are held by the Texas Comptroller of Public Accounts until the debt is satisfied in accordance with the Texas Government Code, §403.055.

Wealth Equalization Transfer: The amount budgeted by districts for the cost of reducing their property wealth to the required equalized wealth level (Function 91). These funds are sometimes referred to as 'Robin Hood Funds'.

Recognition is given to the Texas Association of School Business Officials (TASBO) and the Texas School Public Relations Association (TSPRA) for their joint effort in creating the Schools FIRST Communication Resources Kit to assist districts in publicizing financial ratings and complying with Commissioner's rules concerning the Financial Accountability Rating System.

DISCLAIMER ON GLOSSARY:

All of the information provided is believed to be accurate and reliable; however, TASBO and TSPRA assume no responsibility for any errors, appearing in this information or otherwise. Further, TASBO and TSPRA assume no responsibility for the use of the information provided.

2024
School FIRST

Annual Financial Accountability Management Report

Public Hearing

October 24, 2024

Background

- Authorized by the Legislature in 1999
- Financial Accountability Rating System and "School FIRST" was implemented in 2000
- Primary Goal: To achieve improved performance in the management of school district resources
- Objectives:
  - To assess the quality of financial management in Texas Public Schools
  - To measure and report the extent financial resources are used for instructional purposes
  - To evaluate the quality of financial management decisions

Rating System Indicators

- Twenty-one Indicators
  - 4 Critical indicators
  - 10 Solvency indicators
  - 7 Financial Competence indicators
- Measurement Indicators
  - Critical indicators (Yes/No)
  - Ceiling indicators (limit maximum total points available and the applicable rating for financial accountability)
  - Other indicators (0-10 points, based on performance)

District Requirements

- Annual Financial Management Report
  - Include the results of the District's performance on the School FIRST indicators, as published by the Texas Education Agency
  - Explain the District's performance on those indicators, including a comparison to the prior year
- Public Hearing
  - Conduct a public hearing on the District's performance on the School FIRST indicators
  - Publish notice of the public hearing in local newspaper
  - Receive public input

Indicators

Critical Indicators (Yes/No)

- Was the complete annual financial report and data submitted to the Texas Education Agency within 30 days of the January 28 deadline?
- Was there an unmodified opinion in the annual financial report on the financial statements as a whole?
- Was the school district in compliance with the payment terms of all debt agreements at fiscal year end?
- Did the school district make timely payments to the Teachers Retirement System, Texas Workforce Commission, Internal Revenue Services, and other government agencies?
- Was the total net position balance in the governmental activities column in the Statement of Net Position greater than zero?

Indicators

Solvency Indicators

- Was the average change in fund balance over 3 years less than a 25% decrease or did the current year fund balance exceed 75 days of operational expenditures?
- Was the number of days of cash on hand and current investments in the general fund sufficient to cover operating expenditures?
- Was the measure of current assets to current liabilities ratio sufficient to cover short-term debt?
- Did general fund revenues cover expenditures or was the number of days of cash on hand greater than or equal to 60 days?
- Was the variance less than 10 percent when comparing budgeted revenues to actual for the last 3 fiscal years? *The indicator was not scored for the 2022-23 fiscal year due to the impact of the COVID-19 pandemic on enrollment and attendance and the resulting loss in State revenue*
- Was the ratio of long-term liabilities to total assets sufficient to support long-term solvency?
- What is the correlation between future debt requirements and the district's assessed property value?
- Was the administrative cost ratio equal to or less than the threshold ratio?
- Was there not a 15% decline in the students to staff ratio over 3 years?

Indicators

Financial Competence Indicators

- Was the actual ADA within the allotted range of the biennial projection submitted to TEA? *This indicator was not scored for 2022-2023 because of the impact of the COVID-19 pandemic on enrollments and attendance*
- Did the comparison of PEIMS data to the information in the annual financial report result in a total variance of less than 3%?
- Did the external auditor report that the annual financial report was free of any material weakness in internal controls over financial reporting and compliance for local, state, or federal funds?
- Did the external auditor indicate the annual financial report was free of any instances of material noncompliance for grants, contracts, and laws related to local, state, or federal funds?
- Was required financial information posted on the District's website in accordance with statutes, laws, and rules?
- Were property values discussed at a board meeting within 120 days of adopting the budget?
- Did the district receive an adjusted repayment schedule for more than one fiscal year for an over-allocation of Foundation School Program funds because of a financial hardship?

Required Disclosures

- Superintendent's current contract
- Schedule of lodging, meals, travel, and other reimbursements to the Superintendent and Board members
- Schedule of outside compensation paid to the Superintendent
- Schedule of gifts with an aggregate value in excess of $250 to the Superintendent and Board from outside entities
- Schedule of business transactions between Board members and the District

Determination of Rating

- Ratings:
  - A = Superior Achievement (90 – 100 points)
  - B = Above Standard (80 – 89 points)
  - C = Meets Standard (70 – 79 points)
  - F = Substandard Achievement (0 – 69 points)
  - No Rating will be issued for a school district receiving territory under annexation with a school district ordered by the Commissioner, TEC §13.054, or consolidation under Subchapter H, Chapter 41, until the third year after the annexation/consolidation.
- Substandard Achievement Rating and TEA Sanctions:
  - District must file a corrective action plan with TEA
  - Assignment of financial monitor or master
  - Accreditation investigation

Ceiling Indicators

Did the school district meet the criteria for any of the following ceiling indicators 4, 5, 6, 16, 17, 20, or 21? If so, the school district's applicable maximum points and rating are disclosed below. Please note, an F = Substandard Achievement Rating supersedes any rating earned as the result of the school district meeting the criteria of a ceiling indicator.

Determination of rating based on meeting ceiling criteria	Maximum Points	Maximum Rating
Indicator 4 (Timely Payments) – School district was issued a warrant hold	95	A = Superior Achievement
Indicator 5 (Total Net Position) - Negative total net position and do not have 7% or more or 1,000 or more increase in growth in students in membership over 5 years.	79	C = Meets Standard Achievement
Indicator 6 (Average Change in Fund Balance) – Response to indicator is *No*.	89	B = Above Standard Achievement
Indicator 16 (PEIMS to AFR) – Response to indicator is *No*.	89	B = Above Standard Achievement
Indicator 17 (Material Weaknesses) – Response to indicator is *No*.	79	C = Meets Standard Achievement
Indicator 20 (Property Values and Tax Discussion) – Response to indicator is *No*.	89	B = Above Standard Achievement
Indicator 21 (FSP Repayment Plan) - Response to indicator is Yes.	70	C = Meets Standard Achievement

2024 Waco ISD Results

A = Superior Achievement

Waco ISD Scored 92 Out of 100 Points

2024 Waco ISD Results

- 'Yes' to the four Critical Indicators
- Maximum points for each of the scored Solvency indicators with the exception of indicators 11, 12, and 13 (indicator 10 was not evaluated)
- Maximum points for each of the scored Financial Competence Indicators (indicator 15 was not evaluated)

2024 Waco ISD Results

- Solvency Indicator #11
  - Was the ratio of long-term liabilities to total assets for the school district sufficient to support long-term solvency? (If the school district's increase of students in membership over 5 years was 7 percent or more or 1,000 or more students in membership, then the school district passes this indicator)
  - This question is like asking someone if their mortgage exceeds the market value of their home.
  - *At August 31, 2023, the District has a ratio of long-term liabilities to total assets of 0.7012. At August 31, 2022, the District has a ratio of long-term liabilities to total assets of 0.684. With the issuance of $72,885,000 in the Unlimited School Building Bonds, Series 2022B and the issuance of $78,455,000 in the Unlimited School Building Bonds, Series 2023, the ratio increased resulting in a loss of four points for this indicator.*

10	8	6	4	2	0
≤ 0.60	> 0.60 ≤ 0.70	> 0.70 ≤ 0.80	> 0.80 ≤ 0.90	> 0.90 ≤ 1.00	> 1.00

2024 Waco ISD Results

- Solvency Indicator #12
  - What is the correlation between future debt requirements and the district's assessed property value?
  - This indicator asks about the school district's ability to make debt principal and interest payments that will become due during the year. Did you meet or exceed the target amount in School FIRST?
  - *At August 31, 2023, the District's debt per $100 of assessed property value ratio has a debt service coverage ratio of 5.6908. At August 31, 2022, the District's ratio was 5.0046. Again, the District lost two points for this indicator due to the issuance of bonded debt.*

10	8	6	4	2	0
≤ 4	> 4 ≤ 7	> 7 ≤ 10	> 10 ≤ 11.5	> 11.5 ≤ 13.5	> 13.5

2024 Waco ISD Results

- Solvency Indicator #13
  - Was the school district's administrative cost ratio equal to or less than the threshold ratio?
  - TEA and state law set a standard on the percentage of the budget that Texas School districts can spend on administration. Where did we fall in relationship to that standard for district's our size?
  - The District's Administrative Cost Ratio was 9.75% compared to 9.33% for the prior year. The rate falls between 8.55% and 11.05 percent, garnering only 8 points for this indicator.

ADA Size	10	8	6	4	2	0
≥ 10,000	<= 0.0855	> 0.0855 <= 0.1105	> 0.1105 <= 0.1355	> 0.1355 <= 0.1605	> 0.1605 <= 0.1855	> 0.1855
≥ 5,000 to < 10,000	<= 0.1000	> 0.1000 <= 0.1250	> 0.1250 <= 0.1500	> 0.1500 <= 0.1750	> 0.1750 <= 0.2000	> 0.2000
≥ 1,000 to < 5,000	<= 0.1151	> 0.1151 <= 0.1401	> 0.1401 <= 0.1651	> 0.1651 <= 0.1901	> 0.1901 <= 0.2151	> 0.2151
≥ 500 to < 1,000	<= 0.1311	> 0.1311 <= 0.1561	> 0.1561 <= 0.1811	> 0.1811 <= 0.2061	> 0.2061 <= 0.2311	> 0.2311
< 500	<= 0.2404	> 0.2404 <= 0.2654	> 0.2654 <= 0.2904	> 0.2904 <= 0.3154	> 0.3154 <= 0.3404	> 0.3404
Sparse	<= 0.3364	> 0.3364 <= 0.3614	> 0.3614 <= 0.3864	> 0.3864 <= 0.4114	> 0.4114 <= 0.4364	> 0.4364

Invitation for Public Input

A copy of the "School FIRST" report is available on the "Financial Transparency" page of the Waco ISD website at:

https://www.wacoisd.org/departments/business-financial-services/department-home

Copies are also available upon request from the Waco ISD Public Information Office

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Sheryl Davis

RE: Monthly and Quarterly Financial Reports for the Period Ended August 31, 2024

==========

Background Information:

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

General Fund
Food Service Fund
Debt Service Fund
Internal Services Fund

Also attached are the quarterly reports for the following:

Tax Collection Report
Cash and Investment Report
Cash Flow Projection

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 and quarterly financial reports for the period ended August 31, 2024, as presented.

BUSINESS & FINANCIAL SERVICES

Sheryl Davis
Chief Finance Officer

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

October 18, 2024

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 August 31, 2024 have been compiled for the General Fund, Food Service Fund, Debt Service Fund, and Internal Services Fund. Final cash reconciliation procedures and financial audit activities may result in additional adjustments to the financial statements. These preliminary financial reports are prepared utilizing the following assumptions:

Revenue:	Recorded on a cash basis with adjustments to accrual basis made at August 31, 2024.
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, 2024. Outstanding encumbrances are included on the "Encumbrances and Expenditures by Fund, Function, and Object" schedule, only.
Beginning Fund Balance:	Represents August 31, 2023 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 2023-2024 Revenues and Expenditures to Previous Fiscal Year as of August 31, 2024

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 have decreased $15.2 million from last year. However, as a percent of estimated revenue, lag last year's collections by 4.7%. The decrease in collections is due to the compression of the tax rate and the increase in the homestead exemption. As of the end of August, value adjustments resulting from appeals and the impact of the new homestead exemption on frozen values have reduced the original levy by $5.7 million. Additionally, with the application of the retroactive adjustments to the frozen values, have reduced the amounts due on prior years' delinquent taxes by $1.8 million

5730 Tuition and Fees – Current year revenue reflects a decrease of $54,477 from last year.

5740 Other Local Revenue – Revenues have increased $1.1 million over last year. This is primarily attributable to an increase in earnings on investments of $1.3 million and the receipt of an advance of $0.5 million in insurance recovery from the June 16, 2023, storm that caused significant roof damage to many of our campuses. It is expected that investment earnings will start to decline in the coming months. As anticipated, the Federal Reserve Board reduced the interest rate at their September meeting, albeit at a more aggressive pace, decreasing 50 basis points rather than the expected 25.

5810 Per Capita and Foundation School Program Revenue – Revenue shows an increase of $22.3 million over last year. Most of this increase results from formula adjustments that increase State Foundation School Program (FSP) revenue as local property tax collections go down. With the legislated increase in the Homestead Exemption from $40,000 to $100,000, the shift in revenue was significant. Prior year's revenue was overstated by approximately $11.5 million due to the error in the property values and losses in enrollment and average daily attendance. Final adjustments for value errors and tax collections posted to the 2022-2023 fiscal year totaled $17,973,804. As of the end of August, TEA recaptured that amount from the 2023-2024 payments. On September 30th, subsequent to the end of the fiscal year, the District received additional FSP revenues from requested property value adjustments for the 2023 and 2024 tax years, in the amounts of $1,585,081 and $3,058,513, respectively. We also applied for funding under the New Instructional Facilities Allotment (NIFA) for G. W. Carver Middle School and was awarded $779,074 and received an additional $946,638 for new designations under the Teacher Incentive Allotment. These adjustments and new awards totaled $6.4 million.

5900 Federal Sources Revenue – Revenues from federal sources have decreased $3.7 million from last year. As a result of an audit conducted by the federal Department of Health and Human Services and the Inspector General, the Texas Health and Human Services Commission notified

districts that Medicaid reimbursements for special education students would be reduced by more than $300 million. Consequently, the Department has recalculated the statewide RMTS percentage for the federal fiscal year 2022 SHARS cost reports. The fiscal impact on Waco ISD is a loss of $1,474,135 which represents a 42.2% loss in reimbursement. However, because we had budgeted a 20% reduction in anticipation of some loss, the $2.0 million we will now receive is only $787,300 less that what we estimated in developing the 2023-2024 budget. We are currently in the process of closing out federal grants and applying for reimbursements. There will be additional indirect cost revenue recognized as we finalize those grants.

Functional Expenditures:

In closing the federal stimulus funds, we discovered that there were substantially more funds remaining under the ESSER III grant than we had expected. We were expecting possibly $1.5 to $2.0 million. However, after all expenditures had been recorded, the remaining funds totaled $6.0 million. In order to spend all of these federal funds, we have recoded $5.5 million in expenditures from various fund sources, primarily the general fund, to the ESSER III grant. The remaining funds will be recognized as indirect cost recoveries to the general fund. Of the $5.5 million, $3.5 million was moved from the general fund, $1.4 million was moved from Title I, $0.3 million from Special Education IDEA funds and $0.1 million from each of Title II and Title IV funds. In the general fund, $0.6 million was moved from instructional expenditures, $0.1 million from evaluation services, $0.3 million from school bus monitors, and the remaining $2.5 million was moved from contracted transportation services. As a result of these reclassifications, expenditures in function 34, student transportation, is inconsistent in comparing to last year's spending pattern. The effect of the reclassifications in the other functional categories are masked by the previously recognized increases in those functions.

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

11 Instruction – Expenditures have increased $0.9 million over last year. Expenditures, as a percent of budget, have decreased 0.9%.

31 Guidance, Counseling and Evaluation Services – Expenditures have increased $0.4 million over last year. This increase is primarily due to picking up two middle school counselors from ESSER funding in order to meet comparability of services and the increase in diagnosticians and other evaluation staff in the special education department.

34 Student Transportation – Expenditures have decreased $1.8 million over last year. As discussed, $2.5 million in transportation costs was recoded to the ESSER III grant so the net increase in transportation costs for the year was $0.7 million. A large portion of this increase results from the early hiring of staff to accommodate the transition of services to an in-house operation as well as the purchase of a GPS system and the replacement of cameras for the fleet. While purchase orders in excess of $1.0 million had been issued for buses, none were received as of August 31st. An amendment was processed in September to rebudget those funds.

36 Extracurricular Activities – The increase of $0.3 million results from an increase in security costs as well as the purchase of new spring sport uniforms for Carver middle school as well as equipment and uniforms for the new Tennyson middle school.

51 Plant Maintenance and Operations – Approximately $0.2 million of the $0.7 million increase is due to an increase in property insurance with another $0.3 million in utilities increases. Additionally, significant salary increases were awarded to entry level custodial staff and that has resulted in a lower vacancy rate and associated salary savings. These increases are partially offset by the completion of insurance-funded repair projects in the prior year. The budget was underspent by $1.9 million. Of that, $1.0 million had been budgeted from insurance recoveries to make roofing repairs resulting from hail damage. None of those funds were expended by August 31st and an amendment was processed in September to rebudget those funds.

52 Security and Monitoring Services – The increase of $0.8 million is net of the $0.3 million recoded to the ESSER III grant. The actual increase in expenditures was just over $1.0 million. This increase was due to the addition of officers required to staff all District campuses. At sites where the positions had not been filled, the District placed contracted off-duty officers from other agencies. For the 2023-2024 fiscal year, we spent $834,047 with RollKall for substitute officers.

53 Data Processing Services – Expenditures have decreased $0.4 million. This is due, in part to the clean-up of software purchases and the funding of projects through other sources such as the School Safety grant.

71 Debt Service – The decrease in debt service results from the timing of entries to implement right-to-use leases and subscription-based information technology, as required by Governmental Accounting Standards.

81 Facilities Acquisition and Construction – Expenditures have decreased $0.5 million due to the completion of the walk-in cooler/freezer project.

95 Juvenile Justice Program – Expenditures have decreased by $74,238 from last year due to a 20% reduction in daily rates and a decrease in participation for the 2023-2024 school year. The Challenge Academy Board has approved a 10% increase in rates for the 2024-2025 school year.

97 – Payments to Tax Increment Fund – The District is still participating in the Tax Increment Reinvestment Zone #3. As a result of settlements on value appeals and related tax refunds, last year's expenditures reflect a negative amount. Additionally, new development in the Zone has resulted in unanticipated tax collections and pass-through payments.

Child Nutrition Fund

Revenues:

5740 Other Local Revenues – The increase of $231,321 is due to increased investment earnings resulting from higher interest rates.

5750 Extracurricular Activities – Revenues generated through adult meals and catering have increased $77,508 over last year.

5820 Other State Program (TEA) – Revenues from state programs reflect a decrease of $130,979 from last year. Revenues in 2022-2023 were overstated due to the correction of a reporting error in 2021-2022.

5900 Federal Sources Revenue – Federal reimbursements for meals have increased $101,013 from last year. While the percentage of students participating has increased slightly over last year's slow start, enrollments are down. 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 has increased. Last year, the District was reimbursed at 95%, our reimbursement rate has returned to 100% for the 2023-2024 school 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 decreased $1.2 million from last year. The decrease is due to the timing of food and non-food purchases. Last year's expenditures included $1.4 million in equipment purchases including the completion of the walk-in cooler/freezer project. There were a number of walk-in cooler/freezer projects for individual campuses planned for in 2023-2024 fiscal year. These projects were unable to be done because they required some level of construction which cannot be funded through the Child Nutrition Program and funds were not available in the general fund to perform the construction aspects of the projects.

Debt Service Fund

Revenues:

5710 Local Property Taxes – Property tax collections at the end of August decreased $3.1 million in comparison to last year. This is due, to levy adjustments resulting from appeals and corrections related to frozen levies reducing the original levy by $5.1 million and the requirement that the District utilize some of the prior year's excess tax collections in funding the current year's debt. This decrease in collections has negatively impacted the restricted fund balance by $1.2 million.

5820 Other State Program Revenue (TEA) – Other Foundation School Program Revenue for facilities has increased $1.8 million over last year. The state has increased the hold harmless amount in an effort to compensate for the inability to correctly certify values last July and the resultant impact on the setting of tax rates.

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 – Payments for principal and interest increase $1.0 million. This was as planned for debt issued as authorized in 2021.

97 – Payments to Tax Increment Fund – As discussed above for the General Fund, the District is still participating in the Tax Increment Reinvestment Zone #3. As a result of settlements on value appeals and related tax refunds, last year's expenditures reflect a negative amount.

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.

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

Program	Revenues	Expenditures	Net
Group Health Insurance	$ 15,601,415	$ 15,639,103	$ (37,688)
Unemployment Compensation	53,066	73,376	(20,310)
Workers' Compensation	840,167	348,877	491,291
Wellness Programs*	0	42,720	(42,720)
Total	$ 16,494,649	$ 16,104,076	$ 390,573

**Under the terms of the agreement with Blue Cross-Blue Shield, the District received an annual claims credit of $150,000 to use for wellness programs. This provision was not included in the current bid with United Health Care.*

As of August 31, 2024, expenditures exceeded revenues by $0.4 million compared to $1.7 million last year. Medical claims have decreased $1.7 million. However, that figure is net of $1.5 million in stop loss recoveries. Partially offsetting that recovery is an increase in stop-loss premiums of $284,080. Prescription drug claims have increased $1.2 million, a 24.8% increase over last year. Revenues from prescription drug rebates have increased $1.5 million over last year. This results from two factors. First the timing of rebates received from CVS is quicker that those received from Express Scripts, as a consequence there were only three receipts recorded in fiscal year 2023 and five recorded in 2024. Additionally, the rebates from CVS are much better with the last two quarters from CVS almost double those received in the previous two quarters from Express Scripts.

Unemployment shows an expenditure of $56,690 for the year, an increase of $52,167 over last year. Credits received from federal stimulus funds are no longer offsetting normal unemployment expenditures.

While workers' compensation claims expenditures have increased $141,834, administrative fees have decreased $16,342.

Reserves for estimated incurred-but-not-reported (IBNR) claims for the fully self-funded health insurance plan totaled $282,000 for medical claims and $99,000 for prescription drugs, at August 31, 2023. Additionally, reserves for the estimated allocated loss adjustment expense (ALAE) for the partially self-funded workers' compensation plan totaled $228,137. We are just receiving the actuarial estimates for August 31, 2024. Those estimates will have some impact on the ending position. The audited beginning net position at September 1, 2023 is $1,585,715; a decrease of

$1,406,518 from last year's beginning fund balance. Preliminarily, as of August 31, 2024, the ending net position is $2.0 million.

Tax Collections

Cumulative value adjustments as of August 31, 2024, have decreased the certified taxable values by $239.3 million bringing the adjusted taxable value to $8,847,803,475. This is an increase of $176 million over last year's adjusted value at this point in time. For the same period last year. value adjustments had decreased the taxable value by $85.1 million.

The number of accounts paid has decreased 1301 from this time last year, current year tax collections have decreased $16,563,728 while collections on prior years' levies with related penalties, interest, and attorney fees have decreased $1,570,091. Much of the decreases is due to the compressional of the M&O tax rate, the increase in the homestead exemption, and refunds made in settlement of prior years' value appeals.

Taxes receivable at August 31, 2024, total $4,032,968 compared to $3,890,518 at the end of the prior year.

Waco Independent School District

BALANCE SHEET

GENERAL FUND

As of August 31, 2024

ASSETS		
Cash and Temporary Investments	$	63,097,314
Property Taxes Receivable, Net of Allowance of $2,216,808		869,765
Due from Other Governments		4,691,976
Accrued Interest		398,519
Due from Other Funds		36,690,126
Other Receivables		184,344
Inventories		422,039
Deferred Expenditures		3,455
Total Assets	$	106,357,538
LIABILITIES		
Accounts Payable	$	1,854,376
Payroll Withholdings and Contributions Payable		1,829,749
Accrued Wages Payable		6,035,555
Due to Other Funds		31,485,134
Due to Other Governments		-
Unearned Revenue		14,789
Total Liabilities	$	41,219,603
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	869,765
Total Deferred Inflows of Resources	$	869,765
FUND BALANCES		
Nonspendable Fund Balance	$	425,494
Restricted Fund Balance		2,345,002
Committed Fund Balance		440,349
Unassigned Fund Balance		61,057,325
Total Fund Balances	$	64,268,169
Total Liabilities and Fund Balances	$	106,357,538

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended August 31, 2024

GENERAL FUND

		Adopted Budget	Amended Budget	Monthly (Memo) Current 8/31/2024	Monthly (Memo) Prior Year 8/31/2023	Year-to-Date (Memo) Current 8/31/2024	Year-to-Date (Memo) Prior Year 8/31/2023	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 69,432,000	69,432,000	153,754	316,085	63,576,091	78,726,124	(5,855,909)	91.57%	96.24%
5720	Services to Other Districts	76,000	76,000	-	8,728	73,026	82,097	(2,974)	96.09%	110.94%
5730	Tuition & Fees	189,000	189,000	-	-	133,365	187,843	(55,635)	70.56%	97.33%
5740	Other Local Revenue	3,143,200	3,759,510	357,266	1,206,851	5,631,859	4,572,256	1,872,349	149.80%	949.88%
5750	Extracurricular Activities	314,300	314,300	22,079	19,246	376,073	291,941	61,773	119.65%	74.78%
5760	Intermediate Source (C.E.D.)	334,000	334,000	-	-	328,691	310,434	(5,309)	0.00%	0.00%
	Total Local Sources	$ 73,488,500	74,104,810	533,099	1,550,910	70,119,106	84,170,694	(3,985,704)	94.62%	100.27%
STATE SOURCES										
5810	Per Capita & FSP Act	$ 71,253,781	73,523,701	22,334,207	(4,228,011)	79,558,454	57,244,931	6,034,753	108.21%	94.66%
5830	Other State Program	7,451,780	7,463,089	607,098	1,189,123	6,825,201	7,154,819	(637,888)	91.45%	99.85%
	Total State Sources	$ 78,705,561	80,986,790	22,941,305	(3,038,888)	86,383,655	64,399,750	5,396,865	106.66%	95.21%
FEDERAL SOURCES										
5900	Federal Sources Revenue	5,405,000	5,405,000	69,683	68,727	2,569,622	6,276,910	(2,835,378)	47.54%	119.66%
	Total Revenues	$ 157,599,061	160,496,600	23,544,087	(1,419,251)	159,072,382	154,847,354	(1,424,218)	99.11%	98.74%
EXPENDITURES										
11	Instruction	$ 88,456,586	91,317,586	9,780,268	10,196,576	85,107,304	84,193,930	6,210,282	93.20%	94.11%
12	Instructional Resources & Media	530,514	701,016	55,241	72,966	562,535	525,762	138,481	80.25%	88.17%
13	Curriculum & Staff Development	4,585,198	4,332,860	353,606	441,404	3,525,629	3,529,625	807,231	81.37%	83.15%
21	Instructional Leadership	4,007,386	4,044,834	305,190	405,236	3,696,701	3,737,713	348,133	91.39%	92.02%
23	School Leadership	10,496,861	10,604,132	952,145	1,159,899	10,148,332	10,314,008	455,800	95.70%	98.38%
31	Guidance, Counseling & Evaluation	6,502,343	6,480,738	604,666	656,423	6,226,923	5,819,092	253,815	96.08%	97.21%
32	Social Work Services	829,625	819,984	40,104	85,788	665,852	710,532	154,132	81.20%	86.91%
33	Health Services	1,544,147	1,547,023	186,297	186,592	1,488,875	1,496,013	58,148	96.24%	98.21%
34	Student Transportation	3,729,228	5,866,349	(2,104,417)	220,085	1,246,738	3,004,194	4,619,611	21.25%	55.66%
36	Extracurricular Activities	5,870,373	6,105,466	697,128	505,794	5,840,138	5,512,026	265,328	95.65%	95.01%
41	General Administration	7,443,184	7,635,819	697,447	713,241	6,817,477	6,745,136	818,342	89.28%	90.51%
51	Plant Maintenance & Operations	18,408,136	19,984,882	1,756,900	1,759,625	18,088,966	17,434,959	1,895,916	90.51%	88.20%
52	Security & Monitoring Services	3,602,281	3,977,781	214,007	379,841	3,655,294	2,887,015	322,487	91.89%	82.09%
53	Data Processing Services	2,979,816	3,273,445	289,502	334,410	3,255,374	3,624,642	18,071	99.45%	99.40%
61	Community Services	520,969	533,711	84,551	33,034	604,043	633,311	(70,332)	113.18%	92.44%
71	Debt Service	302,000	302,000	25,219	73,794	254,594	599,712	47,406	84.30%	0.00%
81	Facilities Acquisition & Construction	-	-	-	(29,191)	-	457,622	-	0.00%	0.00%
93	Shared Services Arrangements	300,000	302,000	-	299,000	300,000	299,000	2,000	99.34%	72.06%
95	Juvenile Justice Program	585,000	585,000	64,915	35,070	527,375	601,613	57,625	90.15%	89.79%
97	Payments to Tax Increment Fund	25,000	120,000	655	(6,477)	99,993	(5,691)	20,007	83.33%	-22.77%
99	Other Intergovernmental Charges	938,000	938,000	-	-	833,438	832,484	104,562	88.85%	99.94%
	Total Expenditures	$ 161,656,647	$ 169,472,626	$ 14,003,424	17,523,109	152,945,580	152,952,698	16,527,046	90.25%	91.60%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (4,057,586)	(8,976,026)	9,540,663	(18,942,359)	6,126,802	1,894,656	15,102,828		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	490,130	-	-	503,624	984,172	13,494		
8900	Other Uses	(565,731)	(565,731)	-	(351,301)	(357,618)	(351,301)	(208,113)		
	Total Other Financing Source (Uses)	$ (565,731)	(75,601)	-	(351,301)	146,006	632,871	(194,619)		
	Total Changes in Fund Balances	$ (4,623,317)	(9,051,627)	9,540,663	(19,293,661)	6,272,808	2,527,527	15,324,435		
Fund Balances, Beginning		52,192,203	57,995,361			57,995,361	55,253,929	-		
Fund Balances, Ending		$ 47,568,886	48,943,734			64,268,169	57,781,456	15,324,435		

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

GENERAL FUND

For the Period Ended August 31, 2024

		Payroll Costs 6100	Purchased & Contracted Services 6200	Supplies & Materials 6300	Other Operating Costs 6400	Debt Services 6500	Capital Outlay 6600	Total Year-to-Date 8/31/2024 6000	*(Memo)* Total Year-to-Date 8/31/2023 6000
11	Instruction	$ 79,023,636	2,442,140	2,737,479	488,463	-	417,037	85,108,755	84,194,380
12	Instructional Resources & Media	486,985	35,482	33,478	6,590	-	-	562,535	509,674
13	Curriculum & Staff Development	3,020,333	196,485	68,405	240,631	-	-	3,525,853	3,530,157
21	Instructional Leadership	3,307,828	121,012	92,276	145,008	-	30,769	3,696,893	3,737,713
23	School Leadership	9,742,083	76,764	170,960	158,756	-	-	10,148,563	10,315,327
31	Guidance, Counseling & Evaluation	5,993,034	7,992	192,375	35,024	-	-	6,228,425	5,811,031
32	Social Work Services	652,243	346	2,083	11,179	-	-	665,852	710,532
33	Health Services	1,444,727	6,058	33,463	4,656	-	-	1,488,904	1,496,013
34	Student Transportation	425,275	174,521	749,906	(108,477)	-	5,952	1,247,176	3,004,194
36	Co/Extracurricular Activities	3,203,869	729,330	675,313	1,000,594	-	44,569	5,653,676	5,512,416
41	General Administration	4,900,462	1,108,391	293,988	471,118	-	326,112	7,100,071	6,745,136
51	Plant Maintenance & Operations	8,826,599	6,330,542	1,319,667	1,286,046	-	179,174	17,942,028	17,435,259
52	Security & Monitoring Services	1,938,936	1,191,870	327,844	17,469	-	33,468	3,509,587	2,887,015
53	Data Processing Services	1,629,319	238,624	1,324,563	29,408	-	10,360	3,232,274	3,624,642
61	Community Services	369,222	186,611	26,677	9,888	-		592,398	633,169
71	Debt Service	-	-	-	-	254,594	-	254,594	599,712
81	Facilities Acquisition & Construction	-	-	-	-	-	-	-	457,622
93	Shared Services Arrangements	-	-	-	300,000	-	-	300,000	299,000
95	Juvenile Justice Program	-	-	-	527,375	-	-	527,375	601,613
97	Payments to Tax Increment Fund	-	-	-	99,993	-	-	99,993	(5,691)
99	Other Intergovernmental Charges	-	833,438	-	-	-	-	833,438	832,484
	Total Expenditures & Encumbered Funds	$ 124,964,550	13,679,608	8,048,477	4,723,721	254,594	1,279,465	152,950,414	152,931,399

Waco Independent School District

BALANCE SHEET

CHILD NUTRITION FUND

As of August 31, 2024

ASSETS		
Cash and Temporary Investments	$	7,249,881
Due from Other Governments		1,099,248
Accrued Interest		12,902
Due from Other Funds		-
Other Receivables		4,298
Total Assets	$	8,366,328
LIABILITIES		
Accounts Payable	$	519,408
Accrued Wages Payable		125,615
Due to Other Funds		26,924
Total Liabilities	$	671,947
FUND BALANCES		
Restricted Fund Balance	$	7,694,381
Total Fund Balances	$	7,694,381
Total Liabilities and Fund Balances	$	8,366,328

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended August 31, 2024

CHILD NUTRITION FUND

		Adopted Budget	Amended Budget	Monthly Current 8/31/2024	Monthly (Memo) Prior Year 8/31/2023	Year-to-Date Current 8/31/2024	Year-to-Date (Memo) Prior Year 8/31/2023	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5740	Other Local Revenue	$ 25,000	25,000	40,043	(5,249)	272,609	41,288	247,609	1090.44%	129.03%
5750	Extracurricular Activities	379,000	379,000	54,381	57,084	612,982	535,474	233,982	161.74%	132.87%
	Total Local Sources	$ 404,000	404,000	94,424	51,835	885,591	576,762	481,591	219.21%	132.59%
STATE SOURCES										
5820	Other State Program (TEA)	$ -	-	-	-	42,615	173,594	42,615	0.00%	0.00%
	Total State Sources	$ -	-	-	-	42,615	173,594	42,615	0.00%	0.00%
FEDERAL SOURCES										
5900	Federal Sources Revenue	$ 10,585,000	10,607,613	793,054	789,750	10,697,499	10,596,485	89,886	100.85%	106.92%
	Total Revenues	$ 10,989,000	11,011,613	887,478	841,585	11,625,704	11,346,841	614,091	105.58%	109.68%
EXPENDITURES										
35	Food Services	$ 11,281,649	13,735,268	863,253	1,080,035	9,868,671	11,077,963	3,866,597	71.85%	80.93%
	Total Expenditures	$ 11,281,649	13,735,268	863,253	1,080,035	9,868,671	11,077,963	3,866,597	71.85%	80.93%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (292,649)	(2,723,655)	24,225	(238,450)	1,757,034	268,878	4,480,689		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-	-	-	63,393	95,520	63,393		
	Total Other Financing Sources (Uses)	$ -	-	-	-	63,393	95,520	63,393		
	Total Changes in Fund Balances	$ (292,649)	(2,723,655)	24,225	(238,450)	1,820,427	364,398	4,544,082		
Fund Balances, Beginning		5,656,031	5,873,954			5,873,954	5,676,286	-		
Fund Balances, Ending		$ 5,363,382	3,150,299			7,694,381	6,040,684	4,544,082		

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

CHILD NUTRITION FUND

For the Period Ended August 31, 2024

	Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Capital Outlay	Total Year-to-Date 8/31/2024	*(Memo)* Total Year-to-Date 8/31/2023
	6100	6200	6300	6400	6600	6000	6000
35 Food Services	$ 3,534,776	4,891,932	1,167,466	35,858	238,941	9,868,974	11,077,963
Total Expenditures & Encumbered Funds	$ 3,534,776	4,891,932	1,167,466	35,858	238,941	9,868,974	11,077,963

Waco Independent School District

BALANCE SHEET

DEBT SERVICE FUND

As of August 31, 2024

ASSETS		
Cash and Temporary Investments	$	3,980,110
Property Taxes Receivable, Net of Allowance of $548,098.99		255,845
Due from Other Governments		-
Accrued Interest		95
Total Assets	$	4,236,050
LIABILITIES		
Accounts Payable	$	9,500
Due to Other Funds		-
Due to Other Governments		125,238
Total Liabilities	$	134,738
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	255,845
Total Deferred Inflows of Resources	$	255,845
FUND BALANCES		
Restricted Fund Balance	$	3,845,467
Total Fund Balances	$	3,845,467
Total Liabilities and Fund Balances	$	4,236,050

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended August 31, 2024

DEBT SERVICE FUND

	Adopted Budget	Amended Budget	Monthly Current 8/31/2024	Monthly (Memo) Prior Year 8/31/2023	Year-to-Date Current 8/31/2024	Year-to-Date (Memo) Prior Year 8/31/2023	Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES									
LOCAL SOURCES									
5710 Local Property Taxes	$ 22,304,772	22,304,772	51,350	92,753	21,733,977	24,843,904	(570,795)	97.44%	100.77%
5740 Other Local Revenue	505,000	537,000	89,927	50,175	769,333	651,423	232,333	143.26%	2605.69%
Total Local Sources	$ 22,809,772	22,841,772	141,277	142,928	22,503,309	25,495,326	(338,463)	98.52%	103.31%
STATE SOURCES									
5820 Other State Program (TEA)	$ 2,359,589	2,359,589	-	(127,275)	2,202,872	449,138	(156,717)	93.36%	202.59%
Total State Sources	$ 2,359,589	2,359,589	-	(127,275)	2,202,872	449,138	(156,717)	93.36%	202.59%
Total Revenues	$ 25,169,361	25,201,361	141,277	15,653	24,706,181	25,944,464	(495,180)	98.04%	104.19%
EXPENDITURES									
71 Debt Service	$ 25,914,221	25,914,221	16,896,746	15,890,011	25,902,395	24,864,058	11,826	99.95%	99.87%
97 Payments to Tax Increment Fund	6,000	38,000	141	(1,729)	33,793	1,667	4,207	88.93%	33.35%
Total Expenditures	$ 25,920,221	25,952,221	16,896,887	15,888,282	25,936,188	24,865,725	16,033	99.94%	99.86%
Total Changes in Fund Balances	$ (750,860)	(750,860)	(16,755,610)	(15,872,629)	(1,230,007)	1,078,739	(479,147)		
Fund Balances, Beginning	5,005,919	5,075,474			5,075,474	4,006,234	-		
Fund Balances, Ending	$ 4,255,059	4,324,614			3,845,467	5,084,973	(479,147)		

Waco Independent School District

Statement of Net Position

Proprietary Fund

As of August 31, 2024

	Governmental Activities Internal Service Fund
Assets	
Current assets:	
Due from other funds	$ 1,565,218
Other receivables	797,661
Prepaid items-health insurance	497,246
Total Assets	$ 2,860,126
Liabilities	
Current liabilities:	
Accounts payable	$ 274,700
Other current liabilities	609,137
Total current liabilities	$ 883,837
Total liabilities	$ 883,837
Net position	
Unrestricted net position	$ 1,976,289
Total net position	$ 2,860,126

Waco Independent School District
Statement of Revenues, Expenses, and Changes in Net Position
Budget and Actual
For the Period Ended August 31, 2024

Proprietary Fund
Governmental Activities - Internal Service Fund

	Budget	Monthly (Memo) Current 8/31/2024	Monthly (Memo) Prior Year 8/31/2023	Year-to-Date (Memo) Current 8/31/2024	Year-to-Date (Memo) Prior Year 8/31/2023	Difference Budget to Current Year-to-Date	CY YTD As % of Budget	PY YTD As % of Budget
Operating revenues:								
Employee contributions:								
Group health	$ 3,690,000	313,754	$ 282,703	3,777,824	$ 3,430,177	87,824	102.38%	94.47%
Assessments to other funds:								
Group health	9,770,000	778,796	790,853	9,482,698	9,766,473	(287,302)	97.06%	95.41%
Unemployment	38,485	9,145	12,763	53,066	118,930	14,581	137.89%	106.19%
Workers compensation	441,187	134,060	42,990	830,060	383,718	388,873	188.14%	107.18%
Prescription drug rebates	804,000	741,902	330,667	2,340,893	803,719	1,536,893	291.16%	67.71%
Insurance recovery	-	-	-	10,108	-	10,108	0.00%	0.00%
Total operating revenues	$ 14,743,672	1,977,656	1,459,975	16,494,649	14,503,016	1,750,977	111.88%	93.42%
Operating expenses:								
Administrative fees	$ 1,150,232	168,834	103,576	1,210,831	1,331,116	(60,599)	105.27%	99.04%
Claims expense:								
Medical claims	8,889,635	751,124	304,492	6,668,003	8,374,223	2,221,632	75.01%	88.79%
Prescription drug claims	4,730,506	626,866	458,506	6,137,926	4,917,840	(1,407,420)	129.75%	125.20%
Unemployment	22,000	-	-	73,376	21,210	(51,376)	333.53%	20.79%
Workers compensation	187,685	9,824	26,389	245,604	103,770	(57,919)	130.86%	39.91%
Stop-loss insurance	1,513,614	152,874	120,673	1,725,617	1,441,537	(212,003)	114.01%	82.89%
Wellness Program	50,000	-	430	42,720	60,345	7,280	85.44%	90.07%
Total operating expenses	$ 16,543,672	1,709,523	1,014,065	16,104,076	16,250,039	439,596	97.34%	96.32%
Change in net position	$ (1,800,000)	268,133	445,910	390,573	(1,747,023)	2,190,573		
Net position:								
Net position, beginning	$ 1,585,716			1,585,716	2,992,233	-		
Net position, ending	$ (214,284)			1,976,289	1,245,210	2,190,573		

Waco Independent School District

Statement of Cash Flows

For the Period Ended August 31, 2024

	Proprietary Fund
	Governmental Activities
	Internal Service Fund
Cash flows from operating activities:	
Cash received from employee contributions	$ 313,754
Cash received from assessments to other funds	653,867
Cash payments for claims	(1,387,815)
Cash payments for stop loss premiums	(152,874)
Cash payments for professional and contracted services	(168,834)
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)	$ 268,133
Effects of increases and decreases in current assets and liabilities:	
Increase in receivables	(132,220)
Decrease in prepaid items	(191,246)
Decrease in accounts payable	55,333
Net cash provided by operating activities	$ (0)

Waco Independent School District

TAX COLLECTION REPORT

For the Quarter Ended August 31, 2024

	Year-to-Date	
	Current	**Prior Year**
	8/31/2024	**8/31/2023**
Certified Taxable Value	$ 9,087,109,844	$ 8,757,329,270
Cumulative Value Adjustments	(239,306,369)	(85,812,432)
Adjusted Taxable Value	$ 8,847,803,475	$ 8,671,516,838
Tax Rate	$ 1.028587	$ 1.241869
Paid Accounts	40,793	42,094

	Quarter		Year-to-Date	
	Current	**Prior Year**	**Current**	**Prior Year**
	8/31/2024	**8/31/2023**	**8/31/2024**	**8/31/2023**
Collections / (Refunds):				
Current Year	$ 673,808	$ 1,096,992	85,199,290	101,763,018
Prior Years	(120,588)	134,874	(645,791)	630,618
Penalties & Interest	252,472	258,606	890,354	1,167,189
Other	166,532	172,112	401,061	417,907
Total Collections	$ 972,224	$ 1,662,584	85,844,914	103,978,732
Disbursements:				
Payments to Tax Increment Fund	$ 6,196	$ 10,574	2,591	59,114
Attorney Fees	(166,532)	(172,112)	(401,061)	(417,907)
Appraisal Commission Fees	(200)	(108)	(6,508)	(1,759)
Total Disbursements	$ (160,536)	$ (161,647)	(404,978)	(360,552)
Net Cash Inflow	$ 811,688	$ 1,500,937	85,439,936	103,618,180
Collections as a Percent of Original Levy:				
Current Collections	0.7%	1.0%	92.4%	97.4%
Total Collections	0.6%	1.2%	91.7%	98.0%

	Current Year's Levy	**Prior Years' Levies**	**Total**
Taxes Receivable at Period End:			
Beginning Balance	$ -	3,890,518	3,890,518
Tax Levy	92,233,940	-	92,233,940
Levy Adjustments	(5,694,295)	(1,843,695)	(7,537,990)
Levy (Paid) / Refunded	(85,199,290)	645,791	(84,553,499)
Ending Balance	$ 1,340,355	2,692,614	4,032,968

BUSINESS & FINANCIAL SERVICES

Sheryl Davis
Chief Finance Officer

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

October 18, 2024

Board of Trustees
Waco Independent School District
Waco, Texas

Following is the quarterly summary of cash and investments held by the school district as of August 31, 2024. As of that date, the District had approximately $16.4 million in on demand deposits at Extraco Bank. Another $24.0 million was deposited in other FDIC insured investments including: $4.1 million in the Texas Range Certificate of Deposit program, $11.0 million in a TFNB Insured Deposit Program, and $8.9 million in a Landing Rock Funds account. The Landing Rock Fund is a liquid investment alternative that combines no risk (100% FDIC insured) with a higher yield than we were achieving through the insured cash shelter account. The District's investments in public funds investment pools totaled $159.4 million.

Additionally, the District had $10.9 million invested in the Texas TERM program, these investments are record at net asset value. As of the end of August, the District had net unrecognized gains in fair value of $322,498. Accrued interest on investments totaled $833,958.

Total cash and investments for the District as of August 31, 2024 was $210.8 million, a decrease of $72.1 million from the last quarter. Of that amount, cash and investments restricted for bond funds has decreased $39.2 million as a result of payments on bond projects. Approximately $3.9 million of the total cash and investments is restricted for debt service, $6.1 million for Child Nutrition Services, and $133.5 million for capital projects funds.

Also attached is the cash flow projection for the quarter ending November 30, 2024. If you have any questions, please do not hesitate to call.

Sheryl Davis
Chief Finance Officer
Business and Financial Services

Waco Independent School District

CASH AND INVESTMENT REPORT

For the Quarter Ended August 31, 2024

REPORT OF INVESTMENT ACTIVITY

Description	Coupon or Average Rate of Return	Weighted Average Maturity or Maturity Date	Market Value 5/31/2024	Book Value 5/31/2024	Interest Earnings	Purchases & Transfers In	Sales & Transfers Out	Changes in Market Value	Market Value 8/31/2024	Book Value 8/31/2024	Accrued Interest
CASH IN DEPOSITORY (EXTRACO):											
Operating Revenues	5.120%		$ 2,432,892	$ 2,432,892	$ 27,620				$ 1,495,447	$ 1,495,447	$ -
Accounts Payable	5.120%		4,051,970	4,051,970	377,221				3,914,181	3,914,181	-
Payroll	5.120%		547,253	547,253	102,441				552,678	552,678	-
District Activity	5.120%		1,082,062	1,082,062	10,075				1,859,382	1,859,382	-
Child Nutrition Services	5.120%		2,362,274	2,362,274	30,792				698,835	698,835	-
High Yield Money Market	5.120%		265,201	265,201	3,356				268,557	268,557	-
Capital Projects 2022	5.120%		2,666,640	2,666,640	20,227				711,977	711,977	-
Capital Projects 2022B	5.120%		1,311,927	1,311,927	30,403				3,342,330	3,342,330	
Capital Projects 2023	5.120%		2,338,866	2,338,866	26,725				3,581,333	3,581,333	
Total Cash in Depository (Extraco)			17,059,085	17,059,085	628,861				16,424,720	16,424,720	-
FDIC INSURED INVESTMENTS:											
Texas Range-Certificate of Deposit Program											
General Fund			1,895,000	1,895,000	-	$ 237,000	$ (236,000)	$ -	1,896,000	1,896,000	33,440
Child Nutrition Services			236,000	236,000	-	2,000,000	-	-	2,236,000	2,236,000	12,902
Debt Service Fund			243,000	243,000	-	-	(243,000)	-	-	-	-
Landing Rock-FDIC Insured Deposit Program											
General Fund	5.010%		5,971,385	5,971,385	75,724	-	-	-	6,047,109	6,047,109	-
Debt Service Fund	5.010%		3,447,616	3,447,616	41,733	-	(603,001)	-	2,886,349	2,886,349	-
TFNB-FDIC Insured Deposit Program	4.750%		7,589,942	7,589,942	91,411	-	-	-	7,681,353	7,681,353	-
TFNB-FDIC Insured Deposit Program	4.750%		3,239,082	3,239,082	39,010	-	-	-	3,278,093	3,278,093	-
Total Other FDIC Insured Investments			22,622,026	22,622,026	247,879	2,237,000	(1,082,001)	-	24,024,903	24,024,903	46,342
PUBLIC FUNDS INVESTMENT POOLS											
LONE STAR: (S&P Rating = AAAm)											
Corporate Overnight Plus Fund	5.440%	46	1,104,951	1,104,951	15,189	-	-	-	1,120,140	1,120,140	-
Government Overnight Fund											
General Fund	5.320%	23	1,780,770	1,780,770	23,946	-	-	-	1,804,716	1,804,716	-
Capital Projects 2022	5.320%	23	32,781,991	32,781,991	381,731	-	(8,381,692)	-	24,782,029	24,782,029	
TEXAS CLASS: (S & P AAAm)											
General Fund	5.457%	35	5,368,249	5,368,249	73,842	-	-	-	5,442,090	5,442,090	-
Capital Projects 2022B	5.457%	35	60825484.47	60,825,484	711,251	-	(22,274,401)	-	39,262,334	39,262,334	-
TEXASDAILY: (S&P Rating = AAAm)											
General Fund	5.430%	42	5,416,523	5,416,523	31,601	3,544,049.49	(4,502,680.22)	-	4,489,493	4,489,493	-
Child Nutrition Services	5.430%	42	27,004	27,004	44,091	5,089,854	(2,002,992)	-	3,157,958	3,157,958	-
Capital Projects 2023	5.430%	42	49,282	49,282	660	-	-	-	49,941	49,941	
Capital Projects 2023	5.560%	42	72,723,812	72,723,812	940,689	-	(11,911,098)		61,753,403	61,753,403	
Debt Service Fund	5.430%	42	8,937	8,937	5,323	13,576,974	(13,589,262)		1,972	1,972	
TEXPOOL: (S&P Rating = AAAm)											
General Fund	5.300%	36	33,018,059	33,018,059	353,324	28,595,485	(45,515,734)	-	16,451,133	16,451,133	-
Debt Service Fund	5.300%	36	2,548,464	2,548,464	48,804	15,425,032	(16,934,628)	-	1,087,671	1,087,671	-
Total for Public Funds Investment Pools			215,653,525	215,653,525	2,630,451	66,231,394	(125,112,488)	-	159,402,882	159,402,882	-
Total Cash and Cash Equivalents			255,334,636	255,334,636	3,507,191	68,468,394	(126,194,489)	-	199,852,506	199,852,506	46,342
INVESTMENTS by Net Asset Value (NAV)											
Texas TERM Dec 24-General Fund	0.993%	8/23/2024	3,075,984	3,075,984	-	-	(3,113,344)	37,360	0	0	174,396
Texas TERM Dec 24-Child Nutrition	0.993%	8/23/2024	769,845	769,845	-	-	(779,196)	9,350	(0)	(0)	43,647
Texas TERM Dec 24-General Fund	0.993%	11/7/2024	1,559,360	1,559,360	-	-	-	7,892	1,567,252	1,567,252	57,465

Waco Independent School District

CASH AND INVESTMENT REPORT

For the Quarter Ended August 31, 2024

REPORT OF INVESTMENT ACTIVITY

Description	Coupon or Average Rate of Return	Weighted Average Maturity or Maturity Date	Market Value 5/31/2024	Book Value 5/31/2024	Interest Earnings	Purchases & Transfers In	Sales & Transfers Out	Changes in Market Value	Market Value 8/31/2024	Book Value 8/31/2024	Accrued Interest
Texas TERM Dec 24-General Fund	0.993%	12/10/2024	1,560,330	1,560,330	-	-	-	7,896	1,568,226	1,568,226	44,945
Texas TERM Dec 24-Debt Service	0.993%	7/30/2024	10,868,000	10,868,000	-	-	(11,000,000)	132,000	-	-	273,219
Texas TERM Dec 25-Debt Service	0.976%	8/5/2024	1,936,000	1,936,000	-	-	(2,000,000)	64,000	-	-	57,998
Texas TERM Dec 25-General Fund	0.976%	1/30/2025	7,744,000	7,744,000	-	-	-	64,000	7,808,000	7,808,000	135,946
Total Investments by Net Asset Value			27,513,519	27,513,519	-	-	(16,892,540)	322,498	10,943,478	10,943,478	787,616
Total Cash, Cash Equivalents, and Investments			$ 282,848,155	$ 282,848,155	$ 3,507,191	$ 68,468,394	$ (143,087,028)	$ 322,498	$ 210,795,983	$ 210,795,983	$ 833,958

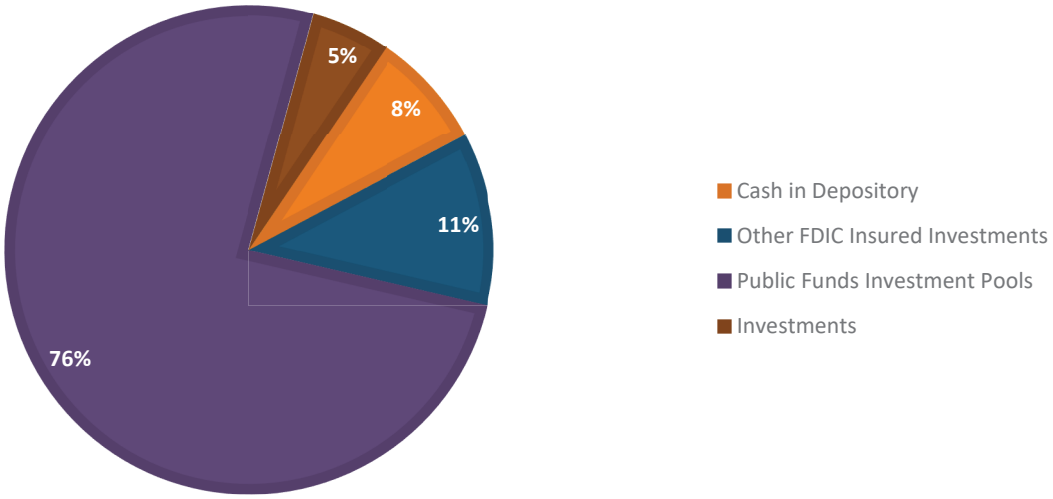
We believe the data presented for the quarter ended August 31, 2024 are accurate in all material respects, and are presented in a manner that fairly sets forth the investment standing of the Waco Independent School District. This report was prepared in compliance with the Waco Independent School District's Investment Policy and the Public Funds Investment Act of the State of Texas.

Sheryl Davis — 10/17/2024
Sheryl Davis, Chief Financial Officer — Date

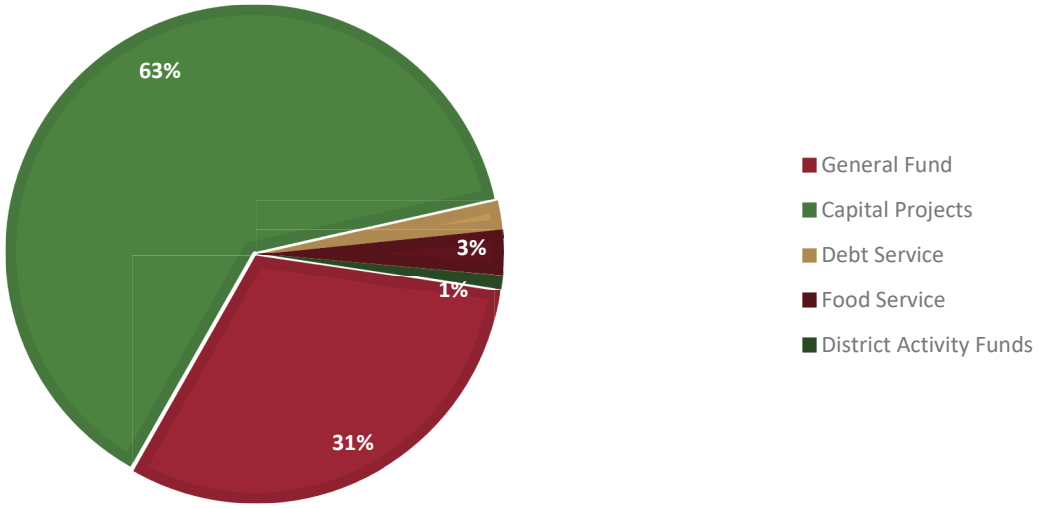
Sherry Smith — 10/17/2024
Sherry Smith, Executive Director of Finance — Date

Clara Eppel — 10/17/2024
Clara Eppel, Accounting Director

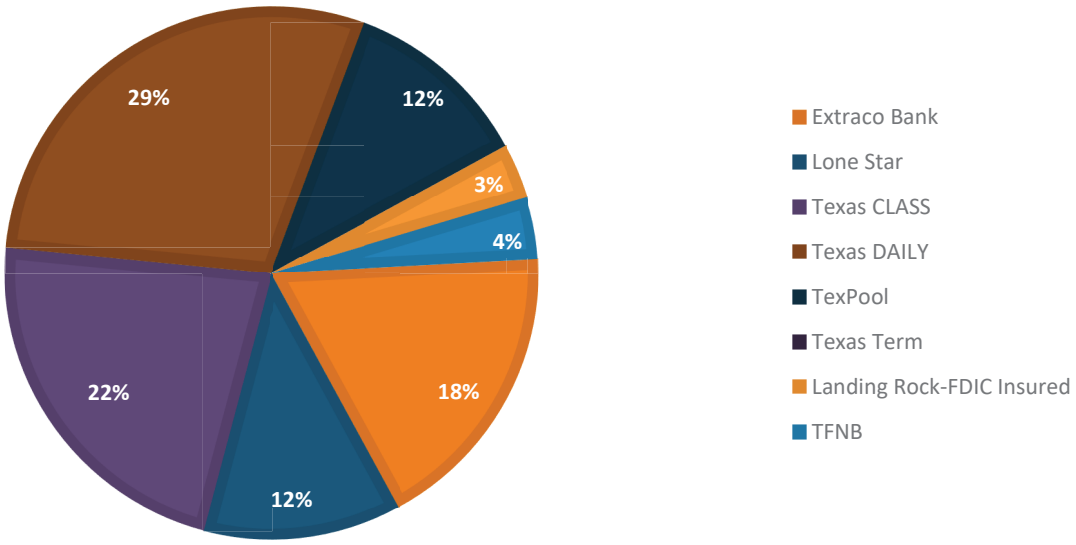
PORTFOLIO COMPOSITION BY INVESTMENT



PORTFOLIO COMPOSITION BY FUND



INTEREST EARNINGS BY ISSUER



Waco Independent School District

CASH FLOW PROJECTIONS

For the Quarter Ended August 31, 2024

	September	October	November
Cash and Cash Equivalents, Beginning Balance	***$ 199,852,506***	***$ 203,904,540***	***$ 191,784,931***
Tax Revenue	*636,178*	*336,197*	*357,451*
Investment Earnings Revenue	*1,169,064*	*1,169,064*	*1,169,064*
Other Local Revenue	*1,616,403*	*1,737,438*	*2,167,774*
State Revenue	*26,755,473*	*12,665,052*	*7,302,535*
Federal Revenue	*2,560,852*	*1,362,571*	*1,197,989*
Payroll Disbursements	*(7,654,020)*	*(7,705,341)*	*(7,666,779)*
Accounts Payable Disbursements	*(21,031,916)*	*(21,684,588)*	*(18,408,529)*
Cash and Cash Equivalents, Ending Balance	*$ 203,904,540*	*$ 191,784,931*	*$ 177,904,435*

2023 Actual and Projected Tax Collections (net of TIF Pass-Through)

	Current Year's Levy	Prior Years' Levy	Penalty & Interest	Total
September, 2022	$ -	$ 140,658	$ 67,511	$ 208,169
October	2,405,005	16,499	50,889	2,472,393
November	6,064,468	24,342	29,592	6,118,402
December	29,575,689	105,818	28,628	29,710,135
January, 2023	41,731,543	61,096	15,652	41,808,291
February	17,250,952	15,209	274,702	17,540,864
March	2,168,485	39,932	201,950	2,410,367
April	695,920	56,761	121,616	874,296
May	773,964	35,430	118,043	927,437
June	549,061	50,420	113,548	713,030
July	286,577	29,138	61,095	376,810
August	261,354	55,315	83,962	400,632
Total Collections	$ 101,763,019	$ 630,618	$ 1,167,188	$ 103,560,825

2024 Actual and Projected Tax Collections (Net of TIF Pass-Through)

	Current Year's Levy	Prior Years' Levy	Penalty & Interest	Total
September, 2023	$ -	102,764	27,877	$ 130,641
October	1,510,052	136,286	34,401	1,680,739
November	5,453,803	(392,042)	27,437	5,089,197
December	25,486,750	43,910	23,639	25,554,298
January, 2024	39,321,967	(144,172)	36,945	39,214,741
February	11,751,117	(37,402)	201,643	11,915,358
March	705,308	11,875	92,905	810,089
April	62,271	(91,366)	80,236	51,141
May	140,948	(61,789)	112,799	191,957
June	194,658	(80,418)	80,488	194,728
July	317,397	(3,443)	91,112	405,066
August	161,754	(36,726)	80,872	205,900
Total Collections	$ 85,106,025	$ (552,525)	$ 890,355	$ 85,443,855

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Sheryl Davis

RE: Monthly Financial Reports for the Period Ended September 30, 2024

==========

Background Information:

Attached are the compiled September 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 September 30, 2024, as presented.

BUSINESS & FINANCIAL SERVICES

Sheryl Davis
Chief Finance Officer

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

October 18, 2024

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 September 30, 2024 have been compiled for the General Fund, Food Service Fund, Debt Service Fund, and Internal Services Fund. Final cash reconciliation procedures and financial audit activities may result in additional adjustments to the financial statements. These preliminary financial reports are prepared utilizing the following assumptions:

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

Waco Independent School District

BALANCE SHEET

GENERAL FUND

As of September 30, 2024

ASSETS		
Cash and Temporary Investments	$	61,712,440
Property Taxes Receivable, Net of Allowance of $2,216,808		869,765
Due from Other Governments		4,687,814
Accrued Interest		453,929
Due from Other Funds		72,203,049
Other Receivables		91,061
Inventories		395,475
Deferred Expenditures		2,449
Total Assets	$	140,415,982
LIABILITIES		
Accounts Payable	$	2,320,688
Payroll Withholdings and Contributions Payable		1,441,529
Accrued Wages Payable		7,388,505
Due to Other Funds		64,708,005
Due to Other Governments		-
Unearned Revenue		5,140
Total Liabilities	$	75,863,867
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	869,765
Total Deferred Inflows of Resources	$	869,765
FUND BALANCES		
Nonspendable Fund Balance	$	397,924
Restricted Fund Balance		-
Committed Fund Balance		1,077,054
Unassigned Fund Balance		62,207,371
Total Fund Balances	$	63,682,349
Total Liabilities and Fund Balances	$	140,415,982

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended September 30, 2024

GENERAL FUND

		Adopted Budget	Amended Budget	Monthly (Memo) Current 9/30/2024	Monthly (Memo) Prior Year 9/30/2023	Year-to-Date (Memo) Current 9/30/2024	Year-to-Date (Memo) Prior Year 9/30/2023	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5710	Local Property Taxes	$ 67,283,414	67,283,414	145,680	100,206	145,680	100,206	(67,137,734)	0.22%	0.14%
5720	Services to Other Districts	77,000	77,000	-	7,899	-	7,899	(77,000)	0.00%	10.39%
5730	Tuition & Fees	150,000	150,000	19,288	15,095	19,288	15,095	(130,712)	12.86%	7.99%
5740	Other Local Revenue	2,982,880	3,552,559	280,062	355,728	280,062	355,728	(3,272,497)	7.88%	11.32%
5750	Extracurricular Activities	379,400	379,400	144,896	60,381	144,896	60,381	(234,504)	38.19%	19.21%
5760	Intermediate Source (C.E.D.)	381,000	381,000	-	-	-	-	(381,000)	0.00%	0.00%
	Total Local Sources	$ 71,253,694	71,823,373	589,925	539,309	589,925	539,309	(71,233,448)	0.82%	0.73%
STATE SOURCES										
5810	Per Capita & FSP Act	$ 72,248,367	72,248,367	15,314,863	14,333,201	15,314,863	14,333,201	(56,933,504)	21.20%	20.12%
5830	Other State Program	7,740,070	7,740,070	578,703	560,164	578,703	560,164	(7,161,367)	7.48%	7.52%
	Total State Sources	$ 79,988,437	79,988,437	15,893,566	14,893,365	15,893,566	14,893,365	(64,094,871)	19.87%	18.92%
FEDERAL SOURCES										
5900	Federal Sources Revenue	3,718,789	3,718,789	40,806	82,454	40,806	82,454	(3,677,983)	1.10%	1.53%
	Total Revenues	$ 154,960,920	155,530,599	16,524,297	15,515,129	16,524,297	15,515,129	(139,006,302)	10.62%	9.84%
EXPENDITURES										
11	Instruction	$ 88,021,699	88,021,699	8,208,470	10,169,370	8,208,470	10,169,370	79,813,229	9.33%	11.46%
12	Instructional Resources & Media	1,422,823	1,422,823	113,956	89,815	113,956	89,815	1,308,867	8.01%	16.93%
13	Curriculum & Staff Development	3,372,422	3,372,422	272,101	314,538	272,101	314,538	3,100,321	8.07%	6.86%
21	Instructional Leadership	3,415,549	3,415,549	308,488	322,733	308,488	322,733	3,107,061	9.03%	8.04%
23	School Leadership	9,519,505	9,519,505	851,429	928,082	851,429	928,082	8,668,076	8.94%	8.84%
31	Guidance, Counseling & Evaluation	7,040,303	7,061,440	676,728	628,438	676,728	628,438	6,384,712	9.58%	9.66%
32	Social Work Services	543,622	543,622	37,143	74,884	37,143	74,884	506,479	6.83%	9.03%
33	Health Services	1,622,342	1,622,342	164,524	150,129	164,524	150,129	1,457,818	10.14%	9.72%
34	Student Transportation	4,927,508	5,965,880	303,437	76,853	303,437	76,853	5,662,443	5.09%	1.50%
36	Extracurricular Activities	5,577,914	5,638,899	609,490	574,968	609,490	574,968	5,029,409	10.81%	9.78%
41	General Administration	6,349,454	6,520,985	642,696	737,159	642,696	737,159	5,878,289	9.86%	9.90%
51	Plant Maintenance & Operations	20,313,668	22,038,582	3,083,007	2,576,705	3,083,007	2,576,705	18,955,575	13.99%	13.60%
52	Security & Monitoring Services	3,692,568	3,751,452	468,017	262,799	467,802	262,799	3,283,650	12.47%	7.30%
53	Data Processing Services	3,430,585	3,430,585	967,648	773,436	967,648	773,436	2,462,937	28.21%	25.96%
61	Community Services	1,039,707	1,039,707	80,230	46,362	80,230	46,362	959,477	7.72%	8.90%
71	Debt Service	318,000	318,000	24,983	17,869	24,983	17,869	293,017	7.86%	0.00%
93	Shared Services Arrangements	300,000	300,000	-	-	-	-	300,000	0.00%	0.00%
95	Juvenile Justice Program	555,000	555,000	90,397	1,500	90,397	1,500	464,603	16.29%	0.26%
97	Payments to Tax Increment Fund	175,000	175,000	675	-	675	-	174,325	0.39%	0.00%
99	Other Intergovernmental Charges	935,000	935,000	206,912	212,703	206,912	212,703	728,088	22.13%	22.68%
	Total Expenditures	$ 162,572,669	$ 165,648,492	$ 17,110,331	17,958,341	17,110,116	17,958,341	148,538,376	10.33%	10.96%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (7,611,749)	(10,117,893)	(586,035)	(2,443,212)	(585,820)	(2,443,212)	9,532,073		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-	-	-	-	-	-		
8900	Other Uses	(535,000)	(535,000)	-	-	-	-	(535,000)		
	Total Other Financing Source (Uses)	$ (535,000)	(535,000)	-	-	-	-	(535,000)		
	Total Changes in Fund Balances	$ (8,146,749)	(10,652,893)	(586,035)	(2,443,212)	(585,820)	(2,443,212)	10,067,073		
Fund Balances, Beginning		49,904,907	64,268,169			64,268,169	57,781,456	-		
Fund Balances, Ending		$ 41,758,158	53,615,276			63,682,349	55,338,244	10,067,073		

Unaudited

10/18/2024

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

GENERAL FUND

For the Period Ended September 30, 2024

		Payroll Costs 6100	Purchased & Contracted Services 6200	Supplies & Materials 6300	Other Operating Costs 6400	Debt Services 6500	Capital Outlay 6600	Total Year-to-Date 9/30/2024 6000	*(Memo)* Total Year-to-Date 9/30/2023 6000
11	Instruction	$ 7,739,298	401,631	428,305	95,998	-	-	8,665,232	10,788,432
12	Instructional Resources & Media	53,820	1,299	62,434	-	-	6,499	124,052	91,901
13	Curriculum & Staff Development	229,791	10,955	23,573	33,829	-	-	298,148	375,665
21	Instructional Leadership	272,505	13,012	23,242	46,597	-	-	355,357	449,601
23	School Leadership	815,128	14,345	30,615	13,126	-	5,204	878,418	976,643
31	Guidance, Counseling & Evaluation	645,892	21,050	60,933	2,677	-	-	730,552	768,737
32	Social Work Services	36,857	-	10	361	-	-	37,228	77,256
33	Health Services	161,386	2,335	2,321	160	-	-	166,201	151,699
34	Student Transportation	242,151	53,113	197,160	(48,095)	-	1,038,372	1,482,701	2,943,329
36	Co/Extracurricular Activities	293,512	180,487	154,125	237,923	-	29,571	895,618	1,247,381
41	General Administration	388,406	97,193	79,554	147,534	-	-	712,687	1,083,939
51	Plant Maintenance & Operations	778,047	1,126,985	512,929	1,734,648	-	77,643	4,230,252	4,050,719
52	Security & Monitoring Services	238,996	522,265	57,681	87,868	-	91,031	997,842	776,086
53	Data Processing Services	149,664	117,330	1,114,322	8,450	-	-	1,389,766	1,372,002
61	Community Services	72,541	138,611	46	585	-	-	211,782	154,656
71	Debt Service	-	-	-	-	24,983	-	24,983	17,869
81	Facilities Acquisition & Construction	-	-	-	-	-	-	-	11,059
93	Shared Services Arrangements	-	-	-	-	-	-	-	-
95	Juvenile Justice Program	-	-	-	90,397	-	-	90,397	51,860
97	Payments to Tax Increment Fund	-	-	-	675	-	-	675	-
99	Other Intergovernmental Charges	-	206,912	-	-	-	-	206,912	212,703
	Total Expenditures & Encumbered Funds	$ 12,117,993	2,907,524	2,747,249	2,452,731	24,983	1,248,320	21,498,801	25,601,536

Waco Independent School District

BALANCE SHEET

CHILD NUTRITION FUND

As of September 30, 2024

ASSETS		
Cash and Temporary Investments	$	7,352,322
Due from Other Governments		1,926,030
Accrued Interest		22,282
Other Receivables		4,298
Total Assets	$	9,304,932
LIABILITIES		
Accounts Payable	$	953,503
Accrued Wages Payable		164,472
Due to Other Funds		231,154
Total Liabilities	$	1,349,129
FUND BALANCES		
Restricted Fund Balance	$	7,955,803
Total Fund Balances	$	7,955,803
Total Liabilities and Fund Balances	$	9,304,932

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended September 30, 2024

CHILD NUTRITION FUND

		Adopted Budget	Amended Budget	Monthly Current 9/30/2024	Monthly (Memo) Prior Year 9/30/2023	Year-to-Date Current 9/30/2024	Year-to-Date (Memo) Prior Year 9/30/2023	Difference-Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES										
LOCAL SOURCES										
5740	Other Local Revenue	$ 65,000	65,000	29,666	24,262	29,666	24,262	(35,334)	45.64%	97.05%
5750	Extracurricular Activities	550,000	550,000	71,788	64,189	71,788	64,189	(478,212)	13.05%	16.94%
	Total Local Sources	$ 615,000	615,000	101,454	88,451	101,454	88,451	(513,546)	16.50%	21.89%
STATE SOURCES										
5820	Other State Program (TEA)	$ 39,000	39,000	-	-	-	-	(39,000)	0.00%	0.00%
	Total State Sources	$ 39,000	39,000	-	-	-	-	(39,000)	0.00%	0.00%
FEDERAL SOURCES										
5900	Federal Sources Revenue	$ 10,835,400	10,835,400	1,282,855	1,233,653	1,282,855	1,233,653	(9,552,545)	11.84%	11.65%
	Total Revenues	$ 11,489,400	11,489,400	1,384,309	1,322,105	1,384,309	1,322,105	(10,105,091)	12.05%	12.03%
EXPENDITURES										
35	Food Services	$ 12,325,453	13,888,776	1,122,887	988,623	1,122,887	988,623	12,765,889	8.08%	8.68%
	Total Expenditures	$ 12,325,453	13,888,776	1,122,887	988,623	1,122,887	988,623	12,765,889	8.08%	8.68%
	Excess (Deficiency) of Revenues Over (Under) Expenditures	$ (836,053)	(2,399,376)	261,422	333,481	261,422	333,481	2,660,798		
OTHER FINANCING SOURCES (USES)										
7900	Other Sources	-	-		-		-	-		
	Total Other Financing Sources (Uses)	$ -	-	-	-	-	-	-		
	Total Changes in Fund Balances	$ (836,053)	(2,399,376)	261,422	333,481	261,422	333,481	2,660,798		
Fund Balances, Beginning		6,776,660	7,694,381			7,694,381	6,040,684	-		
Fund Balances, Ending		$ 5,940,607	5,295,005			7,955,803	6,374,165	2,660,798		

Waco Independent School District

EXPENDITURES AND ENCUMBERED FUNDS BY FUNCTION AND MAJOR OBJECT

CHILD NUTRITION FUND

For the Period Ended September 30, 2024

	Payroll Costs	Purchased & Contracted Services	Supplies & Materials	Other Operating Costs	Capital Outlay	Total Year-to-Date 9/30/2024	*(Memo)* Total Year-to-Date 9/30/2023
	6100	6200	6300	6400	6600	6000	6000
35 Food Services	$ 370,443	705,299	452,244	52,735	973,102	2,553,823	1,344,581
Total Expenditures & Encumbered Funds	$ 370,443	705,299	452,244	52,735	973,102	2,553,823	1,344,581

Waco Independent School District

BALANCE SHEET

DEBT SERVICE FUND

As of September 30, 2024

ASSETS		
Cash and Temporary Investments	$	49,371
Property Taxes Receivable, Net of Allowance of $548,098.99		255,845
Due from Other Governments		3,999,859
Total Assets	$	4,305,075
LIABILITIES		
Accounts Payable	$	9,500
Due to Other Funds		
Due to Other Governments		125,097
Total Liabilities	$	134,597
DEFERRED INFLOWS OF RESOURCES		
Unavailable Revenues - Property Taxes	$	255,845
Total Deferred Inflows of Resources	$	255,845
FUND BALANCES		
Restricted Fund Balance	$	3,914,633
Total Fund Balances	$	3,914,633
Total Liabilities and Fund Balances	$	4,305,075

Waco Independent School District

STATEMENT OF REVENUES, EXPENDITURES AND CHANGES IN FUND BALANCE
BUDGET AND ACTUAL
For the Period Ended September 30, 2024

DEBT SERVICE FUND

	Adopted Budget	Amended Budget	Monthly Current 9/30/2024	Monthly (Memo) Prior Year 9/30/2023	Year-to-Date Current 9/30/2024	Year-to-Date (Memo) Prior Year 9/30/2023	Difference- Amended Budget to YTD Actual	CY YTD As % of Budget	PY YTD As % of Budget
REVENUES									
LOCAL SOURCES									
5710 Local Property Taxes	$ 23,531,688	23,531,688	52,853	30,435	52,853	30,435	(23,478,835)	0.22%	0.14%
5740 Other Local Revenue	106,000	106,000	16,459	21,961	16,459	21,961	(89,541)	15.53%	4.35%
Total Local Sources	$ 23,637,688	23,637,688	69,312	52,396	69,312	52,396	(23,568,376)	0.29%	0.23%
STATE SOURCES									
5820 Other State Program (TEA)	$ 2,358,804	2,358,804	-	-	-	-	(2,358,804)	0.00%	0.00%
Total State Sources	$ 2,358,804	2,358,804	-	-	-	-	(2,358,804)	0.00%	0.00%
Total Revenues	$ 25,996,492	25,996,492	69,312	52,396	69,312	52,396	(25,927,180)	0.27%	0.21%
EXPENDITURES									
71 Debt Service	$ 25,996,492	25,996,492	-	-		-	25,996,492	0.00%	0.00%
97 Payments to Tax Increment Fund	46,000	46,000	146	-	146	-	45,854	0.32%	0.00%
Total Expenditures	$ 26,042,492	26,042,492	146	-	146	-	26,042,346	0.00%	0.00%
Total Changes in Fund Balances	$ (46,000)	(46,000)	69,166	52,396	69,166	52,396	115,166		
Fund Balances, Beginning	3,669,624	3,845,467			3,845,467	5,084,973	(0)		
Fund Balances, Ending	$ 3,623,624	3,799,467			3,914,633	5,137,369	115,166		

Waco Independent School District

Statement of Net Position

Proprietary Fund

As of September 30, 2024

	Governmental Activities Internal Service Fund
Assets	
Current assets:	
Due from other funds	1,497,357
Other receivables	799,670
Prepaid items-health insurance	535,516
Total Assets	$ 2,832,543
Liabilities	
Current liabilities:	
Accounts payable	321,509
Other current liabilities	609,137
Total current liabilities	$ 930,646
Total liabilities	$ 930,646
Net position	
Unrestricted net position	$ 1,901,897
Total net position	$ 2,832,543

Waco Independent School District
Statement of Revenues, Expenses, and Changes in Net Position
Budget and Actual
For the Period Ended September 30, 2024

Proprietary Fund
Governmental Activities - Internal Service Fund

	Budget	Monthly (Memo) Current 9/30/2024	Monthly (Memo) Prior Year 9/30/2023	Year-to-Date (Memo) Current 9/30/2024	Year-to-Date (Memo) Prior Year 9/30/2023	Difference Budget to Current Year-to-Date	CY YTD As % of Budget	PY YTD As % of Budget
Operating revenues:								
Employee contributions:								
Group health	$ 3,791,900	313,796	$ 286,685	313,796	$ 286,685	(3,478,104)	8.28%	7.77%
Assessments to other funds:								
Group health	10,907,700	771,045	783,101	771,045	783,101	(10,136,655)	7.07%	8.02%
Unemployment	72,100	10,899	3,153	10,899	3,153	(61,201)	15.12%	8.19%
Workers compensation	837,900	98,984	8,675	98,984	8,675	(738,916)	11.81%	1.97%
Prescription drug rebates	2,228,700	-	-	-	-	(2,228,700)	0.00%	0.00%
Total operating revenues	$ 17,838,300	1,194,724	1,081,614	1,194,724	1,081,614	(16,643,576)	6.70%	7.34%
Operating expenses:								
Administrative fees	$ 1,379,600	121,763	222,646	121,763	222,646	1,257,837	8.83%	19.39%
Claims expense:								
Medical claims	7,243,200	349,852	640,126	349,852	640,126	6,893,348	4.83%	7.20%
Prescription drug claims	6,635,000	519,106	581,691	519,106	581,691	6,115,894	7.82%	12.30%
Unemployment	80,000	-	-	-	-	80,000	0.00%	0.00%
Workers compensation	619,100	133,120	5,176	133,120	5,176	485,980	21.50%	2.73%
Stop-loss insurance	1,881,400	145,275	237,411	145,275	237,411	1,736,125	7.72%	15.69%
Total operating expenses	$ 17,838,300	1,269,116	1,687,050	1,269,116	1,687,050	16,569,184	7.11%	10.20%
Change in net position	$ -	(74,392)	(605,436)	(74,392)	(605,436)	(74,392)		
Net position:								
Net position, beginning	$ 1,976,289			1,976,289	1,245,210	0		
Net position, ending	$ 1,976,289			1,901,897	639,774	(74,392)		

Unaudited

10/18/2024

Waco Independent School District

Statement of Cash Flows

For the Period Ended September 30, 2024

Proprietary Fund

	Governmental Activities Internal Service Fund
Cash flows from operating activities:	
Cash received from employee contributions	$ 313,796
Cash received from assessments to other funds	955,320
Cash payments for claims	(1,002,078)
Cash payments for stop loss premiums	(145,275)
Cash payments for professional and contracted services	(121,763)
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)	$ (74,392)
Effects of increases and decreases in current assets and liabilities:	
Increase in receivables	65,853
Decrease in prepaid items	(38,270)
Decrease in accounts payable	46,809
Net cash provided by operating activities	$ (0)

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: **Sheryl Davis**

RE: Report on the 2024 Delinquent Tax Collections

==========

Background Information:

The law firms of McCreary, Veselka, Bragg & Allen, P.C. and Beard, Kultgen, Brophy, Bostwick and Dickson, L.L.P., represent Waco ISD in the collection of its delinquent property taxes. Taxes unpaid each year at July 1st are referred for collection. Annually, staff prepare a report detailing activities undertaken to collect the delinquent taxes. The report explains procedures followed and legal steps to be taken if payment is not made.

Additionally, the firms also file requests for audits of the District's taxable property values with the Texas Comptroller of Public Accounts. This past year, the audit of the 2022 property values resulted in additional State Foundation Program revenue of $1,585,081 for the 2022-2023 school year. These funds were received by the district on October 1, 2024.

A copy of the annual report is attached. Mr. Robert Meyers and Connor Buchanan of McCreary, Veselka, Bragg & Allen, P.C., and Mr. Rick Bostwick of Beard, Kultgen, Brophy, Bostwick and Dickson, L.L.P., will be present at the meeting to present the report and answer any questions the Board might have.

Fiscal Implications:

None

Administrative Recommendation(s):

The report is presented for information, only. No action is required.

McCREARY
VESELKA
BRAGG &
ALLEN, P.C.

BEARD
KULTGEN
BROPHY
BOSTWICK &
DICKSON, L.L.P.

REPORT ON DELINQUENT PROPERTY TAX COLLECTIONS

for the

WACO INDEPENDENT SCHOOL DISTRICT

October 24, 2024

Robert L. Meyers
Connor Buchanan
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100 North 6th Street, Suite 602
Waco, Texas 76701

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MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
and
BEARD, KULTGEN, BROPHY, BOSTWICK & DICKSON, L.L.P.
ATTORNEYS AT LAW
Waco, Texas

October 24, 2024

Dr. Tiffany Spicer
Superintendent
Waco Independent School District
501 Franklin Avenue
Waco Texas 76703

Re: Report on Delinquent Property Tax Collections

Dear Dr. Spicer:

We are enclosing for you and the Board of Trustees copies of our latest Report on Delinquent Property Tax Collections. Our report details our activities undertaken to collect the delinquent taxes due to the Waco Independent School District. The report also explains the procedures we follow to ensure that each property owner is notified of their tax delinquency, and the legal steps that will be taken when prompt payment of the taxes is not made.

We believe that our collection procedures provide the Waco Independent School District with maximum recovery of its delinquent taxes in the shortest period of time possible. In addition to our collection activities, we will advise the Waco Independent School District on any ad valorem tax matter.

We appreciate the opportunity to represent the Waco Independent School District in the collection of its delinquent taxes and invite your questions and comments in order that we may better serve your needs.

Sincerely,

Robert L. Meyers
McCreary, Veselka, Bragg & Allen, P.C.

Rick Bostwick

Frederick deB. Bostwick, III
Beard, Kultgen, Brophy, Bostwick & Dickson, L.L.P.

Connor Buchanan
McCreary, Veselka, Bragg & Allen, P.C.

MCCREARY, VESELKA, BRAGG & ALLEN, P.C.
and
BEARD, KULTGEN, BROPHY, BOSTWICK & DICKSON, L.L.P.

REPORT ON DELINQUENT PROPERTY TAX COLLECTIONS
for the
WACO INDEPENDENT SCHOOL DISTRICT

The goal of our tax collection program is to collect the greatest amount of tax in the shortest period of time. **McCreary, Veselka, Bragg & Allen, P.C.** and **Beard, Kultgen, Brophy, Bostwick & Dickson, L.L.P.** believe they have met this goal for the **Waco Independent School District.**

Tax Collections generally fall into two categories, *current tax collections*, the collection of the current levy of taxes within the fiscal year in which they are assessed, and *delinquent tax collections*, taxes that are unpaid and referred to a law firm for collection. It is our belief that an effective delinquent tax collection program will not only result in the quick recovery of delinquent taxes but will also enhance current collections. When the taxpaying public is aware that the **District** aggressively, but fairly, pursues unpaid taxes, there is more incentive for a property owner to timely pay their current taxes. The following are some of the significant points contained in our report.

CURRENT TAX COLLECTIONS

- The **District** collected **98.32%** of its current year's taxes. (Chart Page 2)

- The **District's** Total Annual Tax Collections (current and delinquent taxes, penalties and interest) typically **exceeds** the amount of taxes that have been levied (Chart Page 3)

DELINQUENT TAX COLLECTIONS

- The **District** ultimately collects over **99.00%** of the taxes that it levies. (Chart Page 4)

- We have collected **42.50%** of the taxes referred to us in July 2024, **73.59%** of the taxes referred to us in July 2023, and **83.48%** of the taxes referred in July 2022. The balance of these taxes is being quickly and efficiently collected. (Charts Page 5).

- In order to collect the **District's** delinquent taxes, we have:
  - Sent over **5,323** Delinquent Tax Notices
  - Filed **154** Delinquent Tax Suits
  - Recovered **64** Judgments, and
  - Posted **68** properties for sale

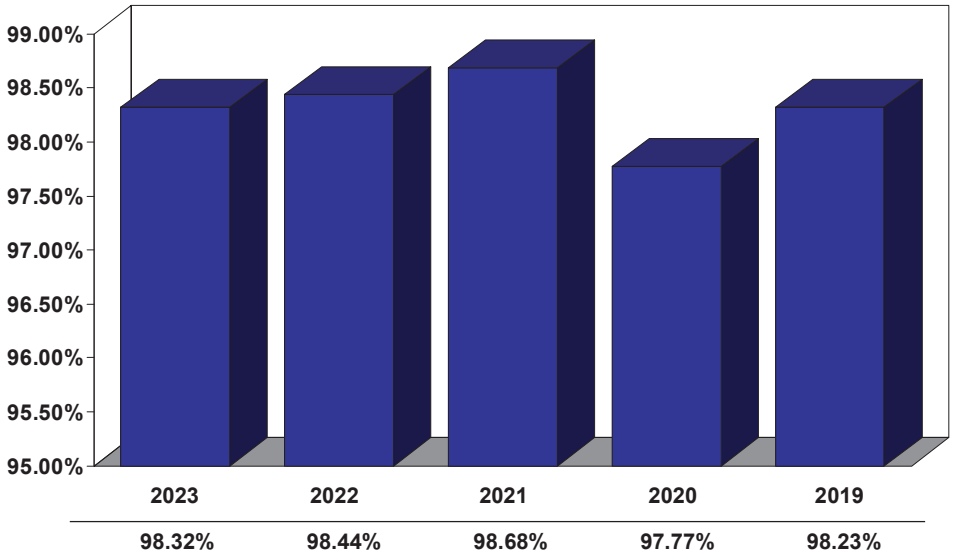
PROPERTY VALUE AUDITS

- We filed an audit of the District's taxable value for tax year 2022 with the Comptroller of Public Accounts that resulted in the District receiving **$1,585,081** in additional state aid. (Page 11)

CURRENT TAX COLLECTIONS

Displayed below are the District's current tax collection amounts and percentages. This is the amount of taxes levied by the District for the past five years and the amount of those taxes collected in that budget year.

*The District collected **98.32%** of its tax levy for the 2023 tax year.*



Variances in the Current Collection Percentages from year to year are primarily influenced by the ability of taxpayers to pay their taxes. This past year the District experienced one of the highest percentages of collections of its current taxes ever.

The Table below and the Chart above list the original amount of taxes levied by the District and the amount and percentage of collection of these taxes from October 1 through August 31 of each year. The amount of each year's tax levy has been adjusted for Tax Office corrections to the District's tax roll.

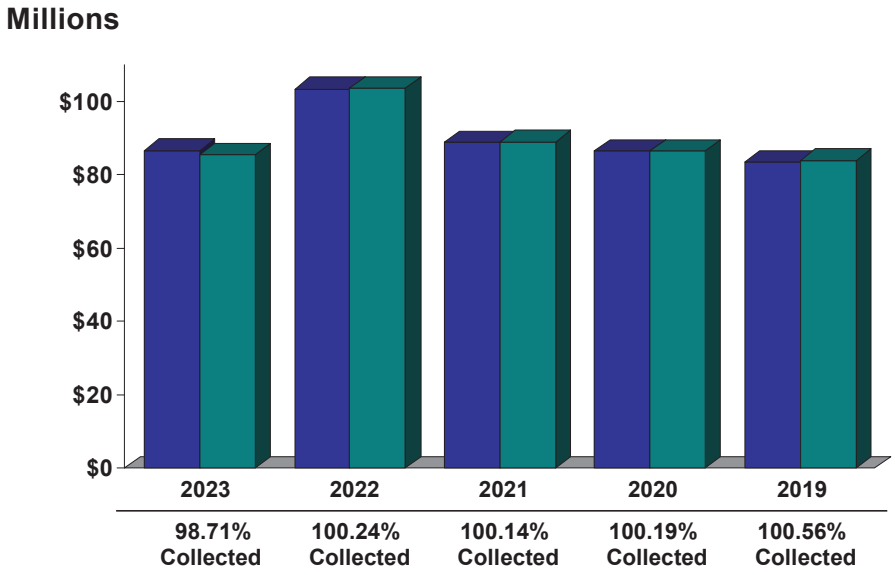
CURRENT TAX COLLECTIONS
(OCTOBER 1 THROUGH AUGUST 31)

Tax Year	Original Tax Levy (Adjusted)	Current Tax Collections	Percent Collected
2023	$86,559,107	$85,106,024	98.32%
2022	$103,375,935	$101,763,018	98.44%
2021	$88,756,641	$87,582,184	98.68%
2020	$86,341,927	$84,416,904	97.77%
2019	$83,424,154	$81,947,735	98.23%

TOTAL ANNUAL TAX COLLECTIONS

In most years, the District's Total Annual Tax Collections ***actually exceeds the amount of taxes that were levied.***

*The District historically collects over **100%** of its tax levy each year.*



Typically, the District's Total Annual Collections that includes the amount of the Current Taxes collected added to the Delinquent Taxes, Penalties and Interest is greater than the amount of taxes levied by the District. Thus, the District is assured that each year it will collect over 100% of the taxes that are levied.

In 2023, although the District collected a substantial amount of tax revenue that exceeded its levy, a large amount of refunds resulting from the resolution of appraisal district valuation lawsuits caused the District's total tax collection rate to drop below one hundred percent.

(The amounts listed have been adjusted for tax office corrections.)

TOTAL ANNUAL TAX COLLECTIONS*
(SEPTEMBER 1 THROUGH AUGUST 31)

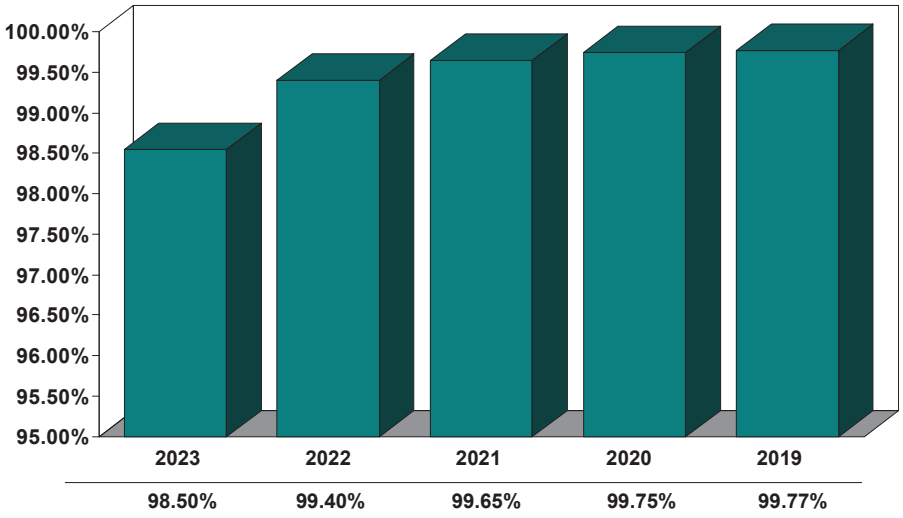
Tax Year	Original Tax Levy (Adjusted)	Total Annual Tax Collections	Percent Collected
2023	$86,559,107	$85,443,854	98.71%
2022	$103,375,935	$103,619,937	100.24%
2021	$88,756,641	$88,882,345	100.14%
2020	$86,341,927	$86,504,516	100.19%
2019	$83,424,154	$83,888,701	100.56%

**Includes Current and Delinquent Taxes, Penalties, and Interest*

COLLECTION OF TAX LEVY

Ultimately over **99%** of the District's taxes are collected. Listed below are the last five tax years. As of September 30, 2024, **98.50 to 99.77%** of the taxes levied for the tax years 2023 through 2019 have been recovered. For each of the tax years prior to 2019, the District has collected over 99.00% of the taxes that were levied

*Ultimately, the District collects over **99.00%** of the taxes that it levies.*



This Chart and the Table below list the actual amount of taxes levied for the past five years and the amount and percentage of each year's tax levy that have been collected. The amounts included are original tax amounts only *and do not include penalties and interest that have also been collected.*

It is a historical reality that a small percentage of each year's tax levy will be uncollectable due to a number of reasons such as insolvent business personal property accounts, bankruptcies, tax deferrals, medical hardships, and the fact that some property owners are judgment proof. Therefore, the cumulative percent collected, while extremely high, will never be one hundred percent.

COLLECTION OF TAX LEVY
(TAX COLLECTIONS FROM OCTOBER 1 OF EACH TAX YEAR THROUGH SEPTEMBER 30, 2024)

Tax Year	Original Tax Levy (Adjusted)	Total Tax Collections	Percent Collected	Number Of Months
2023	$86,559,107	$85,257,403	98.50%	12
2022	$103,375,935	$102,754,676	99.40%	24
2021	$88,756,641	$88,443,280	99.65%	36
2020	$86,341,927	$86,129,295	99.75%	48
2019	$83,424,154	$83,235,118	99.77%	60

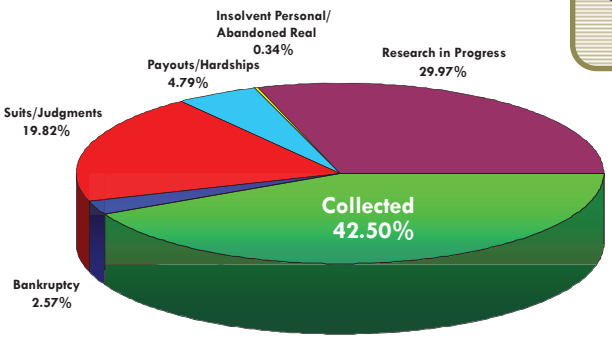
COLLECTION STATUS OF DELINQUENT TAXES

Each July 1, the District refers to us its unpaid delinquent taxes from the prior year for collection. The following charts depict the success we have had in collecting the taxes referred to us. As of September 30, 2024, we have collected:

COLLECTION STATUS OF 2023 DELINQUENT TAXES

42.50% *Collected in* ***3*** *Months*

Category	Amount	Percent
Total Due (7/1/24)	$2,204,983	
Collected*	**$937,218**	**42.50%**
Bankruptcy	$56,723	2.57%
Suits & Judgments	$437,131	19.82%
Payout & Hardships	$105,685	4.79%
Insolvent & Abandoned Property	$7,466	0.34%
Research in Progress	$660,760	29.97%

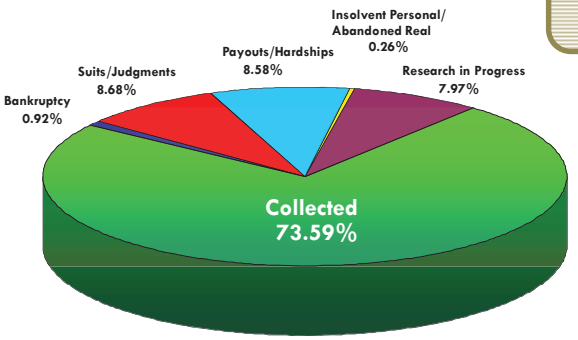


Delinquent Taxes Collected: $937,218

COLLECTION STATUS OF 2022 DELINQUENT TAXES

73.59% *Collected in* ***15*** *Months*

Category	Amount	Percent
Total Due (7/1/23)	$2,352,394	
Collected*	**$1,731,135**	**73.59%**
Bankruptcy	$21,708	0.92%
Suits & Judgments	$204,272	8.68%
Payout & Hardships	$201,781	8.58%
Insolvent & Abandoned Property	$6,088	0.26%
Research in Progress	$187,410	7.97%

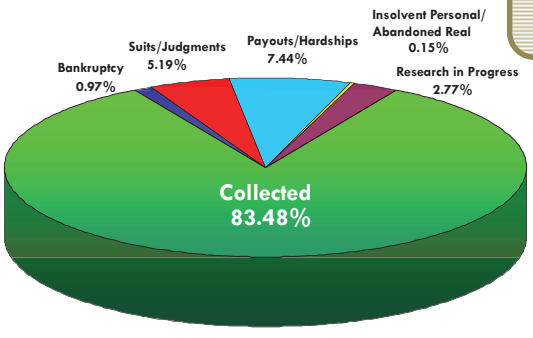


Delinquent Taxes Collected: $1,731,135

COLLECTION STATUS OF 2021 DELINQUENT TAXES

83.48% *Collected in* ***27*** *Months*

Category	Amount	Percent
Total Due (7/1/22)	$1,897,400	
Collected*	**$1,584,039**	**83.48%**
Bankruptcy	$18,364	0.97%
Suits & Judgments	$98,549	5.19%
Payout & Hardships	$141,173	7.44%
Insolvent & Abandoned Property	$2,804	0.15%
Research in Progress	$52,474	2.77%



Delinquent Taxes Collected: $1,584,039

** Collected amount listed includes taxes collected and taxes deleted due to tax office adjustments*

THIS OUTSTANDING LEVEL OF COLLECTIONS DID NOT SIMPLY HAPPEN.

- We have worked diligently collecting these taxes. MVBA has conducted a comprehensive delinquent tax collection program, which provides for:
- Regular and systematic mailing of delinquent tax notices to delinquent property owners.
- Thorough title examinations and ownership verification on selected delinquent tax accounts.
- Pre-litigation notices to all property owners and lienholders on each delinquent tract of real property; and
- The filing and prosecuting of delinquent tax suits to judgment and the final sale of the property to satisfy the tax delinquency if payment arrangements were not satisfactory made.
- We believe that these charts graphically depict the results of MVBA's aggressive delinquent tax collection program.

DEFINITIONS AND COMMENTS REGARDING CHARTS ON PAGE 5

Lawsuits/Judgments

MVBA files delinquent tax suits for the collection of delinquent taxes. Often property owners enter into payment arrangements subsequent to the filing of suit. Further prosecution of these delinquent tax suits is abated as long as the taxpayer complies with the payout agreement. If the property owner makes no effort to pay after suit is filed and citation is served, or if the taxpayer defaults on a payout agreement, judgment is sought. If taxes remain unpaid, subsequent to judgment, an order of sale is issued, and the property is posted for sale.

Bankruptcy

When a property owner files bankruptcy collection activity is prohibited under the United States Bankruptcy Code. MVBA monitors the progress of bankruptcy cases and filed appropriate motions and objections with the Bankruptcy Court to ensure that the tax claims and the tax liens are accorded the highest possible priority. The amount of the claims that will ultimately be paid, particularly in Chapter 7 cases, cannot be estimated.

Insolvent Personal & Abandoned Real Property

Tax accounts on which delinquent notices mailed by MVBA have been returned to us by the U. S. Postal Service as undeliverable or accounts for which the Appraisal District or Tax Office has been unable to determine an address. MVBA is engaged in an extensive address research program. When new addresses are found, notices are promptly sent. However, without an

accurate address personal property delinquent taxes are, as a practical matter, uncollectable. Some of these accounts represent mobile homes that are no longer in the County. In most cases, the Appraisal District has no knowledge of the whereabouts of the owners of these mobile homes. These accounts are uncollectable because collection activity against the owners is effectively precluded. There are numerous business personal accounts where the business is no longer operating. When a business ceases operation, often the owner leaves the County and/or State. Even if the owners of the business can be located, they are usually "judgment proof". Many of these businesses were corporations which are either defunct or have no assets. The whereabouts of the owners of a few real property accounts are unknown. These are unimproved lots or vacant acreage tracts making it extremely difficult to locate the owners. In some cases, the record owners are deceased, and their heirs are unknown or cannot be located. The owners of these vacant and abandoned properties will be served with citation by publication and the properties sold at tax sales.

Pre-Litigation Payouts/Deferrals & Hardships

Property owners enter into written installment payment agreements pursuant to §33.02 of the Property Tax Code prior to suit being filed. These payment agreements are tailored to the individual taxpayer's ability to pay based on their particular financial problems. As a result of the payout agreements, a steady flow of tax payments is received.

There are also, taxpayers who have claimed the over-65 deferral provided by the Tax Code, which prevents the collection of the delinquent taxes assessed against their homesteads. In addition, a few property owners have been designated as hardship cases. Hardship cases are those in which the property owners have documented severe medical conditions or acute financial problems that warrant unusual consideration. Designation as a hardship merely delays collection but does allow for the eventual collection of the taxes.

Research in Progress

This segment refers to those accounts, which do not have any known impediment to the collection process or specific collection activity pending. MVBA has sent several notices of delinquency on each account. We are continuing to place additional accounts under litigation. However, we stress that there may be circumstances which may preclude the collection of some of these taxes. These may include bankruptcies, insolvent or closed businesses, hardship cases, and/or incorrect addresses which are unknown. Nevertheless, MVBA will continue to use all appropriate efforts to collect the delinquent taxes that are due.

DELINQUENT PROPERTY TAX COLLECTION ACTIVITY

(October 1, 2023 through September 30, 2024)

TAXPAYER NOTIFICATION

Our experience has proven that the right notice to the right person at the right time results in the payment of taxes to our client. For this reason, *McCreary, Veselka, Bragg & Allen* sends a series of letters to property owners both before and after we have filed a delinquent tax suit against a property owner and the property. Listed below are various types of notices sent by MVBA to property owners notifying them of their tax delinquency and the status of legal action taken by MVBA to collect the taxes.

Many delinquent accounts are collected as a result of giving the property attention to finding the correct address of a property owner. Delinquent accounts with unknown or incorrect addresses are researched by MVBA through the use of Texas Motor Vehicle registration information, internet databases, telephone directories, city directories, utility records, voter registration records, assumed name files and the records of the Secretary of State. When MVBA obtains new addresses, notices are immediately sent informing the property owner of their tax and notifies the Tax Office of the new address so that the tax records can be updated.

Type of Notices	*Number of Notices*
Initial Notices are polite, but pointed, notices designed to remind the delinquent property owner of their tax liability and urging voluntary payment of the taxes due.	1,888
Delinquent Notices are more insistent notices requiring payment of the delinquent taxes.	1,722
Demand Notices are sent on selected accounts giving notice that if the taxes are not paid, a delinquent tax suit will be filed against the property owner and the property.	1,713
TOTAL NOTICES	**5,323**

LITIGATION

MVBA files delinquent tax suits when property owners and all other parties whom MVBA has determined to have an interest in the property fail to respond to the notices sent to them. Delinquent tax suits filed by MVBA seek a personal judgment against the property owner and foreclosure and sale of the property to satisfy the tax delinquency. When all delinquent taxes, penalties and interest have been paid to the taxing jurisdiction, and all costs of court have been paid in the lawsuit, the lawsuit is dismissed against both the property owner and the property.

Number of Suits	Number of Defendants	Number of Properties	Amount Due
154	373	200	$1,081,952

JUDGMENTS

When the property owner and all parties who have an interest in the property have been served with citation, MVBA notifies the property owner and all other defendants in the lawsuit of the date at which a hearing will be held in District Court to seek a judgment against the property owner and the property. MVBA recovers judgments against the property owner and the property, authorizing sale of the property in order to recover the delinquent taxes, penalties and interest owed. If the property owner pays the total amount of taxes, penalties, interest and costs after judgment has been rendered by the District Court, the judgment is released against both the property owner and the property

Number of Judgments	Number of Defendants	Number of Properties	Amount Due
64	332	81	$372,355

TAX SALES

Should the property owner fail to respond to the notice of judgment, MVBA proceeds with a Sheriff's Sale of the property. MVBA publishes a Notice of Sale in the local newspaper and sends copies to the property owner and all other defendants in the delinquent tax suit, as required by law. In many instances, the property owner either pays the taxes prior to sale or enters into satisfactory arrangements for the payment of the taxes, in which case the property is withdrawn from the Sheriff's Sale. Properties offered for sale are either conveyed to purchasers, or if no acceptable bid is made on the property, conveyed to the taxing units in lieu of payment of taxes. MVBA assists the Sheriff in conducting the sale and prepares the deeds to the purchasers, finalizes the sale papers and supervises the distribution of the sale proceeds to the taxing authorities in order to satisfy the tax delinquency.

Properties Posted for Sale	*Properties Paid/Payout*	*Properties Sold/ Conveyed into Trust*	*Amount Due*
68	42	26	$393,290

BANKRUPTCY LITIGATION

McCreary, Veselka, Bragg & Allen's bankruptcy department closely supervises those individuals and corporations that file for protection under the bankruptcy laws who owe taxes. Through our fully computerized bankruptcy tracking system, MVBA files and monitors all claims for taxes owed by the bankrupt debtor. Proofs of Claim are filed by MVBA to assert the amount of tax, penalty and interest due when the bankruptcy is filed. Administrative claims are filed to seek recovery of taxes that arise after the debtor has filed bankruptcy. Our attorneys review all Motions and Plans for Reorganization filed by the debtor or any other creditor with the Bankruptcy Court, aggressively assert the tax claims, and defend the tax liens of our clients to the fullest extent allowed
under the Bankruptcy Code.

Type	*Number of Bankruptcies*	*Number of Properties*	*Amount Due*
Bankruptcies Filed	29	32	$109,235
Bankruptcies Dismissed	8	9	10,337

PROPERTY VALUE AUDIT

Our firm filed audits of the district's taxable value with the Comptroller of Public Accounts. The audits reported corrections and changes to the District's tax roll which decreased the District's taxable value and tax levy. The audit lowered the Comptroller's finding of the District's taxable which it reported to the Texas Education Agency and entitled the District to additional state aid. The amount of additional state aid is set out below:

Tax Year	*Additional State Aid*
2016	$453,605
2017	$824,758
2018	$1,283,139
2019	$1,482,071
2020	$1,732,108
2022	**$1,585,081**
Total	**$7,360,762**

FEE FOR SERVICES

All of our collection and property value services are provided at no cost to the district

MVBA provides all legal representation for a contingent fee of the delinquent taxes, penalties and interest collected. Our attorney fees are paid entirely by the delinquent property owners upon payment of the delinquent taxes as an additional penalty pursuant to the Texas Tax Code.

McCREARY VESELKA BRAGG & ALLEN, P.C.

BEARD KULTGEN BROPHY BOSTWICK & DICKSON, L.L.P.

WACO INDEPENDENT SCHOOL DISTRICT

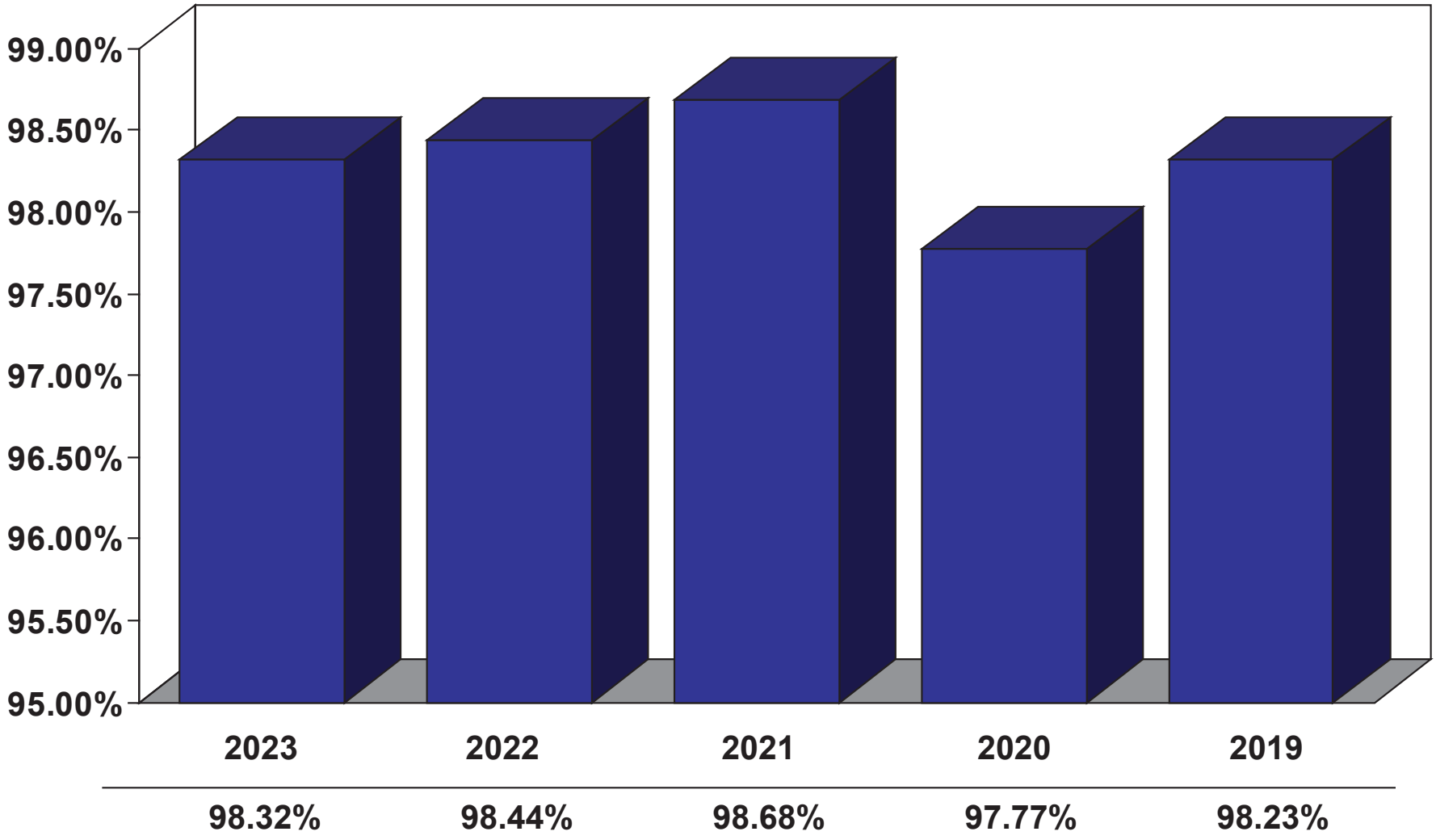
REPORT ON DELINQUENT PROPERTY TAX COLLECTIONS

October 24, 2024

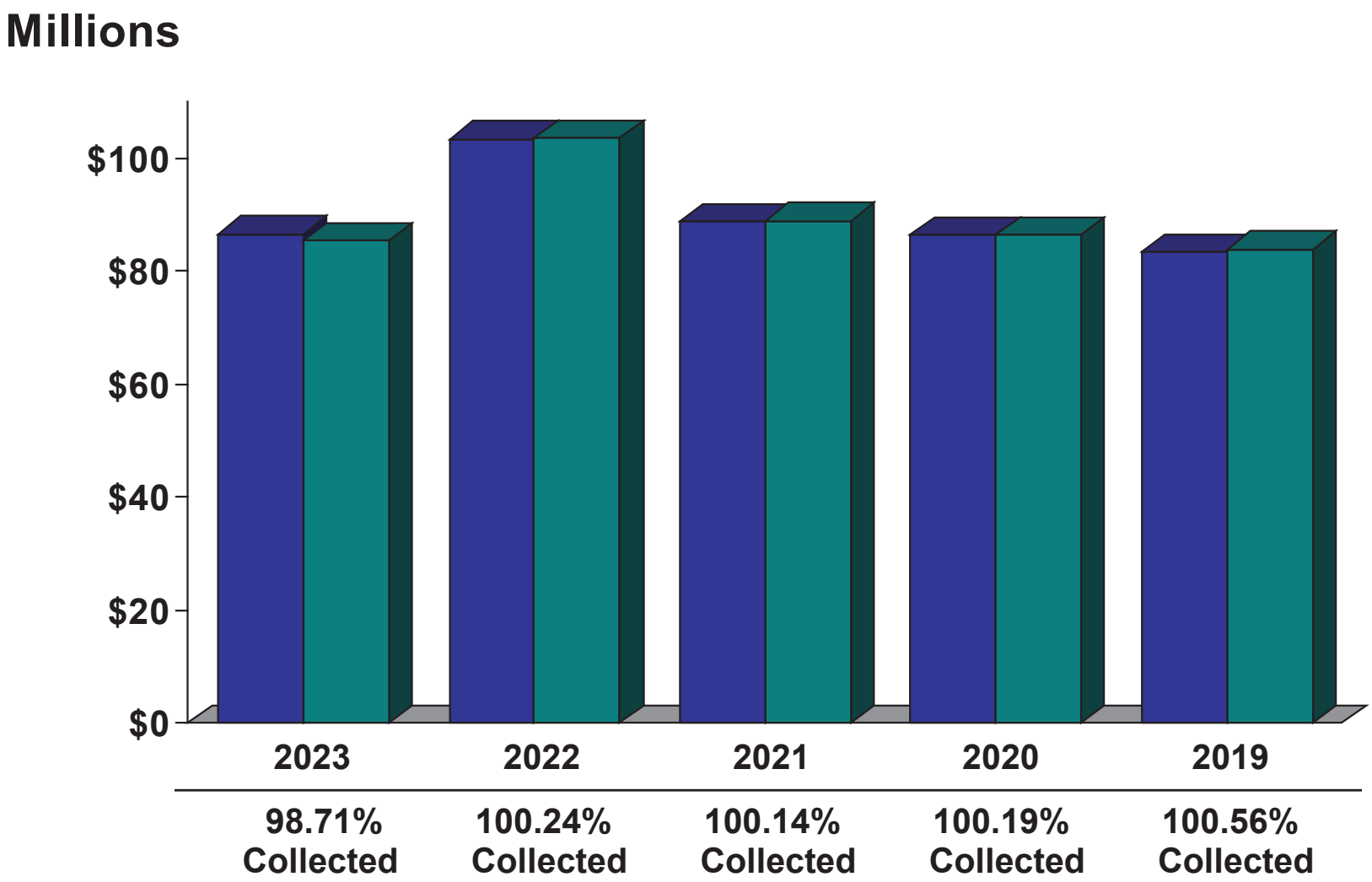
Robert L. Meyers/Connor Buchanan
Attorneys at Law

Frederick deB. Bostwick
Attorney at Law

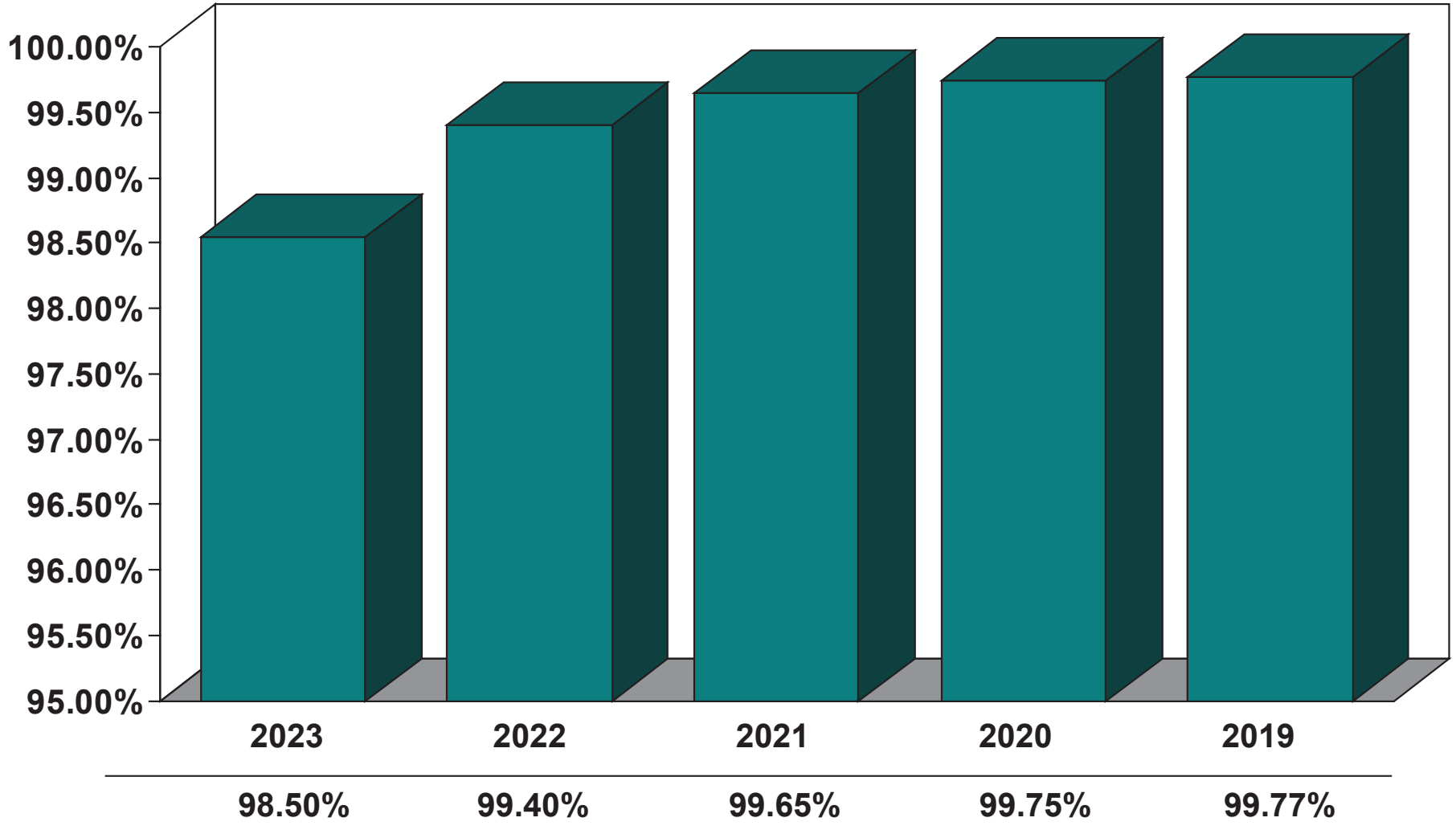
WACO INDEPENDENT SCHOOL DISTRICT
CURRENT TAX COLLECTIONS



WACO INDEPENDENT SCHOOL DISTRICT
TOTAL ANNUAL TAX COLLECTIONS



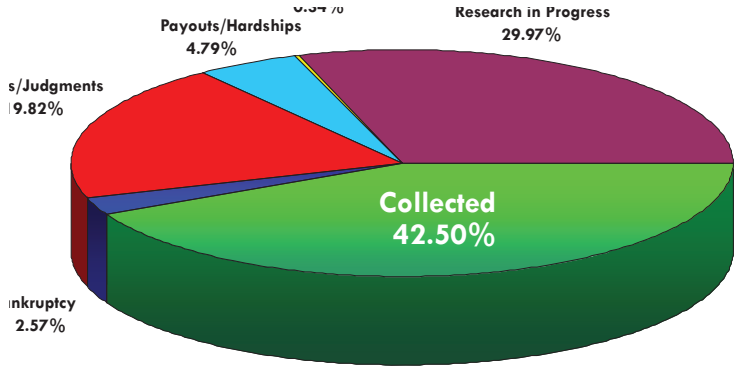
WACO INDEPENDENT SCHOOL DISTRICT
COLLECTION OF TAX LEVY



WACO INDEPENDENT SCHOOL DISTRICT

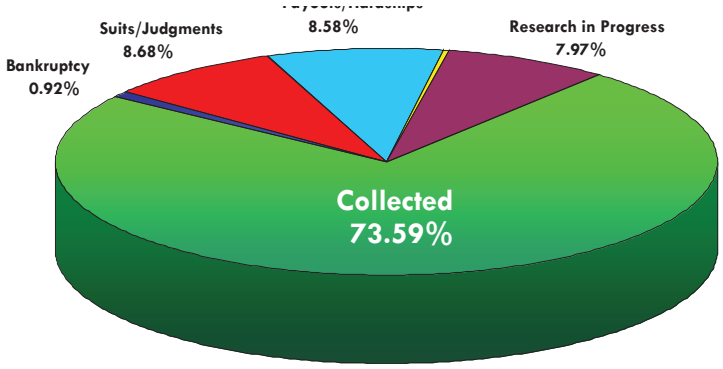
COLLECTION STATUS OF DELINQUENT TAXES

2023 Delinquent Taxes



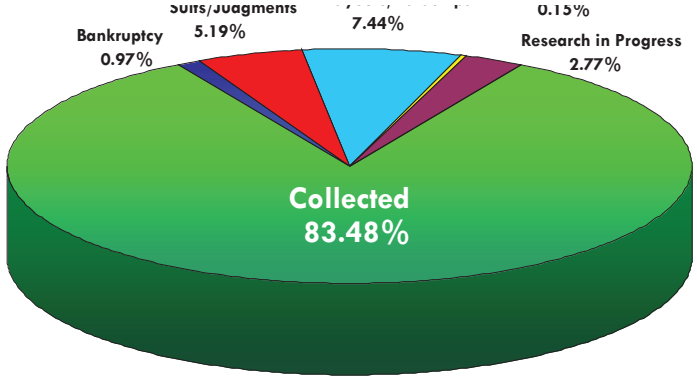
Delinquent Taxes Collected: $937,218

2022 Delinquent Taxes



Delinquent Taxes Collected: $1,731,135

2021 Delinquent Taxes



Delinquent Taxes Collected: $1,584,039

WACO INDEPENDENT SCHOOL DISTRICT
TAX COLLECTION ACTIVITY

Tax Notices	5,323
Tax Lawsuits	154
Tax Judgments	64
Tax Sales	68

WACO INDEPENDENT SCHOOL DISTRICT
PROPERTY VALUE AUDIT

Tax Year	*Additional State Aid*
2016	$453,605
2017	$824,758
2018	$1,283,139
2019	$1,482,071
2020	$1,732,108
2021	**$1,588,081**
Total	**$7,360,762**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: Sheryl Davis**

RE: Amendments to the 2024-2025 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 is a copy of the proposed amendment to the Official Budget identifying details of the request. The following summarizes the effect of the amendment by functional category.

Summary:

Amendment #007: Dean Highland Elementary (Fund 199)

This amendment will reallocate funds for instructional part-time tutoring to community services for contracted services to promote community partnerships. 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	$	4,750	Instruction
Use of Funds	$	4,750	Community Services
Fund Balance Effect		**None**	

Amendment #008: South Waco (Fund 199)

This amendment will reallocate curriculum and instructional staff development payroll costs to instructional payroll costs to add two campus support aide positions. 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	$	60,073	Curriculum & Instructional Staff Development
Use of Funds	$	60,073	Instruction
Fund Balance Effect		**None**	

Amendment #009: Student Services (Fund 199)

This amendment will reallocate funds from instructional leadership other reading materials to health services to cover extra duty for nurse related after hours services.

			TEA Revenue/Function Description
Source of Funds	$	2,265	Instructional Leadership
Use of Funds	$	2,265	Health Services
Fund Balance Effect		**None**	

Amendment #010: Career and Technology Education (Fund 199)

This amendment will place additional budget in instruction to cover tuition costs for an increase in Waco ISD students attending the Greater Waco Advanced Academies.

			TEA Revenue/Function Description
Source of Funds	$	120,400	Unassigned Fund Balance
Use of Funds	$	120,400	Instruction
Fund Balance Effect		**Decrease**	

A copy of the amendment, detailing line items to be adjusted, is attached for your review.

Fiscal Implications:

Amendment #010 decreases the unassigned fund balance by $120,400. The remaining amendments have no impact on the the fund balance.

Administrative Recommendation(s):

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

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 007

CAMPUS OR DEPARTMENT: Dean Highland Elementary

DATE: 10/3/2024

								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	6117	00	107	30	000	Wages-PT Teachers/Other Professionals	51,333	51,333.00	(4,750)	46,583
199	61	6299	00	107	30	000	Other Miscellaneous Contracted Services	-	0.00	4,750	4,750
										0	

REASON FOR REQUEST: Funds originally budgeted for PT teachers and other professionals, which are being purchased with other funds to cover the cost associated with utilizing and promoting community partnerships such as Communities in schools. Mr. Trice will aide us in improving student achievement data, culture and climate.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 008

CAMPUS OR DEPARTMENT: South Waco Elementary

DATE: 10/3/2024

								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	6119	00	130	30	000	Salaries-Teachers/Other Prof	55,067	51,760.66	(51,760)	3,307
199	13	6141	00	130	30	000	Social Security/Medicare	798	700.36	(700)	98
199	13	6142	00	130	30	000	Group Health & Life Insurance	5,364	5,321.36	(5,321)	43
199	13	6143	00	130	30	000	Worker's Compensation	236	206.73	(206)	30
199	13	6145	00	130	30	000	Unemployment Compensation	41	35.96	(35)	6
199	13	6146	00	130	30	000	Teacher Retirement/TRS Care	2,543	2,051.67	(2,051)	492
199	11	6129	00	130	30	000	Wages-Support Staff	-	0.00	46,469	46,469
199	11	6141	00	130	30	000	Social Security/Medicare	2,664	2,449.36	700	3,364
199	11	6142	00	130	30	000	Group Health & Life Insurance	16,092	15,135.94	10,612	26,777
199	11	6143	00	130	30	000	Worker's Compensation	789	722.70	206	995
199	11	6145	00	130	30	000	Unemployment Compensation	97	85.58	35	132
199	11	6146	00	130	30	000	Teacher Retirement/TRS Care	7,914	7,299.01	2,051	9,965
										0	

REASON FOR REQUEST: Reallocating funds from closing Behavior Specialist, PCN 8710 to open 2 Campus Support Aide positions.

BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Chief Financial Officer

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

Revised 01/2021

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM

AMENDMENT # 009

CAMPUS OR DEPARTMENT: Administration/Student Services and Support

DATE: 10/9/2024

BUDGET CODE								A	B	C	D
FUND	FNC	OBJ	SO	ORG	PRG	LOPT	DESCRIPTION	CURRENT APPROPRIATION	CURRENT ACCOUNT BALANCE	REQUESTED INCREASE (DECREASE)	AMENDED APPROPRIATION
199	21	6329	20	999	99	000	Other Reading Materials	2,916	2,916.00	(2,265)	651
199	33	6118	20	999	99	000	Extra-duty Pay-Teachers/Other Professionals		0.00	2,265	2,265
										0	

REASON FOR REQUEST: Realigning funds originally allocated for Other Reading Materials to cover the cost for Extra Duty Pay for additional nurse related services after hours.

Rachelle Wasser
BUDGET ADMINISTRATOR / DEPARTMENT HEAD

Sheryl Davis
Chief Financial Officer

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

WACO INDEPENDENT SCHOOL DISTRICT
BUDGET AMENDMENT FORM **AMENDMENT # 010**

Campus or Department: Career and Technology Education **Date:** 10/24/2024

								A	B	C	D
Budget Code							Description	Current Appropriation	Current Account Balance	Requested Increase (Decrease)	Amended Appropriation
Fund	Fnc	Object	SO	Org	PIC	Lopt					
199	11	6223	22	002	22	000	Student Tuition	873,000	(54,200.00)	54,200	927,200
199	11	6223	22	002	22	000	Student Tuition	880,000	(66,200.00)	66,200	946,200
199	00	3600	00	000	00	000	Unassigned Fund Balance		52,453,961.00	120,400	

Reason for Request: Amend budget to cover increased tuition costs for an increase in Waco ISD students attending the Greater Waco Advanced Academies.

Budget Administrator/ Department Head

Chief Financial Officer

Revised 09/2024

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: **M. Tish**

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

==========

Background Information:

Request for Proposal, RFP # 21-1182, Educational Consulting, Professional Development, and Other Student-Based Contracted Services have been received for the purpose of creating a list of vendors which can service the District. We received ten (10) responses during the past month. The recommended vendors will be added to our previously approved list of three hundred forty-seven (347) 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 ten (10) vendors for the Educational Consulting, Professional Development, and Other Student-Based Contracted Services bid, as presented.

Anissa Moore Educational Consulting (Anissa Moore)

Company Name:	Anissa Moore dba Anissa Moore Educational Consulting
Street Address:	10539 Rainbow View
City, State, Zip:	Helotes, TX 78023
Contact Name:	Anissa Moore
Contact Phone Number:	210-823-4780
Contact Email Address:	anissamoorebcba@gmail.com
Category of Service Provided:	Academic Educational Consultant
Target Audience:	Special Education teachers and related staff; all educational staff; campus and district administrators; related services providers
Description of Services:	Staff development, classroom/teacher coaching, special education program consultation, individual student consultation, motivational speaking, early childhood consultation, independent functional behavior assessments, independent facilitated ARD meetings
Pricing:	In-person all-inclusive flat rate per day (includes all travel costs) for staff development or student/teacher/program consultation = $2000 per day; Virtual staff development or student/teacher/program consultation (no travel) = $1200 per day; $600 half-day; $200/hourly rate

DRUM CAFE TEXAS, LLC

Company Name:	Drum Cafe Texas, LLC
Street Address:	8111 San Fidel Way
City, State, Zip:	Sab Antonio, TX 78255
Contact Name:	Lisa Millard
Contact Phone Number:	678-361-7888
Contact Email Address:	lisa@drumcafeusa.com
Category of Service Provided:	Presentations/Performances for Staff or Students
Target Audience:	Students and teachers
Description of Services:	The Drums used in a Drum Cafe program portray the student body on campus; while they are all indeed drums, and when played together in a synchronous beat or 'voice', they exude a strong and powerful 'voice' of Unity! But when we invite the students to look more closely at each drum that is comprising the 'One' voice, they realize they are quite different/diverse in a number of ways; Because when they look at someone on either side of them, they see distinctions in one another as they do in the drums; when we accept each student's uniqueness, we can celebrate their place in our community, the value and support they lend to the music, and the overall 'strength' of the community is greater
Pricing:	Price is $3,000-4,000 (for the student program) and includes the travel-related expenses required for the equipment and team to get there and back; The equipment comes from San Antonio, and the team comes from Dallas, Austin, and San Antonio depending on resource availability.

Florence Scattergood

Company Name:	Florence Scattergood

Street Address:	2629 Cedar Ridge Rd
City, State, Zip:	Waco, TX 76708
Contact Name:	Florence G Scattergood
Contact Phone Number:	254-744-5266
Contact Email Address:	fscattergood@gmail.com
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Secondary choral music teachers
Description of Services:	A variety of workshops for new and veteran choral music teachers including but not limited to - classroom management, music selection, score preparation, lesson planning, and teaching materials, concert and contest preparation, individualized instruction within large ensemble, first day of school script
Pricing:	On average, $75-100 per hour; fee is negotiable and depends on the length and type of workshop desired

Julian Erdmann (Julian T Erdmann)

Company Name:	Julian Erdmann
Street Address:	3817 Alpine Autumn Dr
City, State, Zip:	Austin, TX 78744
Contact Name:	Julian Erdmann
Contact Phone Number:	972-935-6008
Contact Email Address:	julian.t.erdmann@gmail.com
Category of Service Provided:	Judging Services
Target Audience:	UIL Speech, Debate and Academics
Description of Services:	Tournament Director, Tournament setup, Tournament logistics, Hiring Judges for the tournament
Pricing:	$750 for the Tournament Director Fee; $375 is non-refundable; $175 per judge that judges the tournament; $150 for extempore questions for the tournament

Mighty with All Trades (Mel Edwards)

Company Name:	Mighty with All Trades
Street Address:	216 Copper Lane
City, State, Zip:	Jarrell, TX 76537
Contact Name:	Melissa Edwards
Contact Phone Number:	956-844-9484
Contact Email Address:	mightywithalltrades@gmail.com
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Teachers/Students
Description of Services:	Consultation, merchandise, professional development.
Pricing:	Teacher PD: half day $375, full day $750

Ping-Ting Lan

Company Name:	Ping-Ting Lan
Street Address:	1229 Meadow Mountain Dr.
City, State, Zip:	Waco, TX 76712
Contact Name:	Ping-Ting Lan

Contact Phone Number:	936-645-6638
Contact Email Address:	pingtinglan2019@gmail.com
Category of Service Provided:	Fine Arts Services (Band, Choir, Theater)
Target Audience:	Students, teachers, and families
Description of Services:	Provide piano accompaniment for school choir concert
Pricing:	$300

True North Consulting Group, LLC

Company Name:	True North Consulting Group
Street Address:	3408 Hillcrest Dr.
City, State, Zip:	Waco, TX 76708
Contact Name:	Nicole Flud
Contact Phone Number:	888-450-4580
Contact Email Address:	sales@tncg.com
Category of Service Provided:	Other applicable service
Target Audience:	Chief Technology Officers, Directors of Safety and Security, Superintendents, Teachers and Principals
Description of Services:	Technology and security consulting services; provide assessments, including cybersecurity, risk, instructional technology, staffing, and funding assessments, to help organizations benchmark and plan strategically; assist in technology planning, emergency operations planning, budgeting, and staffing, aligning technology with organizational goals; specialize in systems design, bidding, and contract administration, ensuring system requirements are met efficiently; offer commissioning and optimization services to verify system functionality and configuration. True North is a registered E-Rate consulting firm offering services from needs assessments to audit assistance; provide professional development and training, covering various aspects beyond technology; offer bond management services to help organizations navigate complex technology projects
Pricing:	Before beginning any work, True North will submit a firm-fixed fee proposal with a detailed statement of work

University of Mary Hardin-Baylor

Company Name:	University of Mary Hardin-Baylor
Street Address:	900 College Street, Box 8003
City, State, Zip:	Belton, TX 76513
Contact Name:	Charla Kahlig
Contact Phone Number:	254-295-5436
Contact Email Address:	ckahlig@umhb.edu
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Waco ISD Staff
Description of Services:	Education; Professional Development
Pricing:	Cost per tuition hour plus fees

Vertical School Partners, L. P.

Company Name:	Vertical School Partners, L. P.

Street Address:	8055 US-67
City, State, Zip:	Texarkana, AR 75184
Contact Name:	Michelle Ferguson
Contact Phone Number:	903-792-3866 Ext 125
Contact Email Address:	michelle.ferguson@verticalag.com
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Safety Department- Bus Drivers
Description of Services:	Training for bus drivers on ELDT, Student Management, Bus Stop Safety and more; customizable system allows transportation department to choose from over 450 available videos and upload custom content for in-service training
Pricing:	Based on number of users

visiOn cue, LLC

Company Name:	visiOn cue, LLC
Street Address:	9375 E Shea Blvd Suite 100
City, State, Zip:	Scottsdale, AZ 85260
Contact Name:	Timothy Chambers
Contact Phone Number:	623-312-0892
Contact Email Address:	twchambers@visioncue.org
Category of Service Provided:	Professional/Staff Development Training
Target Audience:	Early childhood professionals
Description of Services:	Professional development training program designed to teach Applied Behavior Analysis principles to early childhood professionals; micro-learning psychology gamification platform is specifically tailored for early childhood professionals, designed to teach new skills and reduce challenging behaviors in children, ultimately leading to a more nurturing and supportive learning environment
Pricing:	Basic Package: $1,299.99 per school/per month - 1 course annually - Unlimited access; Standard Package: $1,558.80 per school/per month - 2 courses annually - Unlimited access; Corporate Package: $1,870.56 per school/per month - 3 courses annually - Unlimited access

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: M. Tish**

RE: Bid Award for Local Retailers' General Merchandise

==========

Background Information:

Request for Proposal, RFP # 24-1263, Local Retailers' General Merchandise have been received for the purpose of creating a list of vendors from the Greater Waco Area that can provide supplies, equipment, and services for the District on an as needed basis. We have received thirty-three (33) responses for this initial bid. We received eleven (11) additional vendors this past month and has been attached for your consideration.

In an effort to allow maximum participation for vendors currently residing in Waco, as well as new vendors moving into the area, the Waco Independent School District is electing to engage in Extended Period for Multiple Award Contracts as allowed under the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG), Module 5: Purchasing, exhibited below.

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.

Additional vendors will be added as needed. Vendors submitting a bid by the end of each month will be recommended 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 eleven (11) new vendors for the Local Retailers' General Merchandise, as presented.

RFP # 24-1263
Local Retailer's General Merchandise
Vendors for October 2024

New Responding Suppliers	City	State
CTWP (Hayday, Inc.)	Waco	TX
Diesel Power Supply Co.	Waco	TX
Firmin Business Forms	Waco	TX
Gene Ives Accoustic & Tile Co	Waco	TX
HEB Grocery Store	Waco	TX
Hidefwilly (Will Suarez)	Waco	TX
Kleen-Air Filter Services & Sales (Allison Enterprisesm Inc.)	Groesbeck	TX
Mardel Christian and Education (Mardel Inc.)	Waco	TX
Pendley Party Productions & Rentals	Waco	TX
T.E.A.M. Solutions, Inc.	Waco	TX
Triple S Sports (Triple S Sales, Inc.)	Waco	TX
Previously Awarded Suppliers	**City**	**State**
25N Coworking Waco (25N Waco, LLC)	Waco	TX
A-1 Banner & Sign Co., Inc.	Waco	TX
ACE Fence & Supply (Ace Commercial Fence, Inc.)	Robinson	Tx
AHP Media Technology	Hewitt	TX
Air Flow Filter Service, Ltd	Waco	TX
ARC Abatement 1, Inc.	Waco	TX
Award Specialties, Inc.	Waco	TX
Axiom Advertising (Bosque Forms, Inc.)	Waco	TX
Barnes & Noble	Waco	TX
Batteries Plus Waco/Temple/Harker Heights (Glacierbeach	Waco	TX
Bosque Fence and Supply, LLC. (Jeff Bray)	Waco	TX
Bugsdotcom Termite and Pest	Waco	TX
Centex Carpet & Interiors	Waco	TX
Dream Big Balloons	China Spring	TX
Flow Plumbing Services, LLC	Waco	TX
Gross-Yowell	Waco	TX
Herff Jones/Overall Recognition (Overall Recognition LLC)	Waco	TX
Hobby Lobby Creative Centers (Hobby Lobby Stores, Inc.)	Waco	TX
Hole in the Roof Marketing (Hole in the Roof)	Waco	TX
Landscape Supply (Waco Landscape Supply, LP)	Waco	TX
North Waco Tropical Fish	Waco	TX
Peerport Collective	Waco	TX
Resco (E & O Investments, LLC)	Waco	TX
Smoot-Anderson Co., Inc.	waco	TX
Stephanie Asselin	Waco	TX
T&G Chemical and Supply	Waco	TX
Tarpley Music Company, Inc.	Waco	TX
Texas Security Equipment, Inc.	Waco	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: M. Tish/G. Barrera**

RE: Bid Award for Maintenance Supplies, Equipment, and Services

==========

Background Information:

Request for Proposal, RFP # 22-1229, Maintenance Supplies, Equipment, and Services have been received for the purpose of creating a list of vendors which can provide supplies, equipment, and services for the Facilities and Maintenance and Custodial Departments. We have received one hundred thirdy- (132) responses for this initial bid. We received three (3) additional vendors this past month and has been attached for your consideration.

In an effort to allow for maximum participation with our Maintenance and Custodial vendors and in light of changes made in 2019 by the Texas Education Agency's, Financial Accountability Systems Resource Guide (FASRG) Module 5 Purchasing, the Purchasing Department has elected to utilize the Extended Period for Multiple Award Contracts as shown in the FASRG excerpt shows.

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

Normal procurement practices will allow solicitation responses to be submitted to the district within a limited, specific time period, usually two to three weeks. The district may want to review past policies to determine if a limited response time is in the best interest of the district and the needs of its end users.
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 three (3) additional new vendors for the Maintenance Supplies, Equipment, and Services bid, as presented.

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for October 2024

Responding Supplier	City	State
Century HVAC Distributing	Dallas	TX
JGA Roofing	Waco	TX
Sentinel Air Conditiong and Heating	Spring	TX
Previously Awarded Vendors	**City**	**State**
A&H Refrigeration Company, Inc.	Waco	TX
A-1 Banner & Sign Company, Inc.	Waco	TX
A-1 Vacuum Center, Inc.	Conroe	TX
AAA Elevator Inspections	Austin	TX
Access Lift & Service Company, Inc.	Peaster	TX
ACE Fence & Supply (Ace Commercial Fence, Inc.)	Robinson	TX
Acme Architectural Hardware	College Station	TX
AHP Media Technology	Hewitt	TX
Air Flow Filter Service, Ltd.	Waco	TX
Allen Glass Company	Hewitt	TX
ARC Abatement 1, Ltd.	Waco	TX
Arrow Magnolia International, Inc.	Dallas	TX
B F Hurley Mat Co, Inc.	LaGrange	GA
B&B Repair Shop	West	TX
Bain Paper Company	Waco	TX
Barnett Contracting, Inc.	Waco	TX
Batteries Plus Waco/Temple/Harker Heights (Glacierbeach)	Waco	TX
Belfor (Belfor USA Group, Inc.)	Waco	TX
Benchmark Signs	Weatherford	TX
Bill's Discount Tire Service (Maria G. Castanon-Vega)	Waco	TX
Bleacher Service Company (Gilbert D. Trevino)	Moody	TX
Brandt (The Brandt Companies, LLC)	Waco	TX
Brem's Fencing LLC	Valley Mills	TX
Brewer Lock and Safe	Waco	TX
BUGSDOTCOM Termite and Pest	Waco	TX
Bullseye Glass (Bullseye Glass LLC)	Waco	TX
Carquest of Hewitt (Pavelka Truck and Auto Parts, Inc	Hewitt	TX
CCP Industries, Inc. (The Tranzonic Companies)	Richmond Heights	OH
Centex Carpet & Interiors	Waco	TX
Central Texas Mobile Storage	Waco	TX
CF Supply, Inc.	Waco	TX
CheckSammy, Inc.	Plano	TX
City Tire and Battery	Waco	TX
Clarks Small Engine Repair	Lacy Lakeview	TX
Climatec, LLC	Austin	TX
Code-3 Fire & Safety Products	Waco	TX
Communication Concepts	Fort Worth	TX
Competitive Choice, Inc.	Houston	TX
Complete Supply, Inc.	Dallas	TX
Core Controls	Dallas	TX
Dealers Electrical Supply	Waco	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for October 2024

Previously Awarded Vendors	City	State
DenaliCS (Denali Construction Services, LP)	Carrollton	TX
Dent Enterprises LLC	Desoto	TX
DH Pace Company, Inc.	Coppell	TX
Diesel Power Supply Company	Waco	TX
Encore Fence	Temple	TX
Environmental Concerns, Inc.	Waco	TX
Epic Solar Control, LLC	McKinney	TX
Equipment Depot	Waco	TX
Fairway Supply	Irving	TX
Fastsigns Waco (Red Bird Digital Media LLC)	Waco	TX
Filterbuy Incorporated	Talladega	AL
Firetrol Protection Systems (Heather Foster)	Austin	TX
Fissco Supply (Frigelar North America DBA Fissco Supply)	Dallas	TX
Fitzgerald Lawnscaper Ltd.	Woodway	TX
Flip Lok, LLC	Houston	TX
Flow Plumbing Services, LLC	Waco	TX
Fort Worth Window Cleaning, Inc.	Haltom City	TX
Fred's Power Wash (Washer Power)	Waco	TX
Gene Ives Acoustic & Tile Company	Waco	TX
Global Industrial (Global Equipment Company, Inc.)	Buford	GA
Grones Environmental Services	Waco	TX
H. B. Blake Company	Hewitt	TX
Hardin & Associates Holdings, LLC	Carrollton	TX
HCS Inc. (MB Home Construction)	Waco	TX
Hill Country Paints (Wendy Hui Anderson)	Waco	TX
Image Maker 4U, Inc.	Hughes Springs	TX
Independent Hardware, Inc.	Philadelphia	PA
Interboro Packaging Corporation	Montgomery	NY
Intercon Environmental, Inc.	Mansfield	TX
Intermountain Lock & Security Supply	Salt Lake City	UT
J.K. Brown	Moody	TX
Jackson Sign & Lighting	Waco	TX
JLM Contracting, LLC	Waco	TX
Justin Seed Company	Justin	TX
Landscape Supply (Waco Landscape Supply, LP)	Waco	TX
Lennox Industries (Lennox Industries, Inc.)	Richardson	TX
Liftcrete Solutions (Green Foam Solutions, Inc.)	Waco	TX
Lonestar Chiller Systems (Lonestar Chiller Systems LLC)	Crawford	TX
Lonestar Truck Group Waco (Lonestar Freighliner Group, LLC	Waco	TX
Loop 340 Overhead Door (Sideline Enterprises, Inc.)	Waco	TX
Ludwig Saw AND Tool Sharpening	Waco	TX
M.A.N.S Distributors, Inc.	Carrollton	TX
Marks Plumbing Parts (John W Gasparini, Inc.)	Fort Worth	TX
Morrison Supply Company (Reece USA)	Waco	TX
National Wholesale Supply Company	Woodway	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for October 2024

Previously Awarded Vendors	City	State
NEI Datacom (Nemmer Electric, Inc.)	Waco	TX
Newman Technology Solutions	Temple	TX
Otuvy, Inc	Provo	UT
P&E Mechanical Contractors, LLC	Waco	TX
Patriot Supply Company	Brady	TX
Perry Office Plus (Perry Office Products)	Temple	TX
Pye Barker Fire	Waco	TX
RBO Technologies, LLC	Waco	TX
Resco (E & O investments, LLC)	Hewitt	TX
Richards Equipment Company	Waco	TX
Ryberg Plumbing LLC	Waco	TX
School Bus Safety Company	Hudson	OH
Share Corporation	Milwaukee	WI
Sherwin Williams (The Sherwin Williams Company)	Waco	TX
Shiffler Equipment Sales, Inc.	Chardon	OH
Sims Plastics of Waco	Waco	TX
Smoot-Anderson Company, Inc.	Waco	TX
Solar Supply	Waco	TX
Southern Clean Pressure Washing (Michael Jackson)	Ferris	TX
Southern Tire Mart	Dallas	TX
Southwest Maintenance, LTD	Waco	TX
Starks Janitorial Services	Mesquite	TX
Sunrise Environmental LLC (Jessica L Marquesen)	Bridgeport	TX
SWS Concrete Contractor (Scott W Schreiber)	Waco	TX
T & W Tire	Waco	TX
T&G Chemical and Supply	Waco	TX
T.E.A.M. Solutions, Inc. (Texas Energy & Automation Management Solutions, Inc.)	Waco	TX
Tanglewood ATX, LLC	Leander	TX
Texas Alternator Starter Service (McAdamsGroup, LLC)	Austin	TX
The Reynolds Company (D. Reynolds Co., LLC)	Fort Worth	TX
The Roof Co. Waco, LLC	Waco	TX
TJ's Professional Painting and Construction, LLC	Red Oak	TX
Trane	Fort Worth	TX
Truck Alignment Frame, LLC	Elm Mott	TX
Tyggr Roofing & Construction Company	Morgan	TX
UniFirst Corporation	Hewitt	TX
United Ag & Turf	Waco	TX
United Refrigeration, Inc.	Waco	TX
Versalift Southwest	Waco	TX
Virkim, Inc.	Hewitt	TX
Visual Techniques	Longview	TX
Waco Hydro Wash	Waco	TX
Waco Lock and Key, LLC	Waco	TX
WESCO Chemicals, Inc.	Waxahachie	TX
Winston Watercooler of Waco LTD	Waco	TX

RFP # 22-1229
Maintenance Supplies, Equipment and Services
Vendors for October 2024

Previously Awarded Vendors	City	State
Woodard Builders Supply Company	Fort Worth	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: M. Tish**

RE: Bid Award for Restaurant & Catering Services

==========

Background Information:

Request for Proposal, RFP # 19-1150, Restaurant & Catering Services have been received for the purpose of creating a list of vendors which can service the District in their Restaurant and Catering needs. We received two (2) additional responses since the last bid was awarded.

The two (2) new vendors, to be considered with the previously approved seventy-four (74) vendors, are attached for your consideration.

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

3.16.6 Limited Response Period versus Extended Period for Multiple Award Contracts

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

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

Fiscal Implications:

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

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the two (2) additional vendors for the Restaurant & Catering Services bid, as presented.

RFP # 19-1150
Restaurant and Catering Services
Vendors for October 2024

New Responding Supplier	City	State
Ohana Shaved Ice and Ice Cream	Hewitt	TX
Nothing Bundt Cakes (DOXA JAM LLC)	Waco	TX
Previously Awarded Vendors	**City**	**State**
Andy's Frozen Custard (Andy's Texas #5, LLC)	Austin	TX
Apex Coffee Roasters	Waco	TX
Backyard Bar Stage and Grill	Waco	TX
Bigwards Smokehouse	Waco	TX
Blanek‘s Custom Catering by Big Daddy‘s (Joe Blanek)	Robinson	TX
Boardwalk on Elm	Waco	TX
Bush‘s Chicken	Waco	TX
Cafe Venture Catering and Fuddruckers	Lubbock	TX
Chaney Brothers Coffee Truck (Waco Coffee Company)	Waco	TX
Chick-fil-A at Baylor University (Sykora Family Enterprises)	Waco	TX
Chick-fil-A of Waco	Waco	TX
Chuy's Opco Inc.	Austin	TX
Cicis Pizza (Smitty Investments)	Waco	TX
Coach's Smoke BBQ (Josey's BBA, Inc.)	Waco	TX
DoubleDave's Pizzaworks (Hearne Pizza, LLC)	Waco	TX
Fazoli's (FazTex Restaurants, Inc.)	Austin	TX
Firehouse Subs (Brazos Valley Subs)	Waco	TX
Franklin Avenue Mac House (Cheddar Box, LLC)	Waco	TX
Freebirds World Burrito (TavistockFreebirds, LLC	Waco	TX
Fuego Waco II, LLC	Waco	TX
Gelu Italian Ice (Waco Coffee Company, LLC)	Waco	TX
George's Restaurant & Catering (George's 1, Ltd.)	Waco	TX
Good'N Gone Cookie Jar	Waco	TX
Hecho en Waco	Waco	TX
Heritage Creamery (Heritage Creamery, LLC)	Waco	TX
HTeaO (N2T, LLC)	Amarillo	TX
Ichiban	Waco	TX
Jason‘s Deli (Deli Management, Inc.)	Waco	TX
Jeremiah's Italian Ice of Waco	Waco	TX
Jimmy Johns (Butts Largest Investment Group II, Inc.)	Waco	TX
Jon Lillie's Steakhouse	Waco	TX
Kings Chicken Wings	Waco	TX
Kona Ice of Waco, LLC (Tie Dye Interprises)	Waco	TX
Kurbside Coffee & Goods	Waco	TX
La Fiesta Restaurant (Wanda Patlis, Inc.)	Waco	TX
Little Caesars Pizza (Reno, Ltd.)	Hewitt	TX
Lotz of Bunz, LLC	Waco	TX
Lula Jane's, LLC	Waco	TX
McAlister‘s Deli (The Saxton Group)	Dallas	TX
Mo Cookies	Waco	TX
Newk's-1033-Waco-TX (Newk's Eatery)	Waco	TX
Nightlight Donuts & Coffee	Woodway	TX
Ninfas Mexican Restaurant (Texas rodco Waco)	Waco	TX

RFP # 19-1150
Restaurant and Catering Services
Vendors for October 2024

Previously Awarded Vendors	City	State
Panda Express, Inc.	Waco	TX
Panera Bread	Waco	TX
Papa Bear	Waco	TX
Performance Foodservice Group Roma (PFG Holdings, LLC)	Temple	TX
Peter Piper Pizza (Pizza Properties, Inc.)	El Paso	TX
Po' Boy Place	Waco	TX
Pop's Lemonade Company	Waco	TX
Raising Canes (Raising Canes Restaurants, LLC)	Plano	TX
Revival Eastside Eatery	Waco	TX
Roni's Mac Bar	Waco	TX
Rosa's Café & Tortilla Factory	Waco	TX
Rosati's of Waco (Odling Pizza, LLC)	Waco	TX
Shipley Do-Nuts (January Investments Inc.)	Waco	TX
Southern Roots Brewing (Southern Roots Taproom, LLC)	Waco	TX
Subway (Benchmark Subs)	Waco	TX
Sweetness Desserts (Laura Summersett)	Waco	TX
Sweets by Rachel	Waco	TX
Talk More Meals	Waco	TX
Texas Roadhouse	Waco	TX
The Olive Branch (Stewart Branch)	Waco	TX
Toaster Yolk Café	Waco	TX
Tony DeMaria's BBQ	Waco	TX
Travelin' Toms (CTX Coffee, LLC)	Waco	TX
Tres Manos Coffee	Waco	TX
Triple B's Smokehouse (J&C Triple B, LLC)	Waco	TX
Uncle Dan‘s Bar-B-que and Catering (D.W.Henderson Corporation)	Waco	TX
Waco Cha	Waco	TX
Walkons Waco	Waco	TX
What About Cupcakes? (What About Cupcakes, LLC)	Waco	TX
Wheat's Cocina	Woodway	TX

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: **M. Tish/C. Reece**

RE: Bid Award for Temporary Labor Services

==========

Background Information:

Request for Proposals, RFP # 24-1272, have been opened and evaluated for the purpose of awarding multiple vendors to provide temporary labor services in the areas of Kitchen workers, Office/Clerical Staff, Custodial, and Warehouse workers on an as needed basis. We received eleven (11) responses for these services. After evaluating each response and understanding the number of temporary labor personnel needed to maintain our facilities with kitchen workers needed the most, the evaluation committee determined that a minimum of four (4) vendors could meet the District's needs and carry out the daily work schedule necessary for both the Child Nutrition Department and other areas within the District.

The following vendors are being recommended for this bid award: Jack of All Trades, Placements Unlimited, Beatty's Services, and Total Placement. A bid tabulation along with a scoring worksheet is attached for your review.

This bid will expire October 24, 2025 with three (3) additional one (1) year renewal option.

Fiscal Implications:

The cost of this service will be charged to the appropriate departmental contracted services budget.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the bid award for Temporary Labor Services to Jack of All Trades, Placements Unlimited, Beatty's Services, and Total Placement, as presented.

RFP # 24-1172
Temporary Labor Services
Bid Tabulation

Vendor	Kitchen Worker	Administrative /Office Clerical	Custodial	Warehouse	Price Points based on Kitchen Worker
All-N-One Services, LLC	$ 19.80	$ 20.79	$ 18.67	$ 19.41	33.21
Beatty's Services	$ 16.44	$ 17.13	$ 16.44	$ 19.18	40.00
Hanker Systems, Inc.	No Bid	$ 28.00	$ 34.00	No Bid	0.00
Health Advocates Network, Inc.	$ 20.55	$ 21.60	$ 24.99	$ 28.77	32.00
Jack of All Trades	$ 19.16	$ 21.68	$ 20.91	$ 20.91	34.32
Maxim Healthcare Services	$ 37.00	$ 33.00	$ 36.00	$ 38.00	17.77
Noor Staffing Group, LLC	$ 18.20	$ 20.80	$ 20.80	$ 19.50	36.13
Openwork LLC	$ 18.32	$ 19.12	$ 18.32	$ 19.12	28.13
Placement Unlimited	$ 18.48	$ 21.60	$ 19.80	$ 22.95	35.58
StaffEZ of Texas	$ 26.40	$ 27.00	$ 28.00	$ 32.50	24.91
Total Placement	$ 17.68	$ 21.76	$ 17.68	$ 20.40	37.19

Supplier Scoring Summary 24-1272 - Temporary Labor Services - Scoring Round

Supplier	Rank	Score	Cost	Narrative outlining your company's procedures for fulfilling the needs for Waco ISD	Experience doing this type of Business	Meets the District needs	Based on External References	Brick and Mortar building within the Greater Waco Area
		100	40.00	15.00	10.00	15.00	10.00	10.00
Jack of All Trades	1	93.32	34.32	15.00	10.00	15.00	9.00	10.00
Placements Unlimited, Inc.	2	82.91	35.58	3.33	10.00	15.00	9.00	10.00
Beattys Services, Inc.	3	80.67	40.00	15.00	10.00	6.67	9.00	0.00
Total Placement Staffing	4	77.86	37.19	3.33	10.00	8.33	9.00	10.00
All-N-One Services, LLC	5	75.54	33.21	15.00	10.00	8.33	9.00	0.00
Noor Staffing Group, LLC	6	67.13	36.13	3.33	7.00	11.67	9.00	0.00
Health Advocates Network, Inc.	7	64.00	32.00	6.67	3.00	13.33	9.00	0.00
Openwork LLC	8	63.80	28.13	3.33	10.00	13.33	9.00	0.00
Maxim Healthcare Services	9	56.77	17.77	6.67	10.00	13.33	9.00	0.00
StaffEZ of Texas	10	55.58	24.91	3.33	10.00	8.33	9.00	0.00
Hanker Systems Inc	11	36.33	0.00	13.33	9.00	5.00	9.00	0.00

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: M. Tish/G. Barrera**

RE: Bid Award for Waco High Furniture Packages

==========

Background Information:

Request for Proposal (RFP) # 24-1269, has been issued and opened for the purpose of awarding furniture for the new Waco High School. We received fourteen (14) responses.

This bid consisted of furniture packages divided into sixteen (16) packages which were aligned with the specified and desired manufacture brand for each item, as well as ten (10) additional miscellaneous line items. The vendors were to bid all or none on each package and are being awarded by package. The decision to group and award by package was to cut down on duplicate shipping and installation cost from by different vendors. This proved to be effective cost saving on the furniture purchase for Phase 1 for South Waco Elementary.

Fiscal Implications:

The total cost of the awarded furniture is $ 2,576,666.81 and will be charged to the Bond Project funds.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the bid award to the listed vendors for the Waco High Furniture Packages, as presented.

RFP # 24-1269
Waco High Furniture Package
Awarded Vendors

Package	Awarded Vendor	Total Amount Awarded
Package A	Learning Enviroments	$ 824,344.54
Package B	Total Office Solutions	$ 395,727.99
Package C	McCoy Rockford	$ 158,493.00
Package D	Total Office Solutions	$ 12,547.00
Package E	Learning Enviroments	$ 73,212.02
Package F	Wenger	$ 256,880.08
Package G	Blue Box	$ 490,223.79
Package H	Perry Office	$ 70,492.77
Package I	Perry Office	$ 27,466.67
Package J	Global Equipment	$ 30,539.92
Package K	Learning Enviroments	$ 56,615.69
Package L	Perry Office	$ 20,708.02
Package M	Total Office Solutions	$ 13,128.63
Package N	McCoy Rockford	$ 9,145.04
Package O	School Outfitters	$ 33,440.05
Package P	Perry Office	$ 49,534.02
Package Q - Scorers Table	Perry Office	$ 19,118.00
Package Q - Floor Cart	Perry Office	$ 341.36
Package Q - Clothing Rack	Perry Office	$ 280.30
Package Q - Flammable Cabinet	Perry Office	$ 3,330.80
Package Q - Medium Curve Desk	Perry Office	$ 5,705.41
Package Q - Drying Rack	Shelton Keller	$ 1,775.00
Package Q - Chair Cart	Perry Office	$ 1,374.32
Package Q - Folding Chair	Perry Office	$ 4,635.20
Package Q - Hexy Sit on it	McCoy Rockford	$ 13,016.03
Package Q -Book Truck	Perry Office	$ 1,591.18
Total Awarded		**$ 2,573,666.83**

RFP # 24-1269
Waco High Furniture Package

PACKAGE A - KI - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP						
Supplier	QTY	UOM	Price	Extended	Supplier Notes / Alternate Description	Recommended
Learning Environments LLC			$824,344.54	$824,344.54		X
McCoy Rockford (McCoy Rockford, Inc.)			$827,497.26	$827,497.26		
Total Office Solutions			$830,025.00	$830,025.00		
[ALT1] Shelton Keller Group		EA	$884,106.67	$884,106.67	Package A Pricing- Alternate Option	
Omega Furniture & Design Solutions (not a dba) (Omega Furniture & Design Solutions LLC)			$897,305.32	$897,305.32		
Shelton Keller Group			$923,804.05	$923,804.05		
Facilities Resource, Inc.			$1,089,439.87	$1,089,439.87		
Perry Office Plus (Perry Office Products)			$1,161,387.80	$1,161,387.80		
Indeco Sales, Inc.			$1,287,159.00	$1,287,159.00		
Virco Inc. DBA Virco Sales Corporation (Virco Inc.)			$1,557,092.26	$1,557,092.26		
PACKAGE B - HON -PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP						
Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
Shelton Keller Group			$391,855.08	$391,855.08	Alternate to HON with TAYCO	
Total Office Solutions			$395,727.99	$395,727.99		**X**
Perry Office Plus (Perry Office Products)			$438,185.90	$438,185.90		
Blue Box			$481,179.45	$481,179.45		
McCoy Rockford (McCoy Rockford, Inc.)			$492,098.43	$492,098.43		
Indeco Sales, Inc.			$557,891.00	$557,891.00		
Facilities Resource, Inc.			$559,932.96	$559,932.96		
Virco Inc. DBA Virco Sales Corporation (Virco Inc.)			$668,430.92	$668,430.92		
Waco ISD has established HON as the standard for furniture in the District						
PACKAGE C KI PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP						
Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
McCoy Rockford (McCoy Rockford, Inc.)			$158,493.00	$158,493.00		**X**
Total Office Solutions			$167,671.00	$167,671.00		
Facilities Resource, Inc.			$171,821.32	$171,821.32		
School Outfitters (Schoolhouse Outfitters LLC)			$174,150.84	$174,150.84		
Learning Environments LLC			$181,183.79	$181,183.79		
[ALT1] Perry Office Plus (Perry Office Products)		EA	$182,337.41	$182,337.41	Alumni Educational Solutions	
Blue Box			$191,461.74	$191,461.74		
Omega Furniture & Design Solutions (not a dba) (Omega Furniture & Design Solutions LLC)			$193,223.30	$193,223.30		
Shelton Keller Group			$212,847.70	$212,847.70		
Perry Office Plus (Perry Office Products)			$213,431.80	$213,431.80	We bid both Mooreco and Alumni Educational Solutions for this package.	
Indeco Sales, Inc.			$232,233.00	$232,233.00		
Lakeshore Learning Materials, LLC (Lakeshore Parent, LLC)			$316,474.53	$316,474.53		
[ALT1] Lakeshore Learning Materials, LLC (Lakeshore Parent, LLC)		EA	$316,474.53	$316,474.53	Lakeshore is bidding all alternate items for this complete package.	
PACKAGE D - MooreCo -PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP						

	Supplier	QTY	UOM	Price	Extended	Supplier Notes / Alternate Description	Recommend
	[ALT3] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Codes: SH-9-S & SH-9-ABulk Storage Locker Starter Unit - Double Tier, 36 x 36". Secure storage for tenants, contractors and maintenance departments. Two separate lockable openings. Mount to wall or floor. Hardware included. Powder-coated steel construction. Ventilated mesh panels.	
	[ALT1] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code SH-21Standard Flammable Storage Cabinet - Manual Doors, Yellow, 45 Gallon. Double wall 18-gauge steel. 350 lb. shelf capacity. Adjustable shelves. Sloped shelves safely direct spills away from containers. Recessed paddle handle can be used with padlock. Continuous piano hinge provides smooth closure. Adjustable leveling feet for uneven surfaces. Meets NFPA, IFC and OSHA standards. FM approved. Yellow - For aerosols, gasoline and flammable liquids. Self-Closing Cabinet - Required in certain states and municipalities.	
	[ALT2] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code SH-15Heavy Duty Storage Cabinet - 36 x 18 x 78", Unassembled, Black. Attractive enough for the office; tough enough for the warehouse. Heavy-gauge steel construction. Locking doors. Adjustable shelves have 200 lb. capacity each.	
	Total Office Solutions			$12,547.00	$12,547.00		X
	Blue Box			$13,002.60	$13,002.60		
	Learning Environments LLC			$14,249.40	$14,249.40		
	Omega Furniture & Design Solutions (not a dba) (Omega Furniture & Design Solutions LLC)			$15,610.12	$15,610.12		
	Shelton Keller Group			$15,809.04	$15,809.04		
	Perry Office Plus (Perry Office Products)			$17,298.15	$17,298.15		
	School Outfitters (Schoolhouse Outfitters LLC)			$19,661.52	$19,661.52		
	McCoy Rockford (McCoy Rockford, Inc.)			$32,784.00	$32,784.00		

	Indeco Sales, Inc.			$95,953.00	$95,953.00	Included alternates without individual pricing, but total package price is listed with alternates. I didn't want there to be confusion on package price. Individual pricing can be found on the package attachment with hyperlinks to product details. Thank you for considering our alternate selections. All alternates match exact specifications	
	Alternate Brand was unaccepted by the Committee						
PACKAGE E - Paragon - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							**Recommend**
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	
	[ALT5] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: BC-1-A	
	[ALT3] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: BC-2-MReinforced Toe Kick + Fascia provides extra strength. Adjustable Shelves with concealed hardware. Made in the U.S.A. Built to last with reliable Artcobell quality and durability.	
	[ALT2] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: BC-3-AEasy installation, efficient use of space, and versatile customization make Array your personal storage solution. Flexible and modular storage works in any space. Array shelving collection is sturdy and modular, perfect for libraries, classrooms, or office spaces. Available in standalone, starter/ender, adder, and mobile units, in a variety of heights and widths to make use of any space. Laminate construction with PVC edge banding. Available in a variety of standard laminates or customize with your choice of finishes. SCS Indoor Advantage Gold Certified	

	[ALT1] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: BC-3-SEasy installation, efficient use of space, and versatile customization make Array your personal storage solution. Flexible and modular storage works in any space. Array shelving collection is sturdy and modular, perfect for libraries, classrooms, or office spaces. Available in standalone, starter/ender, adder, and mobile units, in a variety of heights and widths to make use of any space. Laminate construction with PVC edge banding. Available in a variety of standard laminates or customize with your choice of finishes. SCS Indoor Advantage Gold Certified	
	[ALT4] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: BC-1-S	
	Learning Environments LLC			$73,212.02	$73,212.02		X
	[ALT1] Omega Furniture & Design Solutions (not a dba) (Omega Furniture & Design Solutions LLC)		EA	$73,377.34	$73,377.34	Benchmark Shelving - see attached specs	
	Shelton Keller Group			$73,384.34	$73,384.34		
	McCoy Rockford (McCoy Rockford, Inc.)			$77,321.29	$77,321.29		
	Indeco Sales, Inc.			$88,214.00	$88,214.00	Included alternates without individual pricing, but total package price is listed with alternates. I didn't want there to be confusion on package price. Individual pricing can be found on the package attachment with hyperlinks to product details. Thank you for considering our alternate selections. All alternates match exact specifications.	
	School Outfitters (Schoolhouse Outfitters LLC)			$92,199.66	$92,199.66		
	Total Office Solutions			$96,177.00	$96,177.00		
	Perry Office Plus (Perry Office Products)			$101,790.61	$101,790.61		
	Facilities Resource, Inc.			$115,629.00	$115,629.00		
	Alternate Brand was unaccepted by the Committee						
PACKAGE F - Wenger - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							**Recommend**
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	
	Wenger Corporation			$256,880.08	$256,880.08		X
	Shelton Keller Group			$310,675.35	$310,675.35		
PACKAGE G - Steelcase - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Perry Office Plus (Perry Office Products)	165		$356,354.70	$356,354.70	HON, Kimball, Ghent Nexus Alternates	

	Shelton Keller Group			$459,305.95	$459,305.95	Alternate Package to STEELCASE with ERG, SIT ON IT, HASKELL & NORVAL NIVEL	
	Blue Box			$490,223.79	$490,223.79		X
	McCoy Rockford (McCoy Rockford, Inc.)			$546,541.77	$546,541.77		
	Indeco Sales, Inc.			$633,378.00	$633,378.00	All Steelcase specified items have been flipped to HON/Kimball/KI. All items will match exact specifications. To avoid confusion with line-item alternates, since most alternated sections will have multiple line items, I've attached the proposal that has each Item code tagged.	
	Alternate not acceptable by Committee						
PACKAGE H - Uline - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Perry Office Plus (Perry Office Products)			$70,492.77	$70,492.77		X
	Learning Environments LLC			$72,695.69	$72,695.69		
	Indeco Sales, Inc.			$76,058.00	$76,058.00		
	Blue Box			$76,919.04	$76,919.04		
	Shelton Keller Group			$77,258.84	$77,258.84		
	McCoy Rockford (McCoy Rockford, Inc.)			$94,488.34	$94,488.34		
PACKAGE I - Global Industrial - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	[ALT4] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: PLY-2Vertical Sheet Rack - 48 x 36 x 42"	
	[ALT2] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: SH-9-ABulk Storage Locker Starter Unit - Double Tier, 36 x 36"	
	[ALT1] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: SH-9-SBulk Storage Locker Starter Unit - Double Tier, 36 x 36"	
	[ALT3] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: SH-15Industrial Storage Cabinet - 36 x 18 x 72", Unassembled, Black	
	Perry Office Plus (Perry Office Products)			$27,466.67	$27,466.67		X
	Total Office Solutions			$29,519.00	$29,519.00		
	School Outfitters (Schoolhouse Outfitters LLC)			$30,138.90	$30,138.90		
	Shelton Keller Group			$30,379.26	$30,379.26		
	Global Equipment Company Inc.			$30,539.92	$30,539.92		
	Blue Box			$32,017.62	$32,017.62		
	Learning Environments LLC			$32,842.93	$32,842.93		

	Indeco Sales, Inc.			$34,277.00	$34,277.00	Included alternates without individual pricing, but total package price is listed with alternates. I didn't want there to be confusion on package price. Individual pricing can be found on the package attachment with hyperlinks to product details. Thank you for considering our alternate selections. All alternates match exact specifications.	
	McCoy Rockford (McCoy Rockford, Inc.)			$35,934.80	$35,934.80		
	Alternate Brands not acceped by Committee						
PACKAGE J - Kimball - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	McCoy Rockford (McCoy Rockford, Inc.)			$40,395.46	$40,395.46		**X**
	Learning Environments LLC			$42,467.15	$42,467.15		
	Perry Office Plus (Perry Office Products)			$47,105.00	$47,105.00		
	Shelton Keller Group			$48,482.59	$48,482.59	Alternate Package to The Kimball with ERG, GLOBAL, SIT ON IT and VIA	
	Facilities Resource, Inc.			$55,343.78	$55,343.78		
	Total Office Solutions			$56,153.00	$56,153.00		
	Indeco Sales, Inc.			$63,601.00	$63,601.00		
PACKAGE K - Landscape Forms - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Learning Environments LLC			$56,615.69	$56,615.69		**X**
	Shelton Keller Group			$56,952.08	$56,952.08		
	McCoy Rockford (McCoy Rockford, Inc.)			$58,939.07	$58,939.07		
	Facilities Resource, Inc.			$65,805.08	$65,805.08		
	Perry Office Plus (Perry Office Products)			$68,110.53	$68,110.53		
	Blue Box			$71,816.58	$71,816.58		
	Total Office Solutions			$75,178.00	$75,178.00		
	Indeco Sales, Inc.			$79,710.00	$79,710.00		
PACKAGE L - National Public Seating - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Perry Office Plus (Perry Office Products)			$20,708.02	$20,708.02		**X**
	School Outfitters (Schoolhouse Outfitters LLC)			$33,349.33	$33,349.33		
	Shelton Keller Group			$42,907.66	$42,907.66		
	Shiffler Equipment Sales, Inc.			$63,901.08	$63,901.08		
	Blue Box			$71,525.34	$71,525.34		
	Indeco Sales, Inc.			$73,691.00	$73,691.00		
	McCoy Rockford (McCoy Rockford, Inc.)			$73,968.19	$73,968.19		
	Learning Environments LLC			$74,460.22	$74,460.22		
	VWR international, LLC - Ward's Science (VWR Funding, Inc.)			$74,659.85	$74,659.85		
PACKAGE M - Peter Pepper Products -PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**

	Total Office Solutions			$13,128.63	$13,128.63		X
	Facilities Resource, Inc.			$13,643.63	$13,643.63		
	McCoy Rockford (McCoy Rockford, Inc.)			$14,557.65	$14,557.65		
	Shelton Keller Group			$14,791.40	$14,791.40		
	Perry Office Plus (Perry Office Products)			$15,164.81	$15,164.81		
	Indeco Sales, Inc.			$15,649.00	$15,649.00		
	Learning Environments LLC			$16,819.97	$16,819.97		
PACKAGE N - Global -PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	McCoy Rockford (McCoy Rockford, Inc.)			$9,145.04	$9,145.04		X
	Shelton Keller Group			$10,928.47	$10,928.47		
	Blue Box			$12,121.65	$12,121.65		
	Perry Office Plus (Perry Office Products)			$12,518.06	$12,518.06		
	Indeco Sales, Inc.			$12,945.00	$12,945.00		
PACKAGE O - Diversified Woodcrafts - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	School Outfitters (Schoolhouse Outfitters LLC)			$33,440.05	$33,440.05		X
	Omega Furniture & Design Solutions (not a dba) (Omega Furniture & Design Solutions LLC)			$36,348.48	$36,348.48		
	Total Office Solutions			$37,496.00	$37,496.00		
	Shelton Keller Group			$37,706.52	$37,706.52		
	McCoy Rockford (McCoy Rockford, Inc.)			$37,847.52	$37,847.52		
	Indeco Sales, Inc.			$41,800.00	$41,800.00		
	VWR international, LLC - Ward's Science (VWR Funding, Inc.)			$45,639.09	$45,639.09		
PACKAGE P - Fleetwood - PRICING - PLEASE ENTER THE TOTAL AMOUNT FROM ALL LINE ITEMS FOR THIS GROUP							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	[ALT3] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: T-S-5C-Leg Computer Table	
	[ALT1] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: T-S-26C-Leg Computer Table	
	[ALT2] Indeco Sales, Inc.		EA	$0.00	$0.00	Item Code: T-S-27C-Leg Computer Table	
	Indeco Sales, Inc.			$36,603.00	$36,603.00	Included alternates without individual pricing, but total package price is listed with alternates. I didn't want there to be confusion on package price. Individual pricing can be found on the package attachment with hyperlinks to product details. Thank you for considering our alternate selections. All alternates match exact specifications.	
	Shelton Keller Group			$39,610.24	$39,610.24	Alternate Package with MOORECO	
	Perry Office Plus (Perry Office Products)	168		$49,534.02	$49,534.02		X
	Total Office Solutions			$68,535.00	$68,535.00		
	School Outfitters (Schoolhouse Outfitters LLC)			$83,059.86	$83,059.86		

	Alternate Brand was no accepatble to Committee						
Package Q -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Perry Office Plus (Perry Office Products)			$19,118.00	$19,118.00	Backlit Scorers Table Daktronics	**X**
	Shelton Keller Group			$22,242.22	$22,242.22		
	Indeco Sales, Inc.			$31,058.00	$31,058.00		
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	[ALT1] Perry Office Plus (Perry Office Products)		EA	$341.36	$341.36	Extended Floor Cart Pageantry Innovations	**X**
	[ALT1] Indeco Sales, Inc.		EA	$1,185.00	$1,185.00	Welded Platform Truck - 30 x 60"	
	Shelton Keller Group			$1,964.00	$1,964.00		
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	[ALT1] Perry Office Plus (Perry Office Products)		EA	$341.36	$341.36	Floor Cart Pageantry Innovations	**X**
	[ALT1] Indeco Sales, Inc.		EA	$1,185.00	$1,185.00	Welded Platform Truck - 30 x 60"	
	Shelton Keller Group			$1,448.00	$1,448.00		
	Alternate Brand Acceptable by Committee						
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	[ALT1] Perry Office Plus (Perry Office Products)		EA	$280.30	$280.30	Uline 4-Way Clothes Rack	**X**
	Indeco Sales, Inc.			$513.00	$513.00		
	Shelton Keller Group			$552.22	$552.22		
	Alternate Brand Acceptable by Committee						
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	Perry Office Plus (Perry Office Products)			$3,330.80	$3,330.80	Flammable Cabinet Justrite	**X**

	[ALT1] Indeco Sales, Inc.		EA	$3,452.00	$3,452.00	Standard Flammable Storage Cabinet - Manual Doors, Yellow, 45 Gallon. Double wall 18-gauge steel. 350 lb. shelf capacity. Adjustable shelves. Sloped shelves safely direct spills away from containers. Recessed paddle handle can be used with padlock. Continuous piano hinge provides smooth closure. Adjustable leveling feet for uneven surfaces. Meets NFPA, IFC and OSHA standards. FM approved. Yellow - For aerosols, gasoline and flammable liquids. Self-Closing Cabinet - Required in certain states and municipalities.	
	Shelton Keller Group			$4,100.00	$4,100.00		
	Alternate Brand not Acceptable by Committee						
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Perry Office Plus (Perry Office Products)			$5,705.41	$5,705.41	Medium Curved Desk TV Sdet Design	**X**
	Shelton Keller Group			$7,277.78	$7,277.78		
	Indeco Sales, Inc.			$8,323.00	$8,323.00		
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	Shelton Keller Group			$1,775.80	$1,775.80	Drying Rack SAX	**X**
	Perry Office Plus (Perry Office Products)			$5,669.45	$5,669.45		
	[ALT1] Indeco Sales, Inc.		EA	$6,574.00	$6,574.00	Bulman Portable Drying Rack. Easy-grab tray design. Includes casters for easy mobility. Move your artwork quickly and easily as it dries with the Bulman Portable Drying Rack. These durable tray systems have an easy-grab design that allows you to place and retrieve your artwork safely. The trays are a breeze to move thanks to the ergonomic mobility bar at the rear and the easy-move casters. Two of the casters lock for when you need to stay in place. Made in the USA.	
	Alternate Brand not acceptable by Committee						
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Shelton Keller Group			$1,009.00	$1,009.00	Alternate to SPEC SEATS with KI	
	Perry Office Plus (Perry Office Products)	170		$1,374.32	$1,374.32	Double Tiered Hanging Chair Set Clarin	**X**

	Indeco Sales, Inc.			**$2,243.00**	$2,243.00		
	Alternate Brand not acceptable by Committee						
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes**	**Recommend**
	Shelton Keller Group			$3,890.00	$3,890.00	Alternate to SPEC SEATS with KI	
	Perry Office Plus (Perry Office Products)			$4,635.20	$4,635.20	Seat Clarin	**X**
	Indeco Sales, Inc.			$6,347.00	$6,347.00		
	Alternate Brand not acceptable by Committee						
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	McCoy Rockford (McCoy Rockford, Inc.)			$13,016.03	$13,016.03	Hexy mid back with arms Sit On It	**X**
	Shelton Keller Group			$14,060.83	$14,060.83		
	Blue Box			$15,475.36	$15,475.36		
	Indeco Sales, Inc.			$16,170.00	$16,170.00		
	Total Office Solutions			$16,611.00	$16,611.00		
	[ALT1] Perry Office Plus (Perry Office Products)		EA	$16,687.93	$16,687.93	HON Cliq Task Chair	
	Perry Office Plus (Perry Office Products)			$17,201.94	$17,201.94		
Q Package -							
	Supplier	**QTY**	**UOM**	**Price**	**Extended**	**Supplier Notes / Alternate Description**	**Recommend**
	Perry Office Plus (Perry Office Products)			$1,591.18	$1,591.18	Book Cart - 37 x 18 x 42", Black. Move books, reference materials and catalogs around offices. Slanted shelves on both sides hold items in place. Sturdy, welded steel construction stands up to heavy use. 6 1/4" deep shelves are 10 1/4" apart. 4" non-m	**X**
	McCoy Rockford (McCoy Rockford, Inc.)			$1,695.42	$1,695.42		
	Shelton Keller Group			$2,158.32	$2,158.32		
	[ALT1] Indeco Sales, Inc.		EA	$2,260.00	$2,260.00	Book Cart - 37 x 18 x 42", Black. Move books, reference materials and catalogs around offices. Slanted shelves on both sides hold items in place. Sturdy, welded steel construction stands up to heavy use. 6 1/4" deep shelves are 10 1/4" apart. 4" non-marking rubber swivel casters: 2 locking.	

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: M. Tish**

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

==========

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 October 24, 2024:

Pre-Existing Bid:

- Trane US, Inc. - $80,832.00 – Water Treatment for Chiller Systems District-wide – Waco ISD Bid# 22-1229 Maintenance Supplies
- University of Mary Hardin-Baylor - $69,848.00 – Principal Residency Grant Fall 2024 Tuition & Fees payment for Jennifer Emerson, Reginald Lewis, Rylee Jorges, Victor Gaona, and Victoria Vasquez – Waco ISD Bid# 21-1182 Educational Consulting, Professional Development, and Other Student-Based Contracted Services
- n2y, LLC - $54,553.39 - On-line standards-based programs for special education students to increase communication, comprehension, and socialization skills; L3 Skills, News2you, SymbolStix PRIME/ SYMBOLSTIX, and Unique Learning System - Waco ISD Bid# 22-1219 Special Education Supplies

Purchasing Cooperative:

- Netsync Network Solutions - $62,381.04 ($50,449.20 was approved at August 2024 Board Meeting, but quote came in $11,931.84 above approved amount) - PURE Storage solution - Provide maintenance and system support for district storage – Choice Partners Bid # 21/031KN-41 Technology Products and Services
- Solid Border, Inc. - $81,880.01 ($72,826.21 was approved at August 2024 Board Meeting, but quote came in $9,053.80 above approved amount) - Palo Alto Firewall - Anti threat protection for the district network- BuyBoard Bid # 661-22 Technology Equipment, Products, Services, and

Software - BuyBoard Bid # 692-23 Software as a Service (Saas), Cybersecurity Assessments and Related Products and Services

- Child's Play, Inc. - $54,211.00 – Playground Artificial Turf replacement project at Dean Highland Elementary School – BuyBoard Contract# 679-22 Parks and Recreational Equipment, Products, and Installation

Fiscal Implications:

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

Administrative Recommendation(s):

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

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Sherry Smith

RE: Independent Sources of Investment Officer Training

==========

Background Information:

In accordance with the Public Funds Investment Act and Texas Government Code 2256.008, the investment officers of a local government shall:

(1) attend at least one training session from an independent source approved by the governing body of the local government or a designated investment committee advising the investment officer as provided for in the investment policy of the local government and containing at least ten hours of instruction relating to the treasurer's or officer's responsibilities under this subchapter within twelve months after taking office or assuming duties; and

(2) In addition to the requirements of Subsection (1), the treasurer, or the chief financial officer if the treasurer is not the chief financial officer, and the investment officer(s) of a school district shall attend an investment training session not less than once in a two-year period that begins on the first day of the school district's fiscal year and consists of the two consecutive fiscal years after that date, and receive not less than eight hours of instruction relating to investment responsibilities under this subchapter from an independent source approved by the Board of Trustees of the school district, or by a designated investment committee advising the investment officer as provided for in the investment policy of the district.

The following independent sources of investment officer training have been or will be utilized by the District and are presented for Board consideration:

Accredited Colleges & Universities within the State of Texas
Broker/Dealers (Waco ISD Board approved)
Government Finance Officers Association
Government Treasurers' Organization of Texas
Local Government Investment Pools (Waco ISD Board approved)
North Central Texas Council of Governments
Texas Association of School Administrators (TASA)
Texas Association of School Boards (TASB)
Texas Association of School Business Officials (TASBO or TASBO affiliate)
Texas State University, Center for Public Service
Texas Education Agency/Regional Education Service Centers (TEA/ESCs)
The University of North Texas, Center for Public Management

Fiscal Implications:

None

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees approve the independent sources of investment officer training, as listed.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: Sherry Smith**

RE: List of Qualified Brokers Authorized to Engage in Investment Transactions with the District and Local Banks for the Purchase of Certificates of Deposit

==========

Background Information:

In accordance with the Public Funds Investment Act and Texas Government Code 2256.025, the governing body of an entity subject to this subchapter of the entity shall, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity. As necessary, the administration requires the broker to provide audited financial statements, proof of National Association of Securities Dealers (NASD) certification, and proof of state registration. The following brokers/dealers are presented for the Board's consideration:

Securities Broker/Dealer	Location	Contact
Financial Advisor:		
RBC Capital Markets, LLC	San Antonio, TX	Robert (Dusty) Traylor
Investments:		
FHN Financial Municipal Advisors	Austin, TX	Buddy Saragusa
Hilltop Securities	Austin, TX	Gilbert Ramon
Investors Brokerage of Texas, Ltd.	Waco, TX	Randall Chenot
Landing Rock Group, LLC	Manhasset, NY	Kim Winslow
Underwriting:		
Baird Public Finance	San Antonio, TX	David Rastellini
BOK Financial Securities, Inc. (dba BOSC, Inc.)	Austin, TX	Joshua McLaughlin
Cabrera Capital Markets	Dallas, TX	Mario Carrasco
Estrada, Hinojosa & Co., Inc.	Dallas, TX	Tony Jaso
Oppenheimer & Co.	Dallas, TX	Daniel Roseveare
Piper Sandler Public Finance	Frisco, TX	Rick Reedy
Raymond James & Associates, Inc.	Dallas, TX	Jim Buie
Siebert Williams Shank & Co., LLC	Austin, TX	Nicole Conley
Stephens, Inc.	Dallas, TX	Brian Garcia
Stifel, Nicolaus & Company, Inc.	Austin, TX	Dane Kopinski
UMB Bank, N.A.	Dallas, TX	Madelyn Wallace

Investment Pool	Location
Investment Pools (previously approved by the Board):	
LOGIC (JPMorgan Asset Management)	Dallas, TX
Lonestar (First Public, LLC)	Austin, TX
Texas CLASS (Public Trust Advisors, LLC)	Austin, TX
Texas TERM & Texas Daily (PFM Fund Distributors, Inc.)	Austin, TX
TexPool (Federated Hermes)	Houston, TX
TexSTAR (Hilltop Securities)	Austin, TX

The District also invests in a number of local government investment pools. These pools combine the cash of participating jurisdictions and invest the cash in securities allowed under the state's laws regarding government investments. By pooling funds, participating governments benefit from economies of scale, full-time portfolio management, diversification, and liquidity. Pools in which Waco ISD participates include the following:

Investment Pool	Location
Investment Pools (previously approved by the Board):	
LOGIC (JPMorgan Asset Management)	Dallas, TX
Lonestar (First Public, LLC)	Austin, TX
Texas CLASS (Public Trust Advisors, LLC)	Austin, TX
Texas TERM & Texas Daily (PFM Fund Distributors, Inc.)	Austin, TX
TexPool (Federated Hermes)	Houston, TX
TexSTAR (Hilltop Securities)	Austin, TX

In additional to investing in certificate of deposit programs through CDARS and TexasTERM, the District invests with local banks. The following banks may be considered for the purchase of certificates of deposit and/or FDIC insured cash sweep accounts:

Local Banks for Purchase of Certificates of Deposit and Insured Cash Sweep Accounts:	
Alliance Bank of Central Texas	First National Bank of Central Texas
American Bank	First National Bank of McGregor
Bank of America	First National Bank of Texas
BBVA Compass Bank	Independent Bank
Central National Bank	JPMorgan Chase Bank
Citizens State Bank	National United Bank
Community Bank and Trust	Texas First State Bank
Extraco Banks (Depository)	Wells Fargo Bank
Fidelity Bank of Texas	

Approving the above lists does not require the District to invest any funds with these entities, but allows the District that option if it so chooses. Having this option available will assist the District in its efforts to obtain the best rate of return possible on District funds while maintaining liquidity and safety of principal.

Fiscal Implications:

None

Administrative Recommendation(s):

The Administration recommends the Board of Trustees approve the list of qualified brokers/dealers, including those for previously approved investment pools, authorized to engage in investment transactions with the District as well as the list of local banks for the purchase of certificates of deposit, as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: Sherry Smith**

RE: Investment Policy and Strategies as Codified under Policy CDA (Local) – Other Revenues: Investments

==========

Background Information:

In accordance with the Public Funds Investment Act and Texas Government Code 2256.005(e), the governing body of an investing entity shall review its investment policy and strategies not less than annually. The governing body shall adopt a written instrument by rule, order, ordinance or resolution stating that it has reviewed the investment policy and investment strategies and that the written instrument so adopted shall record any changes made to either the investment policy or investment strategies.

The District's Investment policy and strategies as codified in Policy CDA (Local) – Other Revenues: Investments was last changed in conjunction with legislation enacted in the 86th Legislative Session. As a result of the legislation, the related local policy was changed to authorize the investment of bond proceeds and pledged revenue to the extent allowed by law but clarified that bond proceeds may not be invested in no-load mutual funds. Local policy was also revised to change terminology from "agency" funds to "custodial" funds to conform with Governmental Accounting Standards Board (GASB) Statement No. 84. Changes to both the legal and local policies were incorporated through TASB's Update 114 and approved by the Board on November 14, 2019. In addition, there was an additional change made to CDA (Legal) through TASB's Update 122 and approved by the Board on January 25, 2024. This update was due to Senate Bill 1246 which amended the Public Funds Investment Act to authorize districts to invest in repurchase agreements through a joint account.

Legislation from the 88th regular Legislative Session, as well as the three called special sessions, has been reviewed and no changes to the local policy are indicated.

A copy of Policy CDA (LOCAL) is attached for your review.

Fiscal Implications:

None

Administrative Recommendation(s):

The Administration recommends the Board of Trustees approve the resolution to adopt Policy CDA (Local) – Other Revenues: Investments with no changes.

RESOLUTION ADOPTING INVESTMENT POLICY CDA (LOCAL)
OF THE WACO INDEPENDENT SCHOOL DISTRICT

WHEREAS, Waco Independent School District (the "District") has been legally created and operates pursuant to the general laws of the State of Texas applicable to independent school districts; and

WHEREAS, the Board of Trustees has convened on this date at a meeting open to the public and wishes to adopt an Investment Policy for the District, in the form attached herein as Exhibit "A", pursuant to Chapter 2256, Texas Government Code, as amended from time to time.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE WACO INDEPENDENT SCHOOL DISTRICT THAT:

Section 1: The Investment Policy, in the form attached hereto as Exhibit "A," is hereby adopted as the investment policy for the District.

Section 2: The provisions of this Resolution shall be effective as of the date of adoption and shall remain in effect until modified by action of the Board of Trustees.

October 24, 2024

_____
Stephanie Korteweg
President, Board of Trustees

ATTEST:

_____
Jeremy Davis
Secretary, Board of Trustees

Investment Authority

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

Approved Investment Instruments

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

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

Safety

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

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

Investment Management

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

Liquidity and Maturity

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

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

Diversity

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

Monitoring Market Prices

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

Monitoring Rating Changes

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

Funds/Strategies

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

Operating Funds

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

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

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

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

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

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

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

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

Representatives of brokers/dealers shall be registered with the Texas State Securities Board and must have membership in the Securities Investor Protection Corporation (SIPC) and be in good standing with the Financial Industry Regulatory Authority (FINRA).

Soliciting Bids for CDs

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

Interest Rate Risk

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

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

Internal Controls

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

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

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

Annual Review

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

Annual Audit

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

Waco Independent School District

Board of Trustee Meeting Agenda

Date: October 24, 2024 **Contact Person**: Rachelle Warren

RE: School Health Advisory Council (SHAC) Members

==========

Background Information:

Policy BDF (Legal) states the Board shall appoint at least five members to the School Health Advisory Council (SHAC). A majority of the members must be parents of students enrolled in the district and must not be employed by the district. In addition, one of those members shall serve as chair or co-chair of the SHAC.

The Board may also appoint one or more public school teachers, public school administrators, district students, healthcare professionals, members of the business community, law enforcement representatives, senior citizens, clergy, representatives of nonprofit health organizations, representatives of local domestic violence programs, or representatives of another group. *Education Code 28.004(d)*

The names of potential voting committee members who have agreed to serve on SHAC for the 2024-2025 school year are:

Parents/Community Members:

1. Mary Perry, Parent (LAMM)
2. Matthew Polk, Parent (HPDS, LAMM)
3. Melissa Vega, Parent (Kendrick)
4. Heather Lewis, Parent (WHS)
5. Sheila Proctor, Parent (JHH)
6. Vicki Brown, Parent (JHH)
7. Fernando Arroyo, Waco Family Medicine

Waco ISD Staff:

1. Rhiannon Settles, Director of Health Services
2. Suzanne Hamilton, Executive Director of Student Services
3. Yolanda Williams, Executive Director of Student Support & Campus Counselor Representative

Fiscal Implications:

Not Applicable.

Administrative Recommendation(s):

Approve the appointment of SHAC members as presented.

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Chief Craig U. Goodman

RE: Mutual Aid Agreement with the City of Waco

==========

Background Information:

The importance of First Responder agencies working and providing assistance for each other is essential. For many years, this collaborative relationship has improved safety, security and quality of life for the citizens of Waco.

The Waco ISD Police Department is seeking to formalize the District's partnership with the City of Waco's Police Department through a formal agreement. This agreement solidifies both agency's commitment to reciprocate the most professional police services possible while clarifying the roles and responsibilities of each.

Fiscal Implications:

None

Administrative Recommendation(s):

Approve the Mutual Aid Agreement as presented.

Mutual Aid Agreement

The State of Texas
City of Waco / County of McLennan

THIS MUTUAL AID AGREEMENT ("Agreement") is made and entered into by and between the Waco Independent School District acting by and through its governing body, the Waco Independent School District Board of Trustees, on behalf of its Police Department and the City of Waco acting by and through its governing body, the City of Waco City Council, on behalf of its Police Department. This Agreement is made pursuant to chapter 791 of the Texas Government code (the Interlocal Cooperation Act), as amended, chapter 418 of the Texas Government code (the Texas Disaster Act of 1975), as amended, and chapter 362 of the Texas Local Government Code.

Section 1
Purpose of Agreement

This Agreement is made in recognition of the fact that natural or man-made occurrences may result in Emergencies or Incidents that exceed the resources, equipment and/or Law Enforcement Personnel of a law enforcement agency. Each law enforcement agency who signs a copy of this Agreement has and does express its intent to aid and assist the other PLEAs during an Emergency and/or Incident by assigning some of their resources, equipment, and/or Law Enforcement Personnel to the affected law enforcement agency as circumstances permit and in accordance with the terms of this Agreement. The specific intent of this Agreement is to safeguard the lives, persons, and property of citizens by enabling other law enforcement agencies to provide additional resources, equipment, and/or Law Enforcement Personnel as needed.

Section 2
Definitions

For the purpose of this Agreement, the following are defined terms:

Aiding Law Enforcement Agency (“ALEA”): A PLEA that provides resources, equipment, and/or Law Enforcement Personnel to a SLEA during an Emergency and/or Incident.

Emergency: A natural or man-made situation that threatens or causes bodily injury, loss of life and/or property damage/loss and exceeds the physical and organizational capabilities of a unit of local, state, or federal government.

Incident: A law enforcement incident that exceeds the physical or organizational capabilities of a local law enforcement agency. Typical Incidents include, but are not limited to: barricaded persons, hostage situations, sniper situations, or high-risk felony arrests.

Law Enforcement Personnel: An employee of a PLEA who is a peace officer (as defined by state law and the Texas Commission on Law Enforcement) and by virtue of his office or public employment, is vested by the state or federal law with the primary duty of maintaining public order and making arrests for violations of state or federal law.

Mutual Aid: A definite and prearranged written agreement and plan whereby regular response and assistance is provided in the event of a natural or man-made Emergency and/or Incident.

Participating Law Enforcement Agency ("PLEA"): A law enforcement agency that commits itself to this Agreement by having an authorized representative sign this Agreement.

State: The term state refers exclusively to the state of Texas.

Stricken Law Enforcement Agency ("SLEA"): A PLEA which has a primary jurisdiction over the site of the Emergency and/or Incident but due to insufficient resources, equipment, and/or Law Enforcement Personnel is unable to provide an adequate response to an Emergency and/or Incident without the assistance of others.

Section 3
Agreement to Effectuate the Mutual Aid Plan

A. Each undersigned party agrees that in the event of an Emergency and/or Incident, it will respond to requests for assistance by a SLEA with such Law Enforcement Personnel, equipment, facilities, or services as is, in the sole opinion of the ALEA, available. Provided, however, that each party reserves the right to refuse to render assistance or to recall any or all rendered assistance, whenever it believes that such refusal or recall is necessary to ensure adequate protection of its own jurisdiction or safety of its personnel.

B. It is expected that requests for Mutual Aid under this Agreement will be initiated only when the needs of the SLEA exceeds its resources. ALEAs will be released and returned to their own jurisdictions as soon as the situation is restored to the point where the SLEA is able to satisfactorily handle the situation with its own resources or when an ALEA decides to recall its assistance.

C. Whenever an Emergency and/or Incident is of such magnitude and consequence that it is deemed advisable by the senior officer present of the SLEA to request assistance from an ALEA he is hereby authorized to do so under the terms of this Agreement.

   The senior officer present of the ALEA is authorized to and shall forthwith take the following actions:

   - Immediately determine what type of assistance is being requested.
   - Immediately determine if the requested resources, equipment. and/or Law Enforcement Personnel can be committed to the SLEA.
   - Immediately dispatch the resources, equipment and/or Law Enforcement Personnel that the ALEA determines are available to the SLEA.

D. At the Emergency and/or Incident site, the most senior officer of the SLEA present shall assume full responsibility and command for operations at the scene. Law Enforcement Personnel from the ALEA shall report to and shall work under the direction and supervision of the SLEA. Provided, however, that at all times, the personnel of the ALEA shall remain employees of their own agency and shall adhere to the policies and procedures of their own employer. While working under the direction of the SLEA, Law Enforcement Personnel shall only be required to respond to lawful orders.

E. The chief law enforcement officers of the PLEAs will establish an operational plan for giving and receiving aid under this Agreement. Said plan will be reviewed, updated, and tested at regular intervals.

Section 4
No Indemnity or Debt Created by this Agreement

A. The PLEAs agree that this Agreement shall not give rise to any liability or responsibility for the failure to respond to any request for assistance made pursuant to this Agreement. This Agreement shall not be construed as or deemed to be an agreement for the benefit of any third party or parties, and no third party or parties shall have any rights or ability to take any action whatsoever hereunder for any cause whatsoever.

B. The PLEAs further agree that each agency (and the entity that commissions Law Enforcement Personnel for the PLEA) will be responsible for defending its own respective entity, PLEA and personnel in any action, claim, or dispute that arises in connection with or as the result of this Agreement (including, without limitation any Mutual Aid provided under this Agreement) and that each agency will be responsible for bearing their own costs, damages, losses, expenses, and attorney fees arising from or related to such action, claim, or dispute.

C. The PLEA regularly employing the law enforcement officer shall pay all wages and disability payments, pension payments, damages to equipment and clothing, medical expenses, and travel, food, and lodging expenses. The PLEA whose authorized official requested the services shall reimburse the original participating agency after the payment is made and reimbursement is requested. In the event an ALEA intends to seek reimbursement from the SLEA, the ALEA shall, before committing resources to the SLEA, notify in writing the SLEA that it intends to seek reimbursement from the SLEA for resources that will be committed to the SLEA in connection with the Incident and/or Emergency. Any payments made under this Agreement (l) will be based on cost recovery, (2) will fairly compensate for the services performed and (3) will be made from the current revenues available to the paying party. The parties agree that when outside sources are available, they will seek reimbursement of any expenses incurred under this Agreement from other possible funding sources in the manner required by the funding source. The parties to this Agreement agree they will cooperate

in seeking reimbursement from any source including any monies set aside by federal and state authorities for law enforcement grants, disaster aid or any other funding source.

D. By entering into this Agreement, no party waives sovereign immunity or any defenses based on sovereign immunity or any other limitation of liability. No provision of this Agreement is intended to modify or waive any provision of the Texas Tort Claims Act, as amended.

Section 5
Adoption and Termination

This Agreement shall be in full force and in effect when approved by the governing body of the PLEA and executed by a representative of a PLEA who has the legal authority to sign and enter into this Agreement on behalf of his/her law enforcement agency.

Any PLEA may withdraw from this Agreement upon giving ninety (90) days written notice addressed to each of the other parties to this Agreement.
All signatories certify that this Agreement has been adopted and approved by action, ordinance, resolution, memorandum of understanding, or other manner provided by applicable law.

City of Waco		Waco Independent School District	
_____		_____	
Chief of Police	Date	Chief of Police	Date
_____		_____	
Mayor	Date	Superintendent	Date

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person: Dr. Tiffany Spicer**

RE: Resolution to Cast Votes in the McLennan County Appraisal District Board of Directors Election

==========

Background Information:

In compliance with Section 6.03 of the State Property Tax Code, the McLennan County Appraisal District's (MCAD) Chief Appraiser has calculated that the Waco Independent School District is entitled to cast a total of 866 votes in the election of the five-member Board of Directors of the MCAD.

Attached is a copy of the vote calculation, the ballot listing the names of the candidates who have been nominated by the various taxing entities, and the resolution to cast the vote.

The deadline to submit a ballot is December 14, 2024, except for Midway ISD and Waco ISD, the City of Waco, McLennan County and the McLennan Community College. These entities must determine its vote by a resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body.

Fiscal Implications:

None.

Administrative Recommendation(s):

The Administration recommends that the Board of Trustees cast 830 votes for Jim Patton with the remaining 36 votes cast for Mildred Watkins.

MCLENNAN CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS
ALLOWABLE VOTES BY ENTITY

TAXING UNIT	Preceding YR Tax Levy 2023	PERCENT OF TOTAL LEVY	CALCULATED 2025 TERM VOTES
TOTAL	**569,549,373**	**100%**	**5,000**
SCHOOL DISTRICTS			
AXTELL ISD	1,927,972.40	0.338508%	**17**
BOSQUEVILLE ISD	3,681,088.89	0.646316%	**32**
BRUCEVILLE-EDDY ISD	2,445,758.43	0.429420%	**21**
CHINA SPRING ISD	15,985,630.74	2.806716%	**140**
CONNALLY ISD	11,932,290.08	2.095041%	**105**
CRAWFORD ISD	3,864,794.45	0.678571%	**34**
GHOLSON ISD	735,626.44	0.129159%	**6**
HALLSBURG ISD	1,136,041.50	0.199463%	**10**
LA VEGA ISD	14,998,574.02	2.633411%	**132**
LORENA ISD	9,727,617.82	1.707950%	**85**
MART ISD	1,623,234.16	0.285003%	**14**
McGREGOR ISD	6,887,742.17	1.209332%	**60**
MIDWAY ISD	84,619,278.04	14.857233%	**743**
MOODY ISD	2,414,831.11	0.423990%	**21**
OGLESBY ISD	8,472.18	0.001488%	**0**
RIESEL ISD	4,642,146.83	0.815056%	**41**
ROBINSON ISD	11,797,166.13	2.071316%	**104**
VALLEY MILLS ISD	1,056,538.85	0.185504%	**9**
WACO ISD	98,628,560.46	17.316947%	**866**
WEST ISD	7,688,046.88	1.349847%	**67**
COUNTY			
McLENNAN COUNTY	92,052,479.02	16.162335%	**808**
McLENNAN COMMUNITY COLLEGE	37,605,997.91	6.602763%	**330**
CITY			
BELLMEAD, CITY OF	2,307,596.79	0.405162%	**20**
BEVERLY HILLS, CITY OF	763,602.63	0.134071%	**7**
BRUCEVILLE-EDDY, CITY OF	453,862.26	0.079688%	**4**
CRAWFORD, CITY OF	476,757.70	0.083708%	**4**
GHOLSON, CITY OF	35,552.07	0.006242%	**0**
GOLINDA, CITY OF	31,986.55	0.005616%	**0**
HALLSBURG, CITY OF	22,920.47	0.004024%	**0**
HEWITT, CITY OF	8,059,924.31	1.415141%	**71**
LACY-LAKEVIEW, CITY OF	1,964,160.86	0.344862%	**17**
LEROY, CITY OF	26,953.25	0.004732%	**0**
LORENA, CITY OF	1,019,655.83	0.179029%	**9**
MART, CITY OF	594,971.09	0.104463%	**5**
McGREGOR, CITY OF	3,891,399.93	0.683242%	**34**
MOODY, CITY OF	432,368.26	0.075914%	**4**
RIESEL, CITY OF	255,769.25	0.044907%	**2**
ROBINSON, CITY OF	6,501,866.74	1.141581%	**57**
VALLEY MILLS, CITY OF	9,481.41	0.001665%	**0**
WACO, CITY OF	118,587,400.29	20.821268%	**1,041**
WEST, CITY OF	1,777,493.71	0.312088%	**16**
WOODWAY, CITY OF	6,875,761.09	1.207228%	**60**

STATE OF TEXAS §
COUNTY OF McLENNAN §

TAXING UNIT NO.

OFFICIAL BALLOT

SELECTION OF FIVE (5) MEMBERS FOR THE BOARD OF DIRECTORS
OF THE McLENNAN CENTRAL APPRAISAL DISTRICT

.

ENTER THE NUMBER OF VOTES, IN THE SQUARE(S) ADJACENT TO THE NAME OF THE CANDIDATE(S), INDICATING THE NUMBER OF VOTES YOU WISH TO CAST FOR EACH CANDIDATE. YOU MAY CAST ALL OF YOUR ALLOTED VOTES FOR ONE CANDIDATE OR DISTRIBUTE THEM AMONGST ANY NUMBER OF CANDIDATES. PLEASE VERIFY THAT THE TOTAL NUMBER OF VOTES CAST MATCHES THE ENTITLED NUMBER OF VOTES ALLOWED FOR YOUR TAXING UNIT, WHICH IS LISTED ON THE SPREADSHEET INCLUDED IN THE DELIVERY METHOD OF THIS BALLOT. BALLOTS SUBMITTED IN WHICH THE NUMBER OF VOTES CAST EXCEEDS THE NUMBER OF ENTITLED VOTES, CAN NOT BE COUNTED.

NUMBER OF VOTES	NOMINEE
	George Chase
	Jonathan Green
	John Kinnaird
	Dwain Moss
830	**Jim Patton**
	Ben Perry
36	**Mildred Watkins**

BALLOT AND RESOLUTION MUST BE RETURNED TO JIM HALBERT, CHIEF APPRAISER, BEFORE DECEMBER 15, 2024. BALLOTS RECEIVED OR POSTMARKED AFTER DECEMBER 14, 2024, CAN NOT BE COUNTED.

****Entities that are entitled to cast at least 5% of the total votes (Midway ISD, Waco ISD, McLennan County, MCC, City of Waco) must determine its vote by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body.**

Waco Independent School District

RESOLUTION OF VOTES CAST TO ELECT DIRECTORS FOR THE MCLENNAN COUNTY APPRAISAL DISTRICT FOR THE YEARS 2024-2025

WHEREAS, Section 6.03 (k) of the Texas Property Tax Code, requires that each taxing unit entitled to vote cast their vote by Resolution and submit results of that vote to the Chief Appraiser of the McLennan County Appraisal District by December 15, 2024.

THEREFORE, the Waco Independent School District Board of Trustees submits the attached Official Ballot, as issued by the Chief Appraiser, stating the vote for candidates for the election of the Board of Directors for the McLennan County Appraisal District for 2024- 2025.

ACTION TAKEN this 24th day of October 2024, in the Regular School Board Meeting of the Waco Independent School District, as authorized under Section 6.03 of the Texas Property Tax Code, for the purpose of casting votes to elect the Board of Directors of the McLennan County Appraisal District.

_____

Stephanie Korteweg, Board President

ATTEST:

_____

Jeremy Davis, Secretary

Waco Independent School District Board

of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Dr. Daniel Lopez

RE: Class Size Waiver

==========

Background Information

At the beginning of the school year, each school district in Texas is required to review its class size enrollment to determine whether its class sizes for grades kindergarten (K) through four meet the requirements of TEC §25.112. As a District of Innovation, Waco is exempt from requirements of TEC §25.112 after the first six weeks of instruction, but must report and submit a waiver for any class that exceeds the mandated student teacher ratio during the first six weeks.

The following classes, by campus and grade level, exceeded the TEC Limit during the first six weeks and will require submission of a Class Size Waiver:

- Bell's Hill - 2nd (Bilingual), Kindergarten (Bilingual), Pre-K 4 (Emergent Bilingual)
- Dean Highland - Kindergarten (Bilingual) (x2), Kindergarten (x2), 2nd (x2), 3rd (1)
- Mountainview - Kindergarten (1), Kindergarten (Emergent Bilingual), 1st (Emergent Bilingual)
- South Waco - Kindergarten (Emergent Bilingual), 3rd (Emergent Bilingual), 3rd (1)
- West Avenue - 4th (Emergent Bilingual)
- Provident Heights - 1st (Bilingual), 4th (Bilingual)
- Parkdale - Kindergarten (1), Kindergarten (Emergent Bilingual)
- Alta Vista - Pre K 4 (Emergent Bilingual)
- Brook Avenue - Pre K 4 (Emergent Bilingual), Pre K 4 (Bilingual)
- Cedar Ridge - 1st (Emergent Bilingual), 2nd (Emergent Bilingual)
- JH Hines - Kindergarten (1), Kindergarten (Emergent Bilingual)
- Kendrick - 3rd (Bilingual)

Total: 28 classrooms

Due to the hard work of district and campus administrators, the total number of classrooms that exceed the TEC Limit after the 1st six weeks is 4. This information was reported at the September 19, 2024, Regular Meeting.

Fiscal Implications

NA

Administrative Recommendation(s):

Approve the submission of Class Size Waivers to TEA.

Waco Independent School District

Board of Trustee Meeting Agenda

Date: October 24, 2024 **Contact Person**: Dr. Josie Gutierrez & Dr. Daniel Lopez

RE: Second Reading of Board Policy DFE (LOCAL)

==========

Background Information:

The Administration requests that the Board of Trustees adopt revisions to DFE (LOCAL). The first reading of the revised DFE (LOCAL) policy was provided to the board at the August 22, 2024, regular board meeting. A summary of the proposed revisions to Policy DFE (LOCAL) include the following new provisions:

- Allow at-will and contract employees to submit resignations for acceptance to the Assistant Superintendent of Human Resources at any time during the school year. For contract employees, the Assistant Superintendent of Human Resources may accept resignation that are effective during the contract period or submit the matter to the Board to pursue sanctions.

DFE (LOCAL) TERMINATION OF EMPLOYMENT RESIGNATION was revised to better align to district practices. Currently, policy requires that all contract employees who resign at the end of their contract or before the penalty-free resignation date submit their resignation to the Superintendent or board approved designee for acceptance upon receipt. If the contract employee resigns at any other time effective during their contract period, then policy requires the Superintendent or other person designated by the Board to accept the resignation or submit the matter to the Board to pursue sanctions. Currently, the Board has not approved any other designee to better support effective district processes.

In summary, the new revisions allow the Assistant Superintendent of Human Resources to accept and approve resignations for both at-will and contract employees at any time during the school year. Revising the policy to include the Assistant Superintendent of Human Resources helps streamline workflow since the hiring and resignation of employees is generated in the Human Resources Department and matches practice with policy.

Fiscal Implications:

None

Administrative Recommendations:

Adopt revised Board Policy for DFE (LOCAL), as presented.

PROPOSED REVISIONS

General Requirements

All resignations shall be submitted in writing to the Superintendent **and a copy provided to the assistant superintendent of human resources** or other person designated by Board action in accordance with this policy. The employee shall give reasonable notice and shall include in the letter a statement of the reasons for resigning. A prepaid certified or registered letter of resignation shall be considered submitted upon mailing.

At-Will Employees

The Superintendent shall be authorized to accept the resignation of an at-will employee at any time. The Superintendent may delegate to other administrators the authority to accept a resignation of an at-will employee.

Contract Employees

The Superintendent**, the assistant superintendent of human resources,** or other person designated by Board action shall be authorized to receive a contract employee's resignation effective at the end of the school year or submitted after the last day of the school year and before the penalty-free resignation date. If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent **and a copy to the assistant superintendent of human resources** or other person designated by Board action. The resignation requires no further action by the District and is accepted upon receipt by the Superintendent**, the assistant superintendent,** or other person designated by Board action.

The Superintendent or other person designated by Board action shall be authorized to accept a contract employee's resignation submitted or effective at any other time. If an employee provides a resignation to a supervisor who has not been designated by the Board to accept resignations, the supervisor shall instruct the employee to submit the resignation to the Superintendent or other person designated by Board action. The Superintendent or other person designated by Board action shall either accept the resignation or submit the matter to the Board in order to pursue sanctions allowed by law.

Withdrawal of Resignation

Once submitted and accepted, the resignation of a contract employee may not be withdrawn without **the** consent of the Superintendent.

Waco Independent School District

Board of Trustee Meeting Agenda

Date: October 24, 2024 **Contact Person**: Dr. Josie Gutierrez

RE: Second Reading of Board Policy FFAC (LOCAL)

==========

Background Information:

The Administration requests that the Board of Trustees adopt revisions to FFAC (LOCAL). The first reading of the revised FFAC (LOCAL) policy was provided to the board at the August 22, 2024, regular board meeting.

FFAC (LOCAL) was revised because of new guidelines released by the Board of Nursing. The recent statement issued by the Board of Nursing provides new guidance for how school nurses dispense over the counter medications to students. The guidelines state that school nurses shall require a doctor's order when giving over the counter medications.

The new revisions to FFAC (LOCAL) will ensure alignment with the new guidelines for school nurses when providing over the counter medications to students.

Fiscal Implications:

None

Administrative Recommendations:

Adopt the revised Board Policy FFAC (LOCAL), as presented.

PROPOSED REVISIONS

No employee shall give any student prescription medication, nonprescription medication, herbal substances, anabolic steroids, or dietary supplements of any type, except as authorized by this or other District policy.

Medication Provided by Parent

The Superintendent shall designate the employees who are authorized to administer medication that has been provided by a student's parent. An authorized employee is permitted to administer the following medication in accordance with administrative regulations:0)

1. Prescription medication in accordance with legal requirements.
2. Nonprescription medication, upon a parent's written request **and with a physician's written orders**, when properly labeled and in the original container.
3. Herbal substances or dietary supplements provided by the parent **and with a physician's written orders,** and only if required by the individualized education program or Section 504 plan for a student with disabilities.

Medication Provided by District

Except as required by law and provided by this policy, the District shall not purchase medication to administer to a student.

Athletic Program

The District shall purchase nonprescription medication that may be used to prevent or treat illness or injury in the District's athletic program. Only a licensed athletic trainer or a physician licensed to practice medicine in the state of Texas may administer this medication and may do so only if:0.

1. The District has prior written consent for medication to be administered [see Medical Treatment, below]; and
2. The administration of a medication by an athletic trainer is in accordance with a standing order or procedures approved by a physician licensed to practice medicine in the state of Texas.

Epinephrine

The District authorizes school personnel who have agreed in writing and been adequately trained to administer an unassigned epinephrine auto-injector in accordance with law and this policy. Administration of epinephrine shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing anaphylaxis.

On Campus

Authorized and trained individuals may administer an unassigned epinephrine auto-injector at any time to a person experiencing anaphylaxis on a school campus.

The District shall ensure that at each campus a sufficient number of authorized individuals are trained to administer epinephrine so that at least one trained individual is present on campus during all hours the campus is open. In accordance with state rules, the campus shall be considered open for this purpose during regular on-campus school hours and whenever school personnel are physically on site for school-sponsored activities.

Maintenance, Availability, and Training

The Superintendent shall develop administrative regulations designating a coordinator to manage policy implementation and addressing annual training of authorized individuals in accordance with law; procedures for auto-injector use; and acquisition or purchase, maintenance, expiration, disposal, and availability of unassigned epinephrine auto-injectors at each campus.

Notice to Parents

In accordance with law, the District shall provide notice of the policy to parents regarding the epinephrine program, including notice of any change to or discontinuation of this program.

Opioid Antagonist

This provision shall be applicable to every campus.

On Campus

The District authorizes school personnel who have been adequately trained to administer an opioid antagonist in accordance with law and this policy. Administration of an opioid antagonist shall only be permitted when an authorized and trained individual reasonably believes a person is experiencing an opioid-related overdose.

Each applicable campus shall have at least one individual who is authorized and trained to administer an opioid antagonist present during regular school hours.

Maintenance, Availability, Training, and Reporting

Each applicable campus shall have at least two unused, unexpired opioid antagonist doses available.

All opioid antagonists shall be stored in a secure location and shall be easily accessible by individuals who are authorized and trained to administer an opioid antagonist.

The Superintendent shall develop administrative regulations addressing acquisition, maintenance, expiration, and disposal of opioid antagonists in the District, as well as reporting, employee training, and emergency notification requirements.

Psychotropics

Except as permitted by law, an employee shall not:0.

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

Medical Treatment

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

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

Waco Independent School District

Board of Trustee Meeting Agenda

Date: October 24, 2024 **Contact Person**: Dr. Josie Gutierrez

RE: Second Reading of Board Policy Update 123

==========

Background Information:

Board Policy Update 123 from the Texas Association of School Boards encompasses changes in law from the 88th Legislative Session, including both the regular and special sessions. All referenced bills have already gone into effect unless otherwise noted. The legal policies are provided for your information only. The local policies included in this packet provide additions, deletions and revisions that clarify the current policy language. The legal policies provide the legal framework for key areas of district operations and are not adopted by the board. The first reading of Board Policy Update 123 was provided to the board at the August 22, 2024, regular board meeting.

Update 123 proposes changes to the following local policies:

- BBD(LOCAL): BOARD MEMBERS - TRAINING AND ORIENTATION
- BBFA(LOCAL): ETHICS - CONFLICT OF INTEREST DISCLOSURES
- CKC(LOCAL): SAFETY PROGRAM/RISK MANAGEMENT - EMERGENCY PLANS
- CKE(LOCAL): SAFETY PROGRAM/RISK MANAGEMENT - SECURITY PERSONNEL
- CKEA(LOCAL): SECURITY PERSONNEL - COMMISSIONED PEACE OFFICERS
- CQC(LOCAL): TECHNOLOGY RESOURCES - EQUIPMENT
- DCE(LOCAL): EMPLOYMENT PRACTICES - OTHER TYPES OF CONTRACTS
- DGBA(LOCAL): PERSONNEL-MANAGEMENT RELATIONS - EMPLOYEE COMPLAINTS/GRIEVANCES
- EEH(LOCAL): INSTRUCTIONAL ARRANGEMENTS - HOMEBOUND INSTRUCTION
- EF(LOCAL): INSTRUCTIONAL RESOURCES
- EFA(LOCAL): INSTRUCTIONAL RESOURCES - INSTRUCTIONAL MATERIALS
- EFB(LOCAL): INSTRUCTIONAL RESOURCES - LIBRARY MATERIALS
- FNG(LOCAL): STUDENT RIGHTS AND RESPONSIBILITIES - STUDENT AND PARENT COMPLAINTS/GRIEVANCES
- GF(LOCAL): PUBLIC COMPLAINTS

Fiscal Implications:

None

Administrative Recommendations:

Adopt Board Policy Update 123, as presented.

Instruction Sheet

TASB Localized Policy Manual Update 123

Waco ISD

Code	Type	Action To Be Taken	Note
ATTN	(NOTE)	No policy enclosed	See explanatory note
AIB	(LEGAL)	Replace policy	Revised policy
AIC	(LEGAL)	Replace policy	Revised policy
AIE	(LEGAL)	Replace policy	Revised policy
BBA	(LEGAL)	Replace policy	Revised policy
BBBB	(LEGAL)	Replace policy	Revised policy
BBD	(LOCAL)	Replace policy	Revised policy
BBFA	(LOCAL)	Replace policy	Revised policy
CCG	(LEGAL)	Replace policy	Revised policy
CCGA	(LEGAL)	Replace policy	Revised policy
CCGB	(LEGAL)	Replace policy	Revised policy
CKB	(LEGAL)	Replace policy	Revised policy
CKC	(LOCAL)	Replace policy	Revised policy
CKE	(LOCAL)	ADD policy	See explanatory note
CKEA	(LOCAL)	DELETE policy	See explanatory note
CKED	(LEGAL)	ADD policy	See explanatory note
CMD	(LEGAL)	Replace policy	Revised policy
CPC	(LEGAL)	Replace policy	Revised policy
CQA	(LEGAL)	Replace policy	Revised policy
CQC	(LEGAL)	Replace policy	Revised policy
CQC	(LOCAL)	ADD policy	See explanatory note
DCE	(LOCAL)	Replace policy	Revised policy
DGBA	(LOCAL)	Replace policy	Revised policy
DHE	(LEGAL)	Replace policy	Revised policy
DNA	(LEGAL)	Replace policy	Revised policy
DP	(LEGAL)	Replace policy	Revised policy
EEH	(LOCAL)	Replace policy	Revised policy
EF	(LEGAL)	DELETE policy	See explanatory note
EF	(LOCAL)	DELETE policy	See explanatory note
EFA	(LEGAL)	Replace policy	Revised policy
EFA	(LOCAL)	ADD policy	See explanatory note
EFB	(LEGAL)	Replace policy	Revised policy
EFB	(LOCAL)	ADD policy	See explanatory note
EHBAA	(LEGAL)	Replace policy	Revised policy

Waco ISD

Code	Type	Action To Be Taken	Note
EHBAB	(LEGAL)	Replace policy	Revised policy
EHBE	(LEGAL)	Replace policy	Revised policy
EHBJ	(LEGAL)	Replace policy	Revised policy
EKB	(LEGAL)	Replace policy	Revised policy
FA	(LEGAL)	Replace policy	Revised policy
FFAC	(LEGAL)	Replace policy	Revised policy
FNG	(LOCAL)	Replace policy	Revised policy
GBA	(LEGAL)	Replace policy	Revised policy
GF	(LEGAL)	Replace policy	Revised policy
GF	(LOCAL)	Replace policy	Revised policy
GKA	(LEGAL)	Replace policy	Revised policy
GRA	(LEGAL)	Replace policy	Revised policy

Explanatory Notes
TASB Localized Policy Manual Update 123

Waco ISD

ATTN(NOTE) GENERAL INFORMATION ABOUT THIS UPDATE

Please note:

Unless otherwise noted, references to legislative bills throughout these explanatory notes refer to Senate Bills (SB) or House Bills (HB) from the 88th Legislature, regular and special sessions. All referenced bills have already gone into effect unless otherwise noted.

The Local Policy Overview for Update 123, available with your Update 123 materials under Local Manual Updates on Policy Online® (TASB login required), provides a general, high-level overview of the changes to the local policies included in the update. **Legal policies provide the legal framework for key areas of district operations and are not adopted by the board.**

AIB(LEGAL) ACCOUNTABILITY: PERFORMANCE REPORTING

The Results Driven Accountability (RDA) section of the policy has been deleted. TEA included RDA information in the Accountability Manual starting in 2023 and repealed the RDA information in the Administrative Code. This change aims to streamline information used in academic accountability and RDA systems.

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

A citation to the Administrative Code has been included under Student Enrollment and Assignment, Enrollment Provision in Contract, regarding campuses that are closed and repurposed.

As 19 TAC 97.2005 has been repealed, the reference to Results Driven Accountability has been deleted from the section on Special Program Performance Determination.

AIE(LEGAL) ACCOUNTABILITY: INVESTIGATIONS

The word "accreditation" has been removed as a descriptor for investigations in two places within the policy after an amendment to the Administrative Code, effective January 17, 2024.

BBA(LEGAL) BOARD MEMBERS: ELIGIBILITY/QUALIFICATIONS

At Intent to Return, language from the Election Code has been included to minimize confusion regarding the specific requirements for establishing an intent to return to the individual's residence after a temporary absence.

BBBB(LEGAL) ELECTIONS: POST-ELECTION PROCEDURES

HB 5180 added new requirements for public inspection of election records. A reference has been added at Election Records regarding where to find information on public inspection of those records for districts who serve as custodians of their own election records.

BBD(LOCAL) BOARD MEMBERS: TRAINING AND ORIENTATION

HB 3033 authorizes the attorney general to require trustees to complete training on the Public Information Act if the attorney general finds that there has been a violation of the Act. Language is recommended to make clear that this training after a violation cannot be delegated to the district’s Public Information Act coordinator.

BBFA(LOCAL) ETHICS: CONFLICT OF INTEREST DISCLOSURES

Language is recommended to clarify that a trustee's ethical duty to disclose a financial or other personal interest in board transactions goes beyond the statutory conflicts of interest set out in state and federal law. The added language serves to demonstrate a commitment to avoid undue influence, increase transparency, and avoid the appearance of impropriety in public dealings.

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CCG(LEGAL) LOCAL REVENUE SOURCES: AD VALOREM TAXES

HB 3273, effective January 1, 2024, revised the Tax Code and requires a taxing unit, including a school district, to provide specific notice to property owners on its website. These provisions have been included in the Appraisal District Property Tax Database section of the policy.

CCGA(LEGAL) AD VALOREM TAXES: EXEMPTIONS AND PAYMENTS

This policy has been updated to indicate that a board that adopted an exemption for the 2022 tax year may not reduce the amount or repeal that exemption based on SB 2 from the second special session of the 88th Legislature. [See Homestead, Local Options.]

HB 4559, from the 88th regular session, increased the population range for certain districts to provide that the split payment option does not apply to the district's taxes collected by another taxing unit that has adopted that option. [See Split Payments, In Certain Counties.]

CCGB(LEGAL) AD VALOREM TAXES: ECONOMIC DEVELOPMENT

HB 4559 increased the population threshold for determining a large municipality for provisions related to the appointment of reinvestment zone board members. [See Tax Increment Financing Act, Large Municipality.]

Substantial changes have also been made based on HB 5 to incorporate the Texas Jobs, Energy, Technology, and Innovation Act.

CKB(LEGAL) SAFETY PROGRAM/RISK MANAGEMENT: ACCIDENT PREVENTION AND REPORTS

TEA’s amendments to the Administrative Code rules for mandatory school drills necessitated reorganization of definitions and added clarity to several sections of the policy. Changes in this policy also reflect TEA’s amendments to the Administrative Code rules related to active threat exercises.

CKC(LOCAL) SAFETY PROGRAM/RISK MANAGEMENT: EMERGENCY PLANS

A section on Notice Regarding Violent Activity is recommended to comply with legal requirements. Administrative procedures must be created to align with TEA's model standards.

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

To address in one policy all security arrangements a district may have implemented, we have added CKE(LOCAL) and moved the relevant provisions from CKEA(LOCAL) to this code.

Significant revisions are recommended to the CKE policy series to promote compliance and clarification with HB 3 and other legal requirements.

Regarding the provisions addressing district police officers, as Education Code 37.081 covers both police authority and duties, the margin note has been edited to clarify the scope of the policy language. The section on temporary assignments has been incorporated into Limitations on Nonschool Employment to account for possible off-duty officer use by both the district and other agencies. A section on Interlocal Agreement has been added to note that district police officers will function within the scope of the agreement.

Based on the district’s security survey responses, we have added provisions to address the use of reserve, retired, or off-duty peace officers providing security services for the district and security officers authorized to possess firearms.

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The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

CKEA(LOCAL) SECURITY PERSONNEL: COMMISSIONED PEACE OFFICERS

To address in one policy all security arrangements the district has implemented, we have deleted this policy and moved the provisions to CKE(LOCAL).

CKED(LEGAL) SECURITY PERSONNEL: OTHER SECURITY ARRANGEMENTS

The provisions of this policy address commissioned security officers with Level III training under the Department of Public Safety hired through a security services contractor or as a district employee in accordance with the Education Code and the Occupations Code.

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

Cross-references throughout this policy have been updated to EFA since policy EF has been separated into EFA (instructional materials) and EFB (library materials).

CPC(LEGAL) OFFICE MANAGEMENT: RECORDS MANAGEMENT

Edits to this policy at Destruction of Records remove a reference to 13 TAC 7.123(c), which was deleted from Texas State Library and Archives Commission rules, effective March 6, 2024.

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

HB 3273, effective January 1, 2024, requires school districts to post a notice informing property owners of the property tax database maintained by the appraisal district. Language has been added at item 28 under the section on Other Required Internet Postings.

CQC(LEGAL) TECHNOLOGY RESOURCES: EQUIPMENT

A section on Guidelines for Use of Digital Devices has been added to address the TEA and Health and Human Services Commission model health and safety guidelines for the use of digital devices, which are required by the Education Code and were issued in October 2023.

CQC(LOCAL) TECHNOLOGY RESOURCES: EQUIPMENT

This new local policy is recommended to meet the legal requirement for the board to adopt a policy for the effective integration of digital devices in the district. The policy language adopts the model health and safety guidelines developed by TEA and the Health and Human Services Commission and clarifies that the superintendent must develop regulations for implementation.

DCE(LOCAL) EMPLOYMENT PRACTICES: OTHER TYPES OF CONTRACTS

Revisions at Termination During Contract Term are recommended to specify that an employee may request a hearing before the board to appeal discharge during the contract period and to differentiate between terminations during and at the end of the contract term.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

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DGBA(LOCAL) PERSONNEL-MANAGEMENT RELATIONS: EMPLOYEE COMPLAINTS/GRIEVANCES

Extensive revisions within the CKE policy series necessitated an update to the cross-reference in the list of other complaint processes.

Also, to accommodate planned restructuring of policy DIA, we have revised the references to that code in this policy to reflect the DIA series. No other changes have been made to this policy.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

DHE(LEGAL) EMPLOYEE STANDARDS OF CONDUCT: SEARCHES AND ALCOHOL/DRUG TESTING

New Department of Transportation rules amend the department's regulated industry drug testing program. The language in the Reports to DPS section has been amended for clarity.

DNA(LEGAL) PERFORMANCE APPRAISAL: EVALUATION OF TEACHERS

Amendments to the Administrative Code allow districts to begin using the Alternate Domain I rubric as part of the Texas Teacher Evaluation and Support System (T-TESS) beginning with the 2024-25 school year. Language has been updated to reflect this change.

DP(LEGAL) PERSONNEL POSITIONS

The section on School Psychological Services has been amended to provide additional clarity and to set out the correct title for licensed specialists in school psychology (LSSPs) as indicated in the Administrative Code.

EEH(LOCAL) INSTRUCTIONAL ARRANGEMENTS: HOMEBOUND INSTRUCTION

TEA's revisions to the *Student Attendance Accounting Handbook* (*SAAH*) prompted recommended updates to this policy. Students may now receive homebound services for psychological, as well as medical, conditions. The *SAAH* also indicates that the weeks of confinement due to a medical or psychological condition do not need to be consecutive to qualify. The policy language has been updated to reflect this change.

EF(LEGAL) INSTRUCTIONAL RESOURCES

In order to clarify the differences in requirements for instructional materials and library materials, as well as to accommodate the new library collection development standards, policy EF has been divided into EFA (instructional material) and EFB (library material). The content in EF(LEGAL) has moved to either EFA or EFB, as appropriate.

EF(LOCAL) INSTRUCTIONAL RESOURCES

As explained at EF(LEGAL), above, this local policy addressing instructional resources is being deleted. New local policies to address instructional materials and library materials separately are included at EFA and EFB.

EFA(LEGAL) INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS

Content regarding instructional material review and federally required parental inspection has been moved from EF(LEGAL) to EFA(LEGAL).

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EFA(LOCAL) INSTRUCTIONAL RESOURCES: INSTRUCTIONAL MATERIALS

The enclosed policy regarding instructional materials is recommended to coordinate with the policy addressing library materials at EFB(LOCAL). The provisions previously housed at EF(LOCAL) have been moved to this code with the following revisions:

- At Selection, a clarification has been made to reflect that instructional materials must be chosen in accordance with stated objectives and administrative regulations and may include items from the State Board of Education list.
- At Reconsideration of Instructional Materials, the list of individuals who can submit a request for reconsideration has been revised. This change is recommended to align with the list provided in the new EFB(LOCAL), which permits an employee or parent or guardian to submit these requests. If the district would like to expand this list, please contact your policy consultant.

Please review the information at Formal Reconsideration, which specifies who will receive forms requesting the reconsideration of instructional material and who will appoint a reconsideration committee. If the policy needs to identify a different position for these responsibilities, please contact your policy consultant for assistance with revisions.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

EFB(LEGAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

EFB(LEGAL) has been revised to incorporate new library collection development standards adopted by the Texas State Library and Archives Commission (TSLAC), effective January 23, 2024. The policy includes a note regarding the Fifth Circuit Court of Appeals enjoinment and the resulting unenforceability of certain statutes related to library material. The TSLAC Library Collection Development Standards are not currently enjoined by the Fifth Circuit Court of Appeals.

EFB(LOCAL) INSTRUCTIONAL RESOURCES: LIBRARY MATERIALS

This recommended policy aligns with changes to the Administrative Code and the new collection development standards for school libraries as a result of HB 900. Please review the following information in your policy:

- The location of the form for formal reconsideration;
- The position title for the person responsible for appointing the reconsideration committee; and
- The number of days allocated for appointing the committee, providing the material for review to the committee, and completing the committee’s final report.

If any information needs to be updated or if further revisions to the policy are needed, please contact your policy consultant for assistance.

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

A cross-reference to policy EHB has been included for additional requirements relating to the evaluation and identification process when dyslexia is a suspected disability. [See Determination of Initial Eligibility.]

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

The section on Supplemental Special Education Services (SSES) has been revised to reflect amended Administrative Code rules, effective April 18, 2023. The district is required to notify parents of SSES eligibility and related information during an ARD committee meeting.

A provision regarding an 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 has been removed. That requirement expired on September 1, 2023.

EHBE(LEGAL) SPECIAL PROGRAMS: BILINGUAL EDUCATION/ESL

Extensive revisions have been made throughout this policy to reflect amended rules relating to emergent bilingual students.

EHBJ(LEGAL) SPECIAL PROGRAMS: INNOVATIVE AND MAGNET PROGRAMS

Changes to this policy stem from amended Administrative Code provisions relating to innovative courses. The amended rules became effective February 18, 2024.

EKB(LEGAL) TESTING PROGRAMS: STATE ASSESSMENT

Revisions have been made to remove language that does not require district action to aid in readability and clarity. Citations have also been updated based on rule changes.

FA(LEGAL) PARENT RIGHTS AND RESPONSIBILITIES

The cross-reference at Parental Rights relating to teaching materials has been updated to reflect the division of policy EF into EFA and EFB.

FFAC(LEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

A section on Telehealth in Medicaid Covered Services has been added to provide guidance from Administrative Code rules specific to telehealth services authorized as Texas Medicaid covered services.

The section on opioid antagonists has been updated to reflect new rules effective November 1, 2023.

Changes have also been made to the section on epinephrine auto-injectors to reflect amended Administrative Code rules.

Citations throughout have been updated based on rule amendments.

FNG(LOCAL) STUDENT RIGHTS AND RESPONSIBILITIES: STUDENT AND PARENT COMPLAINTS/GRIEVANCES

Extensive revisions within the CKE policy series necessitated an update to the cross-reference in the list of other complaint processes.

Also, to accommodate planned restructuring of policy FFH, we have revised the references to that code in this policy to reflect the FFH series. No other changes have been made to this policy.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

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

A cross-reference regarding economic development negotiations under Government Code Chapter 403 has been added.

GF(LEGAL) PUBLIC COMPLAINTS

The division of policy EF into EFA and EFB necessitated an update to the cross-reference in this policy.

GF(LOCAL) PUBLIC COMPLAINTS

Extensive revisions within the CKE policy series necessitated an update to the cross-reference in the list of other complaint processes. No other changes have been made to this policy.

The Legal Issues in Update 123 memo, available with your Update 123 materials under Local Manual Updates on Policy Online (TASB login required), describes common legal concerns and best practices specific to this policy's topic.

GKA(LEGAL) COMMUNITY RELATIONS: CONDUCT ON SCHOOL PREMISES

Amendments to the Code of Federal Regulations necessitated changes to the section regarding operation of a small unmanned aircraft system.

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

The Definitions section has been revised to reflect amended Administrative Code rules that include school resource officers and contracted police officers in the definition of "school personnel and volunteers."

Language has been added at Notice to School Personnel to provide direction if the superintendent is the individual alleged to have committed child abuse or neglect.

The Students Taken into Custody section has been updated to incorporate appropriate legal citations and improve clarity.

District Annual Report

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

Texas Academic Performance Report (TAPR)

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

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

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

Other Annual Report Information

The annual report must also include:

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

7. Information received under Education Code 51.403(e) for each high school campus in the district, presented in a form determined by the commissioner; and

8. Progress of the district and each campus in the district toward meeting the goals set in the district's early childhood literacy and mathematics proficiency plans and college, career, and military readiness plans [see EA].

Education Code 39.306(a)

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

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

The report may include the following information:

1. Student information, including total enrollment, enrollment by ethnicity, socioeconomic status, and grade groupings and retention rates;

2. Financial information, including revenues and expenditures;

3. Staff information, including number and type of staff by sex, ethnicity, years of experience, and highest degree held; teacher and administrator salaries; and teacher turnover;

4. Program information, including student enrollment by program, teachers by program, and instructional operating expenditures by program; and

5. The number of students placed in a disciplinary alternative education program (DAEP) under Education Code Chapter 37.

Education Code 39.306(e)

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

Public Hearing

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

A board shall hold a hearing for public discussion of the TAPR within 90 days after the report is received from TEA. The hearing may take place during a regularly scheduled or special meeting of the board. *19 TAC 61.1022(c)*

Publication

The TAPR must be published within two weeks after the public hearing, in the same format as it was received from TEA. *19 TAC 61.1022(d)*

The board shall disseminate the report by posting it on the district website and in public places, such as each school office, local businesses, and public libraries. *Education Code 39.306(c); 19 TAC 61.1022(f)*

Report Uses

The information in the annual report shall be a primary consideration in district and campus planning. It shall also be a primary consideration of the board in the evaluation of the performance of the superintendent, and of the superintendent in the evaluation of the performance of campus principals. *Education Code 39.307*

Campus Performance Report

Each school year, TEA shall prepare and distribute to each district a report card for each campus. The campus report card distributed by TEA shall be termed the “school” report card (SRC). The intent of the SRC is to inform each student’s parents or guardians about the school’s performance and characteristics. The SRC will present the student, staff, financial, and performance information required by statute, as well as any explanations and additional information deemed appropriate to the intent of the report.

Distribution

The district must disseminate each SRC within six weeks after the SRC is received from TEA. The school may not alter the report provided by TEA; however, it may concurrently provide additional information to the parents or guardians that supplements or explains information in the SRC.

The SRC must be distributed to the parent, guardian, conservator, or other person having lawful control of each student at the campus. On written request, a district shall provide a copy of the SRC to any other party.

The campus administration may provide the SRC in the same manner it would normally transmit official communications to parents and guardians, such as including the SRC in a weekly folder sent home with each student, mailing it to the student’s residence, providing it at a teacher-parent conference, enclosing it with the student report card, or sending it via electronic mail.

Education Code 39.305; 19 TAC 61.1021

Website Notices

Not later than the 10th day after the first day of instruction of each school year, a district that maintains an internet website shall make the following information available:

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

Education Code 39.362

Student Performance Report

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

Notice to Parents

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

Notice to Teachers and Students

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

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

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

Education Code 39.304

Quality of Learning Indicators

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

The quality of learning indicators must include:

1. The percentage of graduating students who meet the course requirements for the foundation high school program, the distinguished level of achievement under the foundation high school program, and each endorsement described by Education Code 28.025(c-1) [see EIF];
2. The results of the SAT, ACT, and certified workforce training programs;
3. For students who have failed to satisfy the state standard on an assessment, the performance of those students on subsequent assessments, aggregated by grade level and subject area;
4. For each campus, the number of students, disaggregated by major student subpopulations, who take courses under the foundation high school program and take additional courses to earn an endorsement, disaggregated by type of endorsement;
5. The percentage of students, aggregated by grade level, provided accelerated instruction under Education Code 28.0211 [see EHBC] after unsatisfactory performance on a state assessment; the results of assessment instruments administered under the accelerated instruction program; the subject of the assessment instrument on which each student failed to perform satisfactorily under each performance standard; and the performance of those students in the subsequent school year on the state assessments;
6. The percentage of students of limited English proficiency exempted from the administration of an assessment;
7. The percentage of students in a special education program assessed through alternative assessment instruments;
8. The percentage of students who satisfy the college readiness measure;
9. The measure of progress toward dual language proficiency for students of limited English proficiency;

10. The percentage of students who are not educationally disadvantaged;

11. The percentage of students who enroll and begin instruction at an institution of higher education in the school year following high school graduation; and

12. The percentage of students who successfully complete the first year of instruction at an institution of higher education without needing a developmental education course.

Education Code 39.301(a)-(c)

Federal Report Card

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

Implementation

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

Minimum Requirements

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

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

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

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

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

District Data on Academic Achievement

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

The website must:

1. Include district information, disaggregated by campus, grade, sex, race, academic quarter or semester, as applicable, and school year, regarding the following:

    a. Student academic achievement and growth;

    b. Teacher and student attendance; and

    c. Student discipline records; and

2. Be updated at least once each quarter of the school year.

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

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

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

Education Code 11.1516

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Interventions and Sanctions for School Districts

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

Grounds for Commissioner Action

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

Education Code 39A.001

Authorized Commissioner Actions

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

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

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

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

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

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

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of Accreditation

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

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

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

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

Education Code 39A.005

Intervention to Improve High School Completion Rate

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

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

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

Education Code 39A.007

Interventions after Certain D Ratings

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

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

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

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

Education Code 39A.118

Certain D-Rating Improvement Plans

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

The district or campus shall:

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

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

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

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

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

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

19 TAC 97.1061(b)

Campus Intervention Team and Targeted Improvement Plan

Actions Based on Campus Performance

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

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

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

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

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

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

Education Code 39A.051

Texas Accountability Intervention System

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

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

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

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

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

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

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

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

Campus Intervention Team

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

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

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

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

19 TAC 97.1063(b)-(c)

On-Site Needs Assessment

A campus intervention team shall:

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

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

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

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

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

Recommendations

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

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

Education Code 39A.054

Targeted Improvement Plan

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

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

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

Notice of Public Meeting

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

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

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

Public Hearing

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

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

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

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

Education Code 39A.057

Submission to Commissioner

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

Executing Plan

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

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

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

Education Code 39A.059

Continuing Duties of the Campus Intervention Team

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

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

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

Education Code 39A.060

Local Improvement Plan

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

A local improvement plan must be presented to the board.

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

Campus Planning and Site-Based Decision-Making

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

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

Education Code 39A.061

Submission of Campus Improvement Plan

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

Compliance Through Federal Accountability

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

Campus Turnaround Plan

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

Updated Targeted Improvement Plan

A campus intervention team shall assist the campus in:

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

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

Education Code 39A.101

Public Notice

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

Submission and Approval

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

Implementation, Modification, and Withdrawal

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

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

Change in Circumstances

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

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

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

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

Commissioner Authority

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

19 TAC 97.1064(j)-(m)

Required Contents

A campus turnaround plan must include:

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

c. Academic credit and promotion criteria; and

d. Programs to serve special student populations;

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

a. The term of the charter; and

b. Information on the implementation of the charter;

4. Written comments from:

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

b. Parents; and

c. Teachers at the campus;

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

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

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

Implementing Entities

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

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

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

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

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

Education Code 39A.102, .108

Effective Date

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

Commissioner Approval or Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

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

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

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

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

Repurposing of Closed Campus

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

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

Student Enrollment and Assignment

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

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

Noncontracted Repurposed Campus

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

Enrollment Provision in Contract

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

Education Code 39A.113; 19 TAC 97.1066

Targeted Technical Assistance

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

Alternative Management

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

Solicitation of Proposals

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

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

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

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

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

Education Code 39A.151

Qualifications of Managing Entity

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

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

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

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

Education Code 39A.152

Contract with Managing Entity

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

The management contract must include:

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

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

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

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

Education Code 39A.153; 19 TAC 97.1067

Extension of Management Contract

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

Evaluation of Managing Entity

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

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

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

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

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

1. Terminate the contract; and

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

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

Education Code 39A.155

Cancellation of Management Contract

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

Return of Management to District

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

Applicability of Accountability Provisions

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

Funding

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

Open Meetings and Public Information

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

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

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

Education Code 39A.160

Board of Managers

General Powers and Duties

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

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner's order, including amending the district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers of District	Notwithstanding Education Code 11.151(b) or 11.1511(a) or any other provision of the Education Code, if the commissioner appoints a board of managers to govern a district: 1. The powers of the board are suspended for the period of the appointment; and 2. The commissioner shall appoint a district superintendent. A board of managers appointed to govern a school district may amend the budget of the district. Education Code Chapter 39A applies to a school district governed by a board of managers in the same manner it applies to any other district. *Education Code 39A.202*
Composition of Board of Managers	A board of managers appointed by the commissioner must, if possible, include community leaders, business representatives who have expertise in leadership, and individuals who have knowledge or expertise in the field of education. *Education Code 39A.204*
Training of Board of Managers	The commissioner must provide each individual appointed to a board of managers with training in effective leadership strategies. *Education Code 39A.205* The training in effective leadership strategies shall be provided by TEA-approved authorized providers of board training to each individual appointed by the commissioner to a board of managers, and, following the expiration of the appointment of the board of managers, to the board of trustees of the school district. *19 TAC 97.1073(h)*
Compensation	The commissioner may authorize payment of a board of managers from TEA funds. A conservator or a member of a management team appointed to serve on a board of managers may continue to be compensated as determined by the commissioner. *Education Code 39A.206*
Replacement of Member of Board of Managers	The commissioner may at any time replace a member of a board of managers. The commissioner may adopt rules necessary to implement this section. *Education Code 39A.207*
Expiration of Appointment	A board of managers shall, during the period of the appointment, order the election of members of the board of trustees of the school district in accordance with the law. The members of the board of trustees do not assume any powers or duties after the election until the appointment of the board of managers expires.

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

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

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

Challenge of Intervention or Sanction

Review of Sanctions by SOAH

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

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

Notwithstanding other law:

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

Education Code 39A.301

Appeals

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

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

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)-(b)

Intervention Programs

ACE Turnaround Plan

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

Resource Campus

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

Strong Foundations Intervention

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

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

Education Code 39A.064(a)

Miscellaneous Provisions

Acquisition of Professional Services

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

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

Education Code 39A.902

Costs Paid by District

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

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

Education Code 39A.903

Immunity from Civil Liability

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

Campus Name Change

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

Special Program Performance Determination

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

The commissioner shall notify in writing each district identified for review under this section as a result of assigned determination level or cyclical selection prior to requiring a district to implement or

participate in any activities included in 19 Administrative Code 97.1071(f)(1)-(6).

Actions taken under this section are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1005 and 74.28 and Education Code sections 28.006 and 38.003 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

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

Intervention Pause

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

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

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

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

19 TAC 97.1062

Failure to Submit Emergency Operations Plan

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

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

Student Board Member

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

Special Investigations

The commissioner may authorize a special investigation:

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

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

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

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

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

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

18. As the commissioner otherwise determines necessary.

Education Code 39.003(a), (c)

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

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

Commissioner Action

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

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

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

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

Education Code 39.003(d)

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

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

Education Code 39.003(e)

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

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

Monitoring Reviews

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

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

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

Education Code 7.028

Compliance Monitoring Activities

Districts are subject to general supervision and monitoring activities for compliance with state law and federal regulation 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 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)]

Eligibility

To be eligible to be a candidate for, or elected or appointed to, the office of school board member, a person must:

1. Be a United States citizen.
2. Be 18 years of age or older on the first day of the term to be filled at the election or on the date of appointment, as applicable.
3. Have not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote.
4. Have not been finally convicted of a felony from which the person has not been pardoned or otherwise released from the resulting disabilities [but see Ineligibility below].
5. Have resided continuously in the state for 12 months and in the territory from which the office is elected for six months immediately preceding the following date:
    a. For an independent candidate, the date of the regular filing deadline for a candidate's application for a place on the ballot.
    b. For a write-in candidate, the date of the election at which the candidate's name is written in.
    c. For an appointee to an office, the date the appointment is made.
6. Be registered to vote in the territory from which the office is elected on the date described at item 5, above.

Election Code 1.020, 141.001(a); Gov't Code 601.009; Tex. Const. Art. XVI, Sec. 14

Qualified Voter

A person may not be elected trustee of an independent school district unless the person is a qualified voter. *Education Code 11.061(b)*

"Qualified voter" means a person who:

1. Is 18 years of age or older;

2. Is a United States citizen;

3. Has not been determined by a final judgment of a court exercising probate jurisdiction to be totally mentally incapacitated or partially mentally incapacitated without the right to vote;

4. Has not been finally convicted of a felony or, if so convicted, has fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court; or been pardoned or otherwise released from the resulting disability to vote;

5. Is a resident of this state; and

6. Is a registered voter.

Election Code 1.020, 11.002 [See *Atty. Gen. Op. KP-0251 (2019)* (concluding that the restoration of a convicted felon's qualification to vote under Election Code 11.002(a)(4)(A) after fully discharging a sentence does not restore the person's eligibility to hold public office under Election Code 141.001(a)(4))]

Residence

"Residence" Defined

In the Election Code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence. A person may not establish residence for the purpose of influencing the outcome of a certain election. A person does not lose the person's residence by leaving to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home. A person may not establish a residence at any place the person has not inhabited. A person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. *Election Code 1.015*

Note: The issue of whether a candidate has satisfied residency requirements should be judicially determined. *State v. Fischer, 769 S.W.2d 619 (Tex. App.—Corpus Christi 1989, writ dism'd w.o.j.)*

Intent to Return

For purposes of satisfying the continuous residency requirement, a person who claims an intent to return to a residence after a temporary absence may establish that intent only if the person has made a reasonable and substantive attempt to effectuate that intent and has a legal right and practical ability to return to the residence. This does not apply to a person displaced from the person's residence

due to a declared local, state, or national disaster. *Election Code 141.001(a-1)-(a-2)*

Single-Member Districts

A candidate for board member representing a single-member district must be a resident of the district the candidate seeks to represent. *Education Code 11.052(g)*

Ineligibility

A person is ineligible to serve as a member of the board of a district if the person has been convicted of a felony or an offense under Penal Code 43.021 (solicitation of prostitution). *Education Code 11.066*

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)]

Tie Votes

Second Election

In an election requiring a plurality, if two or more candidates for the same office tie for the number of votes required to be elected, a second election to fill the office shall be held in accordance with the deadlines and other requirements of Election Code 2.002.

Other Options

Casting Lots

The tying candidates may agree to cast lots to resolve the tie. The agreement must be filed with the board. The board president shall supervise the casting of lots.

Withdrawal

A tying candidate may resolve the tie by filing with the board a signed and acknowledged written statement of withdrawal. On receipt of the statement, the remaining candidate is the winner, and a second election or casting of lots is not held.

Automatic Recount

If the tie is not resolved by casting lots or withdrawal, an automatic recount shall be conducted under Election Code Chapter 216 before the second election is held. If the recount resolves the tie, the second election is not held.

If the recount does not resolve the tie, the tied candidates may cast lots not later than the day before the date the board must order the second election under Election Code 2.002(b) or withdraw from the election not later than 5:00 p.m. of the day after the date the automatic recount is held.

Election Code 2.002

Runoff Election

In a district in which trustees are elected by majority vote under Education Code 11.057(c) [see BBB], if no candidate for a particular office receives the vote necessary to be elected, a runoff election for that office is required. *Election Code 2.021 et seq.*

If the candidates in a runoff election tie, an automatic recount shall be conducted under Election Code Chapter 216. If the recount does not resolve the tie, the tied candidates shall cast lots to determine the winner. The board president shall supervise the casting of lots. A tying candidate may resolve the tie by filing with the board president a signed and sworn to written statement of withdrawal. If the statement of withdrawal is received before the automatic recount is conducted, the remaining candidate is the winner, and the automatic recount is not conducted. If the statement of withdrawal

is received not later than 5:00 p.m. the day after the date the automatic recount is conducted, the remaining candidate is the winner, and a casting of lots is not held. *Election Code 2.028*

Ballot Order

The order of the candidates' names on the ballot of any resulting runoff election or election held to resolve a tie vote shall be the relative order of names on the original election ballot. *Election Code 2.002(d), 52.094(a)*

Recounts

The district shall conduct an authorized recount in accordance with Election Code Title 13. *Election Code 211.001*

A candidate in a board election may obtain an initial recount in an election if the difference in the number of votes received by the candidate and any candidate for the office who is shown by the election returns to be elected, tied, or entitled to a place on a runoff ballot, if applicable, is less than 10 percent of that candidate's number of votes, or the total number of votes received by all candidates for the office is less than 1,000. *Election Code 212.022*

A ground for obtaining an initial recount is not required to obtain an initial recount of electronic voting system results. A candidate may obtain an initial recount of electronic voting system results in an election only if the candidate is shown by the election returns not to be elected. *Election Code 212.0241*

An initial recount may not be conducted unless an authorized candidate submits a petition for the recount to the presiding officer of the local canvassing authority in accordance with Election Code Chapter 212, Subchapter B, accompanied by a deposit to cover the costs of the recount in accordance with Subchapter E. *Election Code 212.025, .026, .111*

Effect of Petition

The submission of a recount petition before a board completes its canvass does not delay the canvass for the office involved in the recount. The board shall make a notation on the tabulation of any office involved in a recount. The submission of a recount petition delays the issuance of a certificate of election and qualification for the office involved in the recount pending completion of the recount. A candidate may not qualify for an office involved in a recount before completion of the recount. This provision does not affect a candidate who has received a certificate of election and qualified for office before the submission of a recount petition involving the office. *Election Code 212.033, .0331*

Canvass Returns

General Rule

Except as provided below, a board shall convene to conduct the local canvass at the time set by the presiding officer not later than the 11th day after election day and not earlier than the later of:

1. The third day after election day;

2. The date on which the early voting ballot board has verified and counted all provisional ballots, if a provisional ballot has been cast in the election; or

3. The date on which all timely received ballots cast from addresses outside of the United States are counted, if a ballot to be voted by mail in the election was provided to a person outside of the United States.

Election Code 67.003(b)

November Election — Even-Numbered Years

For an election 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 time for the canvass may be set not later than the 14th day after election day. *Election Code 65.051(a-1), 67.003(c)*

Quorum for Canvass

Two members of a board constitute a quorum for purposes of canvassing an election.

At the time set for convening the board for the local canvass, the presiding officer shall deliver the sealed precinct returns to the board. The board shall open the returns for each precinct and canvass them as provided by Election Code 67.004.

Minutes

The presiding officer shall note the completion of the canvass in the minutes or in the recording required by the Open Meetings Act (Government Code 551.021). [See BE]

Election Code 67.004(a), (g)

Internet Posting of Election Results

A district that holds an election and maintains an internet website shall post on its public internet website:

1. The results of each election;

2. The total number of votes cast;

3. The total number of votes cast for each candidate or for or against each measure;

4. The total number of votes cast by personal appearance on election day;

5. The total number of votes cast by personal appearance or mail during the early voting period; and

6. The total number of counted and uncounted provisional ballots cast.

The information described above must be:

1. Posted as soon as practicable after the election; and

2. Accessible without having to make more than two selections or view more than two network locations after accessing the internet website home page of the district.

Election Code 65.016(b), (c)

Qualifying for Office

Certificate of Election

After the completion of a canvass, the presiding officer shall prepare a certificate of election for each candidate who is elected to an office for which the official result is determined by the board's canvass. A certificate of election must contain:

1. The candidate's name;
2. The office to which the candidate is elected;
3. A statement of election to an unexpired term, if applicable;
4. The date of the election;
5. The signature of the officer preparing the certificate; and
6. Any seal used by the officer preparing the certificate to authenticate documents that the officer executes or certifies.

The authority preparing a certificate of election shall promptly deliver it to the person for whom it is prepared, subject to the submission of a recount petition. [See Effect of Petition, above]

A certificate of election may not be issued to a person who has been declared ineligible to be elected to the office.

Election Code 67.016

Certificate for Unopposed Candidate

A certificate of election shall be issued to each unopposed candidate declared elected in the same manner and at the same time as provided for a candidate elected at the election. The candidate must qualify for the office in the same manner as provided for a candidate elected at the election. *Election Code 2.053(e)* [See BBBA regarding the election of an unopposed candidate.]

Officer's Statement

All elected and appointed board members, before taking the oath or affirmation of office and entering upon the duties of office, shall sign the required officer's statement. The statement shall be retained with the official records of the office. *Tex. Const. Art. XVI, Sec. 1(b), (c)*

Oath of Office

All elected and appointed trustees, before they enter upon the duties of the office, shall take the official oath or affirmation of office. Newly elected trustees shall file their official oaths with the board president. *Tex. Const. Art. XVI, Sec. 1(a); Education Code 11.061(a)*

The oath may be administered and a certificate of the fact given by the individuals listed at Government Code 602.002, including:

1. A judge, retired judge, or clerk of a municipal court.
2. A judge, retired judge, senior judge, clerk, or commissioner of a court of record.
3. A justice of the peace, retired justice of the peace, or clerk of a justice court.
4. A notary public.

Gov't Code 602.002

Election Records

Except as otherwise provided by the Election Code, a district shall preserve the precinct election records distributed to it for at least 22 months after election day. *Election Code 66.058(a)* [See CPC]

[For public inspection of election records when a district is the custodian of its election records, see Election Code 1.012(e)-(h).]

Destruction of Records

After expiration of the prescribed period for preserving election records under the Election Code, the records may be destroyed or otherwise disposed of unless, at the expiration of the preservation period, an election contest or a criminal investigation or proceeding connected with the election is pending. In that case, the records shall be preserved until the contest, investigation, or proceeding is completed and the judgment, if any, becomes final. *Election Code 1.013*

Public Information Coordinator

The Superintendent shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012. [See GBAA]

After Election or Appointment

After a Violation

A Board member who receives written notice from the attorney general that the member must complete Public Information Act (PIA) training described by GBAA(LEGAL) following the District's failure to comply with a PIA requirement shall complete the training within the timelines described in law. The completion of the training in response to such a notice cannot be delegated.

Reporting Continuing Education Credit

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. The announcement shall be reflected in the meeting minutes and, when necessary, posted on the District's website in accordance with law.

In addition to disclosures required by law, a Board member shall disclose to the Board any personal financial interest, business interest, or obligation or relationship that in any way creates a potential conflict of interest with a vote on a pending matter.

A Board member shall not use coercive means or promise special treatment in order to influence Board or District decisions, nor use the member's position to seek personal advantage. [See also BBF(LOCAL)]

Annual Financial Management Report

Each Board member shall provide to the District in a timely manner information necessary for the District's annual financial management report. [See CFA]

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Tax Rate Adoption

Maintenance Taxes

The board may levy, assess, and collect annual ad valorem taxes for the maintenance of the district's schools. Taxes may not be levied unless authorized by a majority of the qualified voters of the district, voting at an election called for that purpose. *Education Code 45.002, .003(a)*

Restriction on Maintenance Tax Levy

A district may not levy the district's maintenance taxes at a rate intended to create a surplus in maintenance tax revenue for the purpose of paying the district's debt service. *Education Code 45.0021(a)* [See Taxpayer Injunction, below]

Note: For information on the consequences of violating this restriction, see Education Code 45.0021(c)-(e). See also Taxpayer Injunction, below.

Exceptions

Education Code 45.0021 does not prohibit a district from:

1. Using a surplus in maintenance tax revenue to pay the district's debt service if the district's interest and sinking fund tax revenue is insufficient to pay the district's debt service due to circumstances beyond the district's control and the use of the surplus maintenance tax revenue to pay the district's debt service is necessary to prevent a default on the district's debt;
2. Paying a portion of the district's maintenance tax revenue into the tax increment fund for a reinvestment zone under Tax Code Chapter 311; or
3. Using money disbursed from the tax increment fund for a reinvestment zone under Tax Code Chapter 311 in accordance with the agreement entered into by the district with the governing body of the municipality or county that designated the zone under Tax Code 311.013(f).

Education Code 45.0021(f)

Maintenance Tax Rate Components

Tier One

A district's tier one maintenance and operations tax rate is the number of cents levied by the district for maintenance and operations that does not exceed the maximum compressed rate, as determined under Education Code 48.2551. *Education Code 45.0032(a)*

Maximum Compressed Rate

"MCR" is the district's maximum compressed rate, which is the tax rate for the current tax year per $100 of valuation of taxable property at which the district must levy a maintenance and operations tax to receive the full amount of the tier one allotment to which the district is entitled under Education Code Chapter 48. The Texas Education Agency (TEA) shall calculate and make available school districts' maximum compressed rates.

Local appraisal districts, school districts, and the comptroller shall provide any information necessary to TEA to implement Education Code 48.2551.

Education Code 48.2551(a)(3), (d), (d-1)

School districts' maximum compressed maintenance and operations tax rates shall be calculated using locally certified property values and adjusted to estimate for exclusions under Government Code 403.302(d).

TEA will open a data collection from 12:01 a.m. on July 18 through 11:59 p.m. on August 1 for districts. Districts must submit the data specified in 19 Administrative Code 61.1000(c). TEA will use any available data to calculate MCR absent data collection submissions from a school district.

19 TAC 61.1000(b), (c), (h)

TEA will calculate and make available preliminary maximum compressed tier one tax rates to each district on or before August 5. If TEA receives an appeal of a preliminary MCR, TEA will issue a final determination to the district no later than August 31. If TEA does not receive an appeal of a preliminary MCR, the preliminary MCR automatically becomes a final MCR 10 calendar days following TEA's approval of the district's preliminary MCR. *19 TAC 61.1000(d)-(f)*

A district may appeal its preliminary MCR through the following process:

1. The TEA division responsible for MCRs must receive a written appeal no later than 10 calendar days after TEA's approval of the district's preliminary MCR. The appeal must include adequate evidence and additional information that supports the position of the district. Appeals received 11 calendar days or more after TEA approves a district's preliminary MCR will not be considered.
2. TEA will only consider appeals that would result in a change of the preliminary MCR.

19 TAC 61.1000(g); Education Code 48.2551(d-2)

Tier Two

A district's enrichment tax rate consists of:

1. Any cents of additional maintenance and operations tax effort, not to exceed eight cents over the maximum tier one tax rate; and

2. Any cents of additional maintenance and operations tax effort that exceeds the sum of the maximum tier one tax rate and the maximum number of cents permitted under item 1 above.

Education Code 45.0032(a), (b)

Districts Subject to Disaster Exception

For a district to which Tax Code 26.042(e) [see Disaster Exception to Election Requirement, below] applies, the amount by which the district's maintenance tax rate exceeds the district's voter-approval tax rate, excluding the district's current debt rate under Tax Code 26.08(n)(3) for the preceding year is not considered in determining a district's tier one maintenance and operations tax rate or the district's enrichment tax rate for the current tax year. *Education Code 45.0032(d)*

Maximum Tax Rate

For any year, the maintenance tax rate per $100 of taxable value adopted by the district may not exceed the rate equal to the sum of $0.17 and the district's maximum compressed rate, as determined under Education Code 48.2551.

A rate that exceeds the maximum rate for the year in which the tax is to be imposed is void. A district with a tax rate that is void under this provision may, subject to requirements imposed by other law, adopt a rate for that year that does not exceed the specified maximum rate for that year.

Education Code 45.003(d), (e)

Districts with 2005 Tax Rate over $1.50

Notwithstanding any other law, a district that levied a maintenance tax for the 2005 tax year at a rate greater than $1.50 per $100 of taxable value in the district as permitted by special law [Art. 2784g Tex. Rev. Civ. Stat.] may not levy a maintenance tax at a rate that exceeds the rate per $100 of taxable value that is equal to the sum of $0.17 and the product of 66.67 percent multiplied by the rate of the maintenance tax levied by the district for the 2005 tax year, minus any amount by which $1.00 exceeds the product of the state compression percentage, as determined under Education Code 48.255, multiplied by $1.00. *Education Code 45.003(f)*

For a district described above, any cents of maintenance and operations tax effort that exceeds the maximum rate described at Maximum Tax Rate are not included in the district's tier one maintenance and operations tax rate or the district's enrichment tax rate and the district is not entitled to the guaranteed yield amount of state funds under Education Code 48.202 for those cents of tax effort. *Education Code 45.0032(c)*

Assessor and Collector

The board may employ a person to assess or collect the district's taxes and may compensate the person as the board considers appropriate. This provision does not prohibit a district from providing

for the assessment or collection of the district's taxes under a method authorized by Tax Code Chapter 6, Subchapter B. *Education Code 45.231*

A district that used a method of selection for the 1994 tax year that was authorized by former Education Code Chapter 23, Subchapter F, may continue to use that method until the district uses another method authorized above. *Education Code 45.232*

The assessor and collector shall assess, collect, or assess and collect taxes, as applicable. *Tax Code 6.23(b)*

Collector's Bond

A district that has its own collector shall require the collector to give bond conditioned on the faithful performance of duties. The bond must be made payable to and be approved by the board in an amount determined by the board. The board may require a new bond at any time, and failure to give new bond within a reasonable time after demand is a ground for removal from office. The board may prescribe additional requirements for the bond.

A district whose taxes are collected by a person other than the district's own collector may require that person to give bond conditioned on the faithful performance of duties. The bond must be payable to, approved by, and paid for by the board in an amount determined by the board. The board may prescribe additional requirements for the bond.

A district shall pay the premium for a required bond from its general fund or as provided by intergovernmental contract.

Tax Code 6.29

Certified Estimate of Values

By April 30, the chief appraiser shall prepare and certify to the district's assessor an estimate of the taxable value of district property. *Tax Code 26.01(e)*

Appraisal Roll

By July 25, the chief appraiser shall prepare and certify to the assessor for the district that part of the appraisal roll that lists the property taxable by the district. The part certified to the assessor is the appraisal roll for the district.

If by July 20 the appraisal review board has not approved the appraisal records as required under Tax Code 41.12, the chief appraiser shall not later than July 25 prepare and certify to the assessor for a school district an estimate of the taxable value of property in the school district.

Tax Code 26.01(a)-(a-1)

By August 1 or as soon thereafter as practicable, the district's assessor shall submit to the board the district's appraisal roll, showing the total appraised, assessed, and taxable values of all property and the total taxable value of new property.

By August 1 or as soon thereafter as practicable, a district's collector shall certify to the board the anticipated collection rate for the current year. If the collector certified an anticipated collection rate in the preceding year and the actual collection rate in that year exceeded the anticipated rate, the collector shall also certify the amount of debt taxes collected in excess of the anticipated amount in the preceding year.

Tax Code 26.04(b)

Designated Employee/Officer to Calculate Rates

After the district's assessor submits the appraisal roll to the board, an officer or employee designated by the board shall calculate the no-new-revenue tax rate and the voter-approval tax rate for the district.

Required Calculation Forms

The designated officer or employee shall use the tax rate calculation forms prescribed by the comptroller under Tax Code 5.07 in calculating the no-new-revenue tax rate and the voter-approval tax rate.

Calculation Forms to County Tax Assessor-Collector

As soon as practicable after the designated officer or employee calculates the no-new-revenue tax rate and the voter-approval tax rate of the district, the designated officer or employee shall submit the tax rate calculation forms used in calculating the rates to the county assessor-collector for each county in which all or part of the territory of the district is located.

Tax Code 26.04(c), (d-1), (d-3)

[See CE regarding the requirement to attach tax rate calculation forms as an appendix to a district's budget.]

Truth-in-Taxation Requirements

Note: The *Truth in Taxation* website maintained by the Texas comptroller of public accounts offers detailed guidance on setting local property tax rates for school districts.[1]

Meeting to Adopt Budget

When the budget has been prepared under Education Code 44.002, the board president shall call a meeting of the board for the purpose of adopting a budget for the succeeding tax year. The budget must be adopted before the adoption of the tax rate for the tax year in which the fiscal year covered by the budget begins. *Education Code 44.004(a), (g)* [See CE]

Published Notice

The board president shall provide for publication of notice of the budget and proposed tax rate meeting in a daily, weekly, or biweekly newspaper published in the district. If no daily, weekly, or biweekly newspaper is published in the district, the president shall provide for publication of notice in at least one newspaper of general circulation in the county in which the district's central adminis-

trative office is located. The notice shall be published not earlier than the 30th day or later than the 10th day before the date of the hearing.

Form and Contents

The notice of public meeting to discuss and adopt the budget and the proposed tax rate may not be smaller than one-quarter page of a standard-size or a tabloid-size newspaper, and the headline on the notice must be in 18-point or larger type and contain the information set out in Education Code 44.004(c) and (c-1).

The notice must include a statement that a district may not increase its maintenance and operations tax rate to create a surplus in maintenance and operations tax revenue for the purpose of paying the district's debt service.

A notice is not valid if it does not substantially conform to the language and format prescribed by the comptroller.

Education Code 44.004(b)-(d)

Debt Service Rate Decrease

If the published interest and sinking fund (debt service) rate decreases after the publication of the required notice, the president is not required to publish another notice or call another meeting to discuss and adopt the budget and the proposed lower tax rate. *Education Code 44.004(g-1)*

Districts with July 1 Fiscal Year

Notwithstanding the provisions above, a district with a fiscal year beginning July 1 may use the certified estimate of the taxable value of district property in preparing the required notice if the district does not receive the certified appraisal roll on or before June 7. A district that uses a certified estimate may adopt a budget at the public meeting designated in the published notice prepared using the estimate, but the district may not adopt a tax rate before the district receives the certified appraisal roll for the district.

After receipt of the certified appraisal roll, a district must publish a revised notice and hold another public meeting before the district may adopt a tax rate that exceeds:

1. The rate proposed in the notice prepared using the estimate; or
2. The district's voter-approval rate determined under Tax Code 26.08 using the certified appraisal roll.

Education Code 44.004(h), (i)

Tax Rate Adoption Requirements

Deadline

The board shall adopt a tax rate for the current tax year and shall notify the assessor of the tax rate adopted. [See Adoption of Tax Roll, below] The board must adopt a tax rate before the later of September 30 or the 60th day after the date the certified appraisal roll is received by the district, except that the board must adopt a tax rate that exceeds the voter-approval tax rate not later than the

71st day before the next uniform election date that occurs in November of that year. [Note that Election Code 3.005(c) requires that an election to be held on a uniform date be ordered not later than the 78th day before election day; see Time for Election, below.]

The tax rate consists of two components, each of which must be approved separately. The components are:

1. The interest and sinking fund (debt service) rate calculated under Education Code 44.004(c)(5)(A)(ii)(b); and
2. The rate that, if applied to the total taxable value, will impose the amount of taxes needed to fund maintenance and operation expenditures of the district for the next year.

Tax Code 26.05(a)

Tax Date for Certain Districts

A district that before January 1, 1989, has for at least 10 years followed a practice of adopting its tax rate at a different date than as provided by Tax Code Chapter 26 and of billing for and collecting its taxes at different dates than as provided by Chapters 31 and 33 may continue to follow that practice. This does not affect the dates provided by the Property Tax Code (Tax Code Title 1) for other purposes, including those relating to the appraisal and taxability of property, the attachment of tax liens and personal liability for taxes, and administrative and judicial review under Chapters 41 and 42. *Tax Code 26.135*

Vote

A board may not impose property taxes in any year until it has adopted a tax rate for that year, and the annual tax rate must be set by ordinance, resolution, or order. The vote on the ordinance, resolution, or order setting the tax rate must be separate from the vote adopting the budget. The vote on the ordinance, resolution, or order setting a tax rate that exceeds the sum of the district's no-new-revenue maintenance and operations tax rate and the district's current debt rate must be a record vote, and at least 60 percent of the members of the board must vote in favor of the ordinance, resolution, or order.

Motion

A motion to adopt an ordinance, resolution, or order setting a tax rate that exceeds the no-new-revenue tax rate must be made in the following form: "I move that the property tax rate be increased by the adoption of a tax rate of (specify tax rate), which is effectively a (insert percentage by which the proposed tax rate exceeds the no-new-revenue tax rate) percent increase in the tax rate."

Language and Internet Posting

If the ordinance, resolution, or order sets a tax rate that, if applied to the total taxable value, will impose an amount of taxes to fund maintenance and operation expenditures of the district that ex-

ceeds the amount of taxes imposed for that purpose in the preceding year the district must:

1. Include in the ordinance, resolution, or order in type larger than the type used in any other portion of the document:

   a. The following statement: “THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and

   b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount).”; and

2. Include on the home page of any internet website operated by the district:

   a. The following statement: “(Insert name of unit) ADOPTED A TAX RATE THAT WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR’S TAX RATE”; and

   b. If the tax rate exceeds the no-new-revenue maintenance and operations rate, the following statement: “THE TAX RATE WILL EFFECTIVELY BE RAISED BY (INSERT PERCENTAGE BY WHICH THE TAX RATE EXCEEDS THE NO-NEW-REVENUE MAINTENANCE AND OPERATIONS RATE) PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A $100,000 HOME BY APPROXIMATELY $(Insert amount).”

Tax Code 26.05(b)

Adoption of Tax Roll

On receipt of notice of the tax rate for the current tax year, the assessor for a district shall calculate the tax imposed on each property included on the appraisal roll for the district. The assessor shall enter the amount of tax in the appraisal roll and submit it to the board for approval. The appraisal roll with amounts of tax entered as approved by the board constitutes the district’s tax roll. *Tax Code 26.09(a), (e)*

Failure to Adopt Tax Rate

If the board does not adopt a tax rate before the date required at Deadline above, the tax rate for the district for that tax year is the

lower of the no-new-revenue tax rate calculated for that tax year or the tax rate adopted by the district for the preceding tax year. A tax rate established by this provision is treated as an adopted tax rate. Before the fifth day after the establishment of a tax rate by this provision, the board must ratify the applicable tax rate in the manner set out at Tax Rate Adoption Requirements above. *Tax Code 26.05(c)*

Taxpayer Injunction

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district has not complied with the requirements of Education Code 44.004(b), (c), (c-1), (c-2), and (d), and, if applicable, (i) [see above at Published Notice, including Form and Contents, and Districts with July 1 Fiscal Year, if applicable] and the failure to comply was not in good faith. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 44.004(e)*

A person who owns taxable property is entitled to an injunction prohibiting the district in which the property is taxable from adopting a tax rate if the assessor or designated officer or employee of the district, the chief appraiser of the applicable appraisal district, or the district, as applicable, has not complied with the computation, publication, or posting requirements of Tax Code 26.04 or 26.16, 26.17, or 26.18 [see below at Tax Information to County, Appraisal District Property Tax Database, and Internet Posting of Tax Rate and Budget Information]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. *Tax Code 26.04(g)*

A person who owns taxable property is entitled to an injunction restraining the collection of taxes by a district in which the property is taxable if the district has not complied with the requirements of Tax Code 26.04 and 26.05 [see above at Designated Employee/Officer to Calculate Rates and Tax Rate Adoption Requirements]. It is a defense in an action for an injunction under this provision that the failure to comply was in good faith. An action to enjoin the collection of taxes must be filed not later than the 15th day after the date the district adopts a tax rate. A property owner is not required to pay the taxes imposed by a district on the owner's property while an action filed by the property owner to enjoin the collection of taxes imposed by the district on the owner's property is pending. If the property owner pays the taxes and subsequently prevails in the action, the property owner is entitled to a refund of the taxes paid, together with reasonable attorney's fees and court costs. The property owner is not required to apply to the collector for the district to receive the refund. *Tax Code 26.05(e)*

A person who owns taxable property in a district is entitled to an injunction restraining the collection of taxes by the district if the district adopts a maintenance tax in violation of Education Code 45.0021(a) [see above at Restriction on Maintenance Tax Levy]. An action to enjoin the collection of taxes must be filed before the date a district delivers substantially all of its tax bills. *Education Code 45.0021(b)*

Tax Information to County

A district shall provide to the county assessor-collector for each county in which all or part of district territory is located the district's adopted tax rate, maintenance and operations rate, debt rate, no-new-revenue tax rate, no-new-revenue maintenance and operations rate, and voter-approval tax rate for posting on the county's internet website. The district shall provide the information annually following the adoption of a tax rate by the district for the current tax year. *Tax Code 26.16(a)-(b)*

Appraisal District Property Tax Database

The officer or employee designated by the board to calculate the no-new-revenue tax rate and the voter-approval tax rate for the district must electronically incorporate into the database created and maintained by the chief appraiser under Tax Code 26.17 the information required by Tax Code 26.17(e). *Tax Code 26.17(e)*

The assessor for the district shall post prominently on the district's internet website a notice informing each owner of property located in the appraisal district that the estimated amount of taxes to be imposed on the owner's property by each taxing unit in which the property is located may be found in the property tax database maintained by the appraisal district under Tax Code 26.17. The notice must include the elements required by Tax Code 26.04(e-2). *Tax Code 26.04(e-2)*

Internet Posting of Tax Rate and Budget Information

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

Election to Approve Tax Rate

If the board adopts a tax rate that exceeds the district's voter-approval tax rate, the registered voters of the district at an election held for that purpose must determine whether to approve the adopted tax rate. *Tax Code 26.08(a), (n)*

[For information on conducting elections, see the BBB series.]

Voter-Approval Tax Rate

For purposes of Tax Code 26.08, the voter-approval tax rate of a district is the sum of the following:

1. The rate per $100 of taxable value that is equal to the district's maximum compressed tax rate for the current year;

2. The greater of:

   a. The district's enrichment tax rate for the preceding tax year, less any amount by which the district is required to reduce the district's enrichment tax rate under Education Code 48.202(f) in the current tax year; or

   b. The rate of $0.05 per $100 of taxable value; and

3. The district's current debt rate.

Tax Code 26.08(n)

Efficiency Audit

"Efficiency audit" means an investigation of the operations of a district to examine fiscal management, efficiency, and utilization of resources.

The board shall conduct an efficiency audit before seeking voter approval to adopt a tax rate for the maintenance and operations of the district at an election held for that purpose and may not hold an election without complying with this requirement.

The board may select the auditor that conducts the district's annual audit under Education Code 44.008 and may include the efficiency audit as part of the district's annual audit. [See CFC] A district must pay for the costs associated with an efficiency audit required under this provision. A district shall provide all documents, records, and personnel requested by the auditor as needed to conduct the audit in an efficient manner.

The board must select an auditor to conduct an efficiency audit not later than four months before the date on which the district proposes to hold an election to adopt a maintenance and operations tax rate. An auditor selected by the board must maintain independence from the district and complete the efficiency audit not later than three months after the date the auditor was selected.

Before an election at which a district seeks voter approval to adopt a tax rate, the board must hold an open meeting to discuss the results of the efficiency audit. Not later than 30 days before the date of the election, the results of an efficiency audit must be posted on the district's internet website.

Education Code 11.184

Legislative Budget Board Guidelines

The Legislative Budget Board (LBB) shall establish guidelines identifying the scope and areas of investigation of an efficiency audit, including identification of resources being used effectively and

efficiently and identification of cost savings or reallocations. The auditor selected by the board of a district must follow the guidelines established by the LBB under this provision. *Education Code 11.184(f)*

Efficiency Audit Guidelines[2] are found on the LBB website.

Disaster Exception

To Efficiency Audit Requirement

The board of a district all or part of which is located in an area declared a disaster area by the governor may hold an election to seek voter approval to adopt a maintenance and operations tax rate during the two-year period following the date of the declaration without conducting an efficiency audit otherwise required above. *Education Code 11.184(b-1)*

To Election Requirement

When increased expenditure of money by a district is necessary to respond to a disaster, including a tornado, hurricane, flood, wildfire, or other calamity, but not including a drought, epidemic, or pandemic, that has impacted a district and the governor has requested federal disaster assistance for the area in which the district is located, an election is not required under Tax Code 26.08 to approve the tax rate adopted by the board for the year following the year in which the disaster occurs. A tax rate adopted under this provision applies only in the year for which the rate is adopted. *Tax Code 26.042(e)*

If a district adopts a tax rate under Tax Code 26.042(e) above, the amount by which that rate exceeds the district's voter-approval tax rate for that tax year may not be considered when calculating the district's voter-approval tax rate for the tax year following the year in which the district adopts the rate.

A district that in a tax year elects to adopt a tax rate that exceeds the district’s voter-approval tax rate for that tax year without holding an election under Tax Code 26.042(e) above must specify the disaster declaration that provides the basis for authorizing the district to calculate or adopt a tax rate under that provision. A district that in a tax year specifies a disaster declaration as providing the basis for authorizing the district to adopt a tax rate under Tax Code 26.042(e) above may not in a subsequent tax year specify the same disaster declaration as providing the basis for authorizing the district to adopt a tax rate under that provision if in an intervening tax year the taxing unit specifies a different disaster declaration as the basis for authorizing the taxing unit to adopt a tax rate under that provision.

Tax Code 26.042(f)-(g)

Time for Election

The board shall order that the election be held in the district on the next uniform election date prescribed by Election Code 41.001 that

occurs after the date of the election order and that allows sufficient time to comply with the requirements of other law. *Tax Code 26.08(b)*

Uniform Election Date

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(c)* [See BBBA for other election procedures and requirements.]

Proposition

At the election, the ballots shall be prepared to permit voting for or against the proposition: "Ratifying the ad valorem tax rate of _____ (insert adopted tax rate) in (name of school district) for the current year, a rate that will result in an increase of _____ (insert percentage increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year) percent in maintenance and operations tax revenue for the district for the current year as compared to the preceding year, which is an additional $_____ (insert dollar amount of increase in maintenance and operations tax revenue under the adopted tax rate as compared to maintenance and operations tax revenue in the preceding tax year).". *Tax Code 26.08(b)*

In addition to any other requirement imposed by law for a proposition, including a provision prescribing the proposition language, a proposition submitted to the voters for approval of the imposition or increase of a tax shall specifically state the amount of or maximum tax rate of the tax or tax increase for which approval is sought. *Election Code 52.072(e)(1)*

Each proposition on the ballot must identify the name of the authority ordering the election on the measure. *Election Code 52.095(c)*

Election Outcome

If a majority of the votes cast in an election favor the proposition, the tax rate for the current year is the rate that was adopted by the board. If the proposition is not approved, a board may not adopt a tax rate for the current year that exceeds the district's voter-approval tax rate. *Tax Code 26.08(c)-(d)*

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[1] Truth-in-Taxation: Tax Rate Adoption: https://comptroller.texas.gov/taxes/property-tax/truth-in-taxation/index.php
[2] LBB Efficiency Audit Guidelines: https://www.lbb.state.tx.us/Documents/Publications/Policy_Report/6365_HB3_Efficiency_Audit_Guidelines.pdf

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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 $100,000 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)*

A board that adopted an exemption for the 2022 tax year may not reduce the amount of or repeal the exemption. The requirements in this paragraph expire December 31, 2027. *Tax Code 11.13(n-1)*

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 315,000 and not more than 351,000 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*

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

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Tax Increment Financing Act

Board of Directors

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)*

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 2.1 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)*

Reinvestment Zone

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 former Tax Code Chapter 313, Subchapter B or C [see Texas Economic Development Act below] or Government Code Chapter 403, Subchapter T [see Texas Jobs, Energy, Technology, and Innovation 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 Jobs, Energy, Technology, and Innovation Act

Note: The Texas Jobs, Energy, Technology, and Innovation Act, Government Code Chapter 403, Subchapter T, took effect on January 1, 2024.

The Act will expire on December 31, 2033. *Gov't Code 403.603*

The comptroller's rules enacted to implement the Act are found at 34 Administrative Code 9.5000-9.5012.

Definitions

Agreement "Agreement" means an agreement to limit the taxable value for maintenance and operations ad valorem tax purposes of the district of eligible property used as part of an eligible project under Government Code 403.612.

Applicant "Applicant" means a person that applies for, or enters into an agreement, including the person's assignees or successors-in-interest.

Eligible project "Eligible project" means a project to construct or expand critical infrastructure or a new or existing:

1. Manufacturing facility;
2. Facility related to the provision of utility services, including an electric generation facility that is considered to be dispatchable;
3. Facility related to the development of natural resources; or
4. Facility engaged in the research, development, or manufacture of high-tech equipment or technology.

The term does not include a project to construct or expand a new or existing nondispatchable electric generation facility or electric energy storage facility.

Eligible property "Eligible property" means property that is used as part of an eligible project that is wholly owned by an applicant or leased by an applicant under a capitalized lease and consists of:

1. A new building or expansion of an existing building, constructed after the date the agreement is entered into and located in an area designated as a reinvestment zone or as an enterprise zone at the time the agreement is entered into; or

2. Tangible personal property, other than inventory, first located in an area designated as a reinvestment zone or as an enterprise zone after the date the agreement pertaining to the project is entered into.

Incentive period "Incentive period" for an eligible project means the period prescribed by the agreement pertaining to the project during which the eligible property used as part of the project is subject to a limitation on taxable value.

Investment "Investment" means the costs incurred by an applicant to acquire or construct eligible property composing an eligible project, other than the cost of land or inventory.

Required job "Required job" means a job that an applicant commits to create or demonstrate in connection with an eligible project as prescribed by Government Code 403.604.

Gov't Code 403.602(2), (3), (8), (9), (11), (13), (16)

Required Jobs and Investment

To be eligible to enter into an agreement, an applicant for a limitation on taxable value of eligible property to be used for a proposed eligible project must agree to create the number of jobs and make the minimum investment applicable to the population of the county where the project is to be located as set out in Government Code 403.604(b).

If an eligible project is located in more than one county, the jobs and investment requirement applicable to the project is determined using the jobs and investment requirement applicable to the county with the smallest population in which any part of the project is located.

Each required job created in connection with an eligible project must be a new full-time job in this state and may not be transferred by the applicant from an existing facility or location in this state or otherwise created to replace an existing job, unless the applicant fills the vacancy caused by the transfer.

An applicant may demonstrate that the applicant has met the applicable minimum investment requirement by any reasonable means. The applicant is considered to have met the applicable minimum investment requirement if the most recent appraisal roll for the county used to determine the minimum investment requirement indicates that the appraised value of the eligible property composing the project as of January 1 of the second tax year of the incentive period prescribed by the agreement is equal to or greater than the minimum investment requirement applicable to the project.

Gov't Code 403.604(b)-(e)

Taxable Value of Eligible Property

The taxable value for school district maintenance and operations ad valorem tax purposes of eligible property subject to an agreement for each tax year of the incentive period prescribed by the agreement is equal to:

1. 50 percent of the market value of the property for that tax year; or
2. If the property is located in a qualified opportunity zone, 25 percent of the market value of the property for that tax year.

The taxable value of eligible property for school district maintenance and operations ad valorem tax purposes is zero for each tax year beginning with the tax year following the year in which the agreement pertaining to the property is entered into and ending December 31 of the tax year that includes the construction completion date for the applicable eligible project.

Gov't Code 403.605

Application

A person who proposes to construct an eligible project in a school district for which the person seeks a limitation on the taxable value for maintenance and operations ad valorem tax purposes of the district of the eligible property used as part of the proposed project must submit an application to the comptroller using the form prescribed by the comptroller.

An applicant must include with an application the following:

1. An application fee payable to the comptroller in an amount determined by the comptroller not to exceed an amount sufficient to cover the costs associated with the comptroller's evaluation of the application;
2. An application fee payable to the school district in an amount determined by the comptroller not to exceed $30,000 to cover the costs associated with the district's evaluation of the application, including the cost of processing the application, retaining professional services, and, if applicable, creating a reinvestment zone or enterprise zone;
3. A map showing the site of the proposed project;
4. The economic benefit statement prepared under Government Code 403.608 [see Economic Benefit Statement below] in connection with the proposed project; and
5. A sworn affidavit stating that the applicant is not ineligible under Government Code 403.606 to submit the application.

The comptroller shall notify an applicant and the applicable school district when the applicant's application is administratively complete.

Gov't Code 403.607(a), (b), (d), (f)

Economic Benefit Statement

An applicant shall submit an economic benefit statement with the applicant's application. The economic benefit statement must include the information required by Government Code 403.608(b). *Gov't Code 403.608(a)*

Comptroller Action on Application

The comptroller shall determine whether to recommend or not recommend for approval an application submitted to the comptroller. The comptroller shall recommend an application for approval if the comptroller makes the findings prescribed by Government Code 403.609(b). The comptroller may not recommend an application for approval if the comptroller is unable to make the required findings.

Not later than the 60th day after the date the comptroller determines that an application is complete, the comptroller shall take action regarding the application and provide written notice of the action to the governor, the school district in which the project is proposed to be located, and the applicant.

The comptroller shall send to the governor and the applicable school district a copy of the application and each document and item of information the comptroller relied on to recommend the application.

Gov't Code 403.609(a), (d), (e)

Governor Action on Application

The governor shall, not later than the 30th day after the date the governor receives an application sent to the governor by the comptroller, consider the application and by official action determine whether the governor is agreeable to entering into the agreement that is the subject of the application.

The governor shall provide written notice of the governor's determination to the comptroller, the applicable school district, the oversight committee, and the applicant not later than the seventh day after the date the governor makes the determination.

Gov't Code 403.610

School District Action on Application

The board shall, not later than the 30th day after the date the district receives an application sent to the district by the comptroller, consider the application and by official action determine whether the district is agreeable to entering into the agreement that is the subject of the application.

Public Hearing

The board shall hold a public hearing on the application during the 30-day period.

The board must provide notice of the public hearing in the manner required by Government Code Chapter 551 (Open Meetings Act), except that the district must provide the notice not later than the 15th day before the date of the hearing.

The notice must contain:

1. The name of the applicant;
2. The name and location of the existing or proposed reinvestment zone or enterprise zone in which the eligible project that is the subject of the application is proposed to be located;
3. A general description of the proposed eligible project; and
4. The projected investment the applicant will make in the project.

The board shall provide written notice of the district's determination to the comptroller, the governor, and the applicant.

Gov't Code 403.611

Agreement

The governor, the board, and an applicant may enter into an agreement to limit the taxable value for maintenance and operations ad valorem tax purposes of the district of the eligible property used as part of an eligible project that is the subject of an application for which both the governor and the board have made a favorable determination.

Required Terms, Payment to District Prohibited

An agreement entered into between the governor, a school district, and an applicant pertaining to an eligible project shall contain the specifications and requirements of Government Code 403.612(b), including a provision that states that the applicant is prohibited from making a payment to the district related to the agreement.

Termination

The agreement must provide that:

1. The governor or the district is authorized to terminate the agreement if the applicant fails to comply with an applicable jobs or wage requirement of the agreement;
2. The governor or the district may not terminate the agreement until the party provides written notice to the applicant of the proposed termination;
3. The governor or the district must provide the applicant a 180-day period to cure and dispute the alleged failure, including through judicial action; and

4. In the event the agreement is terminated, the state shall recover from the applicant a penalty in an amount equal to all lost ad valorem tax revenue from the project and interest on that amount calculated as provided by Tax Code 111.060.

An agreement terminated is void, and all remaining obligations and benefits under the agreement and the Texas Jobs, Energy, Technology, and Innovation Act terminate on the date the agreement is terminated.

Modifications — The parties to an agreement may modify the terms of the agreement that do not materially modify the jobs or investment requirements prescribed by the agreement.

Submission to Comptroller — An agreement must be submitted to the comptroller not later than the seventh day after the date the agreement is entered into. A copy of the economic benefit statement applicable to the project that is the subject of the agreement must be attached to the agreement.

Gov't Code 403.612

Incentive Period — An incentive period pertaining to an eligible project is a period of 10 consecutive tax years specified in the agreement pertaining to the project. *Gov't Code 403.613*

Conflict of Interest — A person may not, directly or indirectly, represent, advise, or provide a service to both an applicant and a school district in connection with the same application submitted or agreement entered into. *Gov't Code 403.619*

Certain Benefits Prohibited — An employee or representative of a district, a member of the board, or any other person may not intentionally or knowingly solicit, accept, agree to accept, or require any payment of money or transfer of property or other thing of value, directly or indirectly, to the district, an employee or representative of the district, a member of the board, or any other person in recognition of, anticipation of, or consideration for approval of an agreement unless authorized by Government Code Chapter 403, Subchapter T.

An applicant, an employee or representative of the applicant, or any other person may not intentionally or knowingly offer, confer, agree to confer, or make a payment of money or transfer of property or other thing of value, directly or indirectly, to the governor or the school district, an employee or representative of the governor or the district, a member of the board, or any other person in recognition of, anticipation of, or consideration for approval of an agreement unless authorized by the law.

Gov't Code 403.620

Confidentiality of Certain Business Information	Information provided to the comptroller, the governor, or a district by an applicant that is a trade secret, as defined by Civil Practice and Remedies Code 134A.002, is confidential and not subject to disclosure under Government Code Chapter 552 (Public Information Act). *Gov't Code 403.621*
Texas Economic Development Act	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 under the Texas Economic Development Act before its 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*
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. *Former Tax Code 313.0265(c), as continued in effect by Tax Code 313.171*
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)*

Mandatory Drills

Each district shall conduct emergency safety drills in accordance with Education Code 37.114. Drills do not include persons role playing as active aggressors or other simulated threats.

Definitions

The following words and terms related to drills and exercises shall have the following meanings, unless the context clearly indicates otherwise. These definitions do not apply to an active threat exercise, which is defined in Education Code 37.1141 [see Active Threat Exercises, below].

General

Active aggressor: An individual actively engaged in killing or attempting to kill people in a confined and populated area.

Drill: A set of procedures that test a single, specific operation or function. Drills do not include persons role playing as active aggressors or other simulated threats. Drill examples include evacuating for a fire or locking down from an internal threat.

Exercise: An instrument to train for, assess, practice, and improve performance in mitigation, prevention, preparedness, response, and recovery in a risk-free environment. While drills and exercises may overlap in some aspects, discussion-based and operation-based exercises are often more in depth and multi-faceted.

Levels of Exercises

Full-scale exercise: Typically the most complex and resource-intensive type of exercise. It involves multiple agencies, organizations, and jurisdictions and validates many facets of preparedness. This exercise often includes many players operating under cooperative systems such as the Incident Command System (ICS) or Unified Command. Resources and staff are mobilized as needed. All actions are taken as if the emergency is real. A full-scale exercise is the most time-consuming activity in the exercise continuum and is a multiagency, multijurisdictional effort in which all resources are deployed. A full-scale exercise tests collaborations among the agencies and participants, public information systems, communication systems, and equipment. An Emergency Operations Center is established by either law enforcement or fire services, and the ICS is activated. Because of all the logistics and resources needed for a full-scale exercise, it often takes a year to plan and is not held often. Usually, a school district is not the organizer of such an exercise, but the district or school would play a critical role in both function and potential facility use.

Functional exercise: Designed to validate and evaluate capabilities, multiple functions and/or sub-functions, or interdependent groups of functions. A functional exercise is typically focused on exercising plans, policies, procedures, and staff members involved in management, direction, command, and control functions. It allows participants to practice their specific roles or functions in an emer-

gency. This type of exercise is conducted in a realistic, real-time simulated environment and often includes simulators (individuals who assist with the facilitation of the exercise) and follows a master scenario events list that dictates additional information, occurrences, or activities that affect the exercise scenario.

Seminar exercise: A discussion-based exercise designed to orient participants to new or updated plans, policies, or procedures through informal discussions. Seminar exercises are often used to impart new information and formulate new ideas.

Tabletop exercise: A small group discussion that walks through a scenario and the courses of action a school will need to take before, during, and after an emergency to lessen the impact on the school community. Participants problem-solve together through a detailed discussion of roles, responsibilities, and anticipated courses of action. A tabletop exercise leverages a defined scenario to direct discussion and may need an experienced facilitator depending on the complexity and objectives of the exercise.

Workshop exercise: A type of discussion-based exercise focused on increased participant interaction and achieving or building a product (e.g., plans or policies). A workshop exercise is typically used to test new ideas, processes, or procedures; train groups in coordinated activities; and obtain consensus. A workshop exercise often uses breakout sessions to explore parts of an issue with smaller groups.

Types of Drills

Evacuation drill: A response action schools take to quickly move students and staff from one place to another. The primary objective of an evacuation is to ensure that all staff, students, and visitors can quickly move away from the threat. Evacuation examples include a bomb threat or internal gas leak.

Fire evacuation drill: A method of practicing how a building would be vacated in the event of a fire. The purpose of fire drills in buildings is to ensure that everyone knows how to exit safely as quickly as possible.

Lockdown drill: A response action schools take to secure interior portions of school buildings and grounds during incidents that pose an immediate threat of violence inside the school. The primary objective is to quickly ensure all school students, staff, and visitors are secured away from immediate danger.

Secure drill: A response action schools take to secure the perimeter of school buildings and grounds during incidents that pose a threat or hazard outside of the school building. This type of drill

uses the security of the physical facility to act as protection to deny entry.

Shelter-in-place for hazardous materials (hazmat) drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. Affected individuals may be required to move to rooms without windows or to rooms that can be sealed. Examples of a shelter-in-place for hazmat drill include train derailment with chemical release or smoke from a nearby fire.

Shelter for severe weather drill: A response action schools take to quickly move students, staff, and visitors indoors, perhaps for an extended period of time, because it is safer inside the building than outside. For severe weather, depending on the type and/or threat level (watch versus warning), affected individuals may be required to move to rooms without windows on the lowest floor possible or to a weather shelter.

Frequency

Education Code 37.114(2) requires the commissioner of education to designate the number of mandatory school drills to be conducted each semester of the school year, not to exceed eight drills each semester and sixteen drills for the entire school year. Neither 19 Administrative Code 103.1209, nor the law, precludes a district from conducting more drills as deemed necessary and appropriate by the district. Following is the required minimum frequency of drills by type:

1. Secure drill — One per school year.
2. Lockdown drill — Two per school year (once per semester).
3. Evacuation drill — One per school year.
4. Shelter-in-place drill (for either severe weather or hazmat) — One per school year.
5. Fire evacuation drill — Districts should consult with the local authority having jurisdiction (e.g., fire marshal) and comply with its requirements and recommendations. If a district does not have a local authority, it shall conduct four per school year (two per semester).

Best Practices

For more information about best practices for conducting drills and exercises, refer to Texas School Safety Center (TxSSC) guidance.

Drills and exercises should be designed and conducted in accordance with guidance and best practice resources provided by the TxSSC.

Drill and exercise design should include purpose, goals, and objectives that are stated in plans for each type of drill. Purpose, goals, and objectives should be developed with input from all sectors of the school community. Input in planning should be sought from multiple stakeholder perspectives for each type of drill and exercise, including from:

1. The district School Safety and Security Committee;
2. First responders;
3. Mental and behavioral health professionals;
4. Students and families; and
5. Staff, including nontraditional teachers, coaches, trade instructors, custodians, and food service workers.

Drill and exercise design elements should include:

1. Physical and psychological safety for all participants;
2. Planning in a trauma-informed manner to maximize learning and to minimize potential trauma for students and staff;
3. Providing advance notification of drills and exercises;
4. Planning for post-drill or after-action reviews of each drill and exercise; and
5. Ensuring drills and exercises are age and developmentally appropriate with the understanding that more complex drills and exercises will require a hierarchy of learning to achieve or obtain more advanced goals or objectives.

Exercises are more complex than drills. It is recommended that school systems start with discussion-based exercises and work up to operation-based exercises. Discussion-based exercises include seminar exercises, tabletop exercises, and workshop exercises. Operation-based exercises include functional exercises and full-scale exercises. Exercises can be used for:

1. Testing and validating policies, plans, procedures, training, equipment, and interagency agreements;
2. Clarifying and training personnel in roles and responsibilities;
3. Improving interagency coordination and communications;
4. Identifying gaps in resources;
5. Improving individual performance; and

6. Identifying opportunities for improvement.

19 TAC 103.1209; Education Code 37.114

Active Threat Exercises

An active threat exercise is defined as any exercise that includes a simulated active aggressor or an active shooter simulation.

Not Mandatory

Districts are not required to conduct active threat exercises.

19 TAC 103.1211(a), (b)

Requirements

A district that elects to conduct an active threat exercise shall do so in accordance with Education Code 37.1141 and 19 Administrative Code 103.1211.

The district shall consider using a discussion-based tabletop exercise [see Levels of Exercises, above] to achieve the purpose, goals, and objectives of the exercise rather than using an operations-based, a functional, or a full-scale active threat exercise.

Before a district may conduct an active threat exercise, including an active shooter simulation, the district shall ensure the following:

Adequate Notice

If conducting an operations-based, a functional, or a full-scale exercise, the district shall provide adequate notice of the exercise directly to individuals participating in the exercise, parents of students participating in the exercise, and all other individuals impacted by the exercise. Adequate notice of the active threat exercise shall also be posted through multiple distribution networks, including, but not limited to, the district's website and social media platforms.

To be considered adequate notice, notice shall be provided and posted at least two weeks prior to the exercise.

The notice shall include:

1. The date on which the exercise will occur;
2. The content, form, and tone of the exercise; and
3. Whether the exercise will include a live simulation that mimics or appears to be an actual shooting incident.

The notice shall be provided to parents in the parents' native language to the greatest extent practicable.

Announcement

The district shall make an audible announcement over the campus public address system immediately prior to the commencement of the exercise to signal the start of the exercise to the participants, noting that it is only an exercise and not a real emergency. If applicable, the announcement must state that the exercise will include a

live simulation that mimics or appears to be an actual threat, such as a shooting incident.

First Responders The district shall ensure that first responder organizations that would likely respond in the event of a false report or alarm are notified regarding the exercise.

Safe Zone The district shall ensure that a safe zone is created around the area in which the exercise will be conducted to keep out actual firearms, ammunition, and other weapons, other than firearms, ammunition, or other weapons carried by a peace officer, school resource officer, or school marshal or any other person authorized by the district to carry those items on school grounds.

The requirement for creating a safe zone may not be construed to prohibit a parent, legal guardian, or other person acting on a parent's or legal guardian's behalf from transporting or storing in the person's motor vehicle a firearm, ammunition, or other weapon that the person is legally authorized to possess while the person is picking up a child from school.

Content The district shall ensure that the content of the exercise:

1. Is age appropriate and developmentally appropriate;
2. Has been developed by a team of school administrators, teachers, school-based mental health professionals, and law enforcement officers, with input from parents and students; and
3. Is designed to support the well-being of students who participate in the exercise before, during, and after the exercise is conducted.

The district shall ensure that the content of the exercise, which includes planning and execution of the exercise, addresses the following elements:

1. Input from multiple stakeholder perspectives in the design of the exercise, including law enforcement personnel;
2. The physical and psychological safety of all participants before, during, and after the exercise, including:
    a. Planning in a trauma-informed manner to minimize potential trauma for students, staff, and other participants;
    b. The development and communication of a predetermined method for participants to withdraw from the exercise before or during the exercise; and

c. Access to mental health supports before, during, and after the exercise; and

3. The developmental appropriateness of the exercise, which includes a comprehensive perspective that supports the cognitive and emotional well-being of each individual and considers the impact that prior trauma, grief, and crisis experiences have had on a participant's development prior to the exercise. Developmental appropriateness considerations include the needs of special populations, including students with disabilities and emergent bilingual students;

Noninstructional Time

The district shall conduct the exercise during noninstructional time when nonparticipants are not present in the facility. Additionally, the district must require that:

1. If a student participates in the exercise, which is discouraged, the student is in grade 9 or higher and participates only if it provides the student with an educational benefit;

2. All participants (students and staff) opt in rather than opt out of the exercise. A student participant must have written permission to opt in from the parent or guardian of the student;

3. Exercise participants be permitted to withdraw from the exercise at any time, before or during the exercise, using a predetermined method of withdrawal; and

4. The exercise is organized, conducted, and overseen by law enforcement, first responders, or emergency management personnel. The district or one of its schools shall play a critical role in exercise coordination, overall function, and use of the facility.

After-Action Review

The district shall conduct an after-action review of the exercise to determine the extent to which the exercise achieved key planning objectives, to include ensuring:

1. Incident command and control structures work as intended in accordance with the district's multihazard emergency operations plan;

2. Two-way communications work as intended with emergency first responders in accordance with the district's multihazard emergency operations plan; and

3. Emergency notification systems (e.g., voice calls, text messages, and email notifications) work as intended.

Data Collection

The district shall ensure that data regarding the efficacy and impact of the exercise will be tracked, including any feedback regarding

the exercise from students, staff, or family members of students and staff. Data shall be collected and submitted to the TxSSC using the methods developed by the TxSSC.

19 TAC 103.1211(c); Education Code 37.1141

Eye and Face Protection

Each teacher and student shall wear industrial-quality eye-protective devices in appropriate situations as determined by district policy. *Education Code 38.005*

Required Devices

Recommended Guidelines

For selection and use of face and eye protection in public schools, the Texas Department of State Health Services (DSHS) recommends the guidelines entitled “Eye and Face Protection,” available at 29 C.F.R. 1910.133.

For hazard assessment and face and eye protective equipment selection in public schools, DSHS recommends the guidelines entitled “Nonmandatory Compliance Guidelines for Hazard Assessment and Personal Protective Equipment Selection,” available at 29 C.F.R. Part 1910, Subpart I, Appendix B.

Application

The guidelines are applicable to all staff members, students, and visitors within Texas public schools participating in educational activities and programs that involve:

1. The use of hazardous chemicals;
2. The use of hot liquids or solids;
3. The use of molten materials;
4. Performing grinding, chipping, or other hazardous activities where there is danger of flying particles;
5. Milling, sawing, turning, shaping, cutting, or stamping of any solid materials;
6. Heat treatment, tempering, or kiln firing of any metal or other materials;
7. Cutting, welding, or brazing operations;
8. The use of hazardous radiation, including the use of infrared and ultraviolet light or lasers;
9. Repair or servicing of any vehicle; or
10. Any process or activity in a vocational, art, industrial arts or science course or laboratory that might have a tendency to cause damage to the eyes.

25 TAC 295.141-.142

Emergency Operations Plan

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency;
3. Response to a nearby train derailment, as applicable; and
4. Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.

Notice Regarding Violent Activity

The Superintendent shall develop procedures to notify parents regarding violent activity that has occurred or is being investigated at a campus or other District facility or at a District-sponsored activity.

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 District 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 and Duties

Each District police officer 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, each District police officer shall:

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.

	A District police officer shall not be assigned routine classroom discipline or administrative tasks.
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. Each District police officer shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while working off-duty or temporarily assigned to another agency.
Relationship with Outside Agencies	The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into memoranda of understanding and other appropriate interlocal agreements that outline reasonable communication and coordination efforts among the department and the agencies. The chief of police and the Superintendent shall review the memoranda of understanding and other agreements at least once every year. All such agreements shall be approved by the Board.
Interlocal Agreement for Mutual Aid	While operating pursuant to an interlocal agreement for mutual aid or other support for another law enforcement agency, each District police officer shall perform the duties and have the authorities set out in the agreement, including enforcing all laws within the other agency's jurisdiction.
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	Each District police officer 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 laws regarding racial profiling. A District police officer 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 A District police officer 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.

[See CKE(LEGAL) and CKEA(LEGAL)]

Peace Officers Providing Security Services To assist with implementing the District's comprehensive safety programs and Board policy, the District shall employ or accept as a volunteer for security services a reserve, retired, or off-duty peace officer who shall have the same jurisdiction, duties, authorities, and immunities as commissioned peace officers regularly employed by or assigned to the District.

Security Officers Authorized to Possess Firearms To assist with implementing the District's comprehensive safety programs, the District shall employ security officers as defined by Occupations Code Chapter 1702. To be authorized to carry a firearm, a security officer shall have completed the Department of Public Safety (DPS) Level III training course in order to be commissioned. The District shall comply with DPS rules for the employment of commissioned security officers. Security officers shall be accountable to and shall report to the Superintendent.

Jurisdiction The jurisdiction of security 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.

Authorization Pursuant to its authority under state law, the Board shall authorize security officers to possess certain firearms in schools, at Board meetings, and at school-sponsored or school-related events on

District property, to the extent allowed by law. Each authorized security officer shall have immunities as provided by law.

Each specifically authorized security officer shall be approved by action of the Board. The Superintendent shall issue written authorization to each approved security officer. The written authorization shall specify the District premises and other property where the security officer is authorized to carry a firearm, as well as the means of carrying and storing the firearm.

Revocation

The Superintendent, as well as the Board, shall have the authority to revoke at any time a security officer's authorization to possess a firearm under this policy.

In addition, authorization for a security officer to possess a firearm under this policy shall be automatically revoked if the employee is placed on administrative leave or separates from employment with the District, regardless of the reason.

Duties

An authorized security officer shall not perform routine law enforcement duties unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, employee, or other individual on a District campus.

In addition to complying with the relevant DPS regulations, a security officer shall:

1. Act as necessary to protect the safety and welfare of any person in the jurisdiction of the District;
2. Maintain school security by patrolling campus hallways, completing door checks, and monitoring the perimeter of the campus throughout the day;
3. Routinely check exterior doors and interior classroom doors to ensure they are locked;
4. Complete weekly exterior door audits;
5. Inform campus administrators of malfunctioning cameras, doors, locks, gates, windows, etc., that require the submission of a work order for repair;
6. Assist with campus safety drills (i.e., fire, hold, secure, lockdown, evacuate, shelter);
7. Assist and coordinate with law enforcement personnel as needed;
8. Notify the police, fire department, emergency responders, or other appropriate authority of any situation requiring immediate attention; and

9. Perform other tasks and carry out all other lawful duties as directed by the Superintendent.

Handgun Licensees

Each security officer shall be required to maintain a current license to carry a handgun in accordance with state law.

Training

In addition to the training required by law and applicable DPS rules, each security officer assigned to a campus shall receive training in the following:

1. Student mental health, including suicide awareness;
2. Trauma-informed care;
3. Age-appropriate responses;
4. Child abuse identification and reporting;
5. Bullying, cyberbullying, harassment, and dating violence;
6. Special accommodations for students with disabilities (including behavior de-escalation techniques);
7. Confidentiality; and
8. Board policies and District regulations.

Permitted Weapons and Ammunition

Only District-approved firearms and ammunition shall be authorized for possession and use under this policy and the District's emergency operations procedures.

Implementation

The Superintendent shall ensure that procedures to implement this safety and security program are detailed in the District's emergency operations plan.

Note: For general provisions applicable to district security personnel, including district peace officers, see CKE.

"Commissioned security officer" is a security officer under Occupations Code Chapter 1702 authorized by the Department of Public Safety (DPS) to carry a firearm and operating in compliance with 37 Administrative Code Chapter 35, Subchapter F.

Security Services Contractor

For the purposes of providing security personnel, the board may contract with a licensed security services contractor for the provision of a commissioned security officer who has completed the Level II or III training course required by DPS.

Education Code 37.081; Occupations Code 1702.002; 37 TAC 35.81-.83

Employed by the District

A district may not employ a commissioned security officer unless it provides notice to DPS in the form prescribed by the Public Safety Commission of:

1. The district's intent to employ a commissioned security officer and register with DPS;
2. The name, title, and contact information of the person serving in the district as the contact for DPS; and
3. Any change in the information provided above.

Occupations Code 1702.181

The provisions of Occupations Code Chapter 1702 relating to security officer commissions apply to a person employed by a district whose duties include serving as a security guard, security watchman, or security patrolman on property owned or operated by the district if the board files a written request with DPS to issue a commission to the district's employees with those duties.

The commission expires at the time the officer's employment as a security officer by the district is terminated.

Occupations Code 1702.321

Note: For provisions regarding selection and adoption of instructional materials, see EFA.

Instructional Materials and Technology

Instructional materials selected for use in the public schools shall be furnished without cost to the students attending those schools. Except as provided by Education Code 31.104(d), a district may not charge a student for instructional material or technological equipment purchased by the district with the district's technology and instructional materials allotment. *Education Code 31.001*

Each instructional material, including electronic instructional material only to the extent of any applicable licensing agreement, purchased as provided by Education Code Chapter 31 for a district is the property of the district. *Education Code 31.102(a)-(b)*

Allotment

A district is entitled to an allotment each biennium from the state instructional materials and technology fund for each student enrolled in the district on a date during the last year of the preceding biennium specified by the commissioner of education. The commissioner shall determine the amount of the allotment per student each biennium on the basis of the amount of money available in the state instructional materials and technology fund to fund the allotment. The allotment shall be transferred from the state instructional materials and technology fund to the credit of the district's instructional materials and technology account as provided by Education Code 31.0212. *Education Code 31.0211(a)*

The commissioner shall, as early as practicable during each biennium, notify each district of the estimated amount to which the district will be entitled during the next fiscal biennium. *Education Code 31.0215(a)*

Additional State Aid

State-Approved Instructional Materials

For each student enrolled in the district, a school district is entitled to additional state aid for each school year in an amount equal to $40, or a greater amount provided by appropriation, to procure instructional material that has been reviewed by the Texas Education Agency (TEA); placed on the State Board of Education (SBOE) list of approved instructional materials; designated by the SBOE as being included or capable of being included in an instructional materials parent portal; and acquired from a publisher, manufacturer, or other entity that has not been found to violate Education Code 31.151. *Education Code 48.307(a)*

Open Education Resource (OER) Instructional Materials

Subject to Education Code 31.0751 (OER transition plan), a district is entitled to additional state aid for each school year in an amount not to exceed $20 for each student for the costs incurred or for which the district is obligated to pay during the school year in which the aid is provided for the printing and shipping of OER instruc-

tional material made available under Education Code Chapter 31, Subchapter B-1. *Education Code 48.308(a)*

Allotment Adjustment

Change in Enrollment

Not later than May 31 of each school year, a district may request that the commissioner adjust the number of students for which the district is entitled to receive an allotment on the grounds that the number of students attending school in the district will increase or decrease during the school year for which the allotment is provided. The commissioner may also adjust the number of students for which a district is entitled to receive an allotment, without a request by the district, if the commissioner determines a different number of students is a more accurate reflection of students who will be attending school in the district. The commissioner's determination is final. *Education Code 31.0211(e)*

High Enrollment Growth

Each year the commissioner shall adjust the instructional materials and technology allotment of districts experiencing high enrollment growth. *Education Code 31.0214(a)*

Permitted Expenditures

The allotment funds may be used to purchase or pay for:

1. Instructional materials, regardless of whether the instructional materials are on the list of approved instructional materials maintained by the SBOE under Education Code 31.022;
2. Consumable instructional materials;
3. Instructional materials for use in bilingual education classes, as provided by Education Code 31.029;
4. Instructional materials for use in college preparatory courses under Education Code 28.014, as provided by Education Code 31.031;
5. Supplemental instructional materials;
6. OER instructional materials, as provided by Education Code Chapter 31, Subchapter B-1;
7. Instructional materials and technological equipment under any continuing contracts of the district in effect on September 1, 2011;
8. Technological equipment necessary to support the use of any instructional materials purchased with an allotment under this provision;
9. Inventory software or systems for storing, managing, and accessing instructional materials and analyzing the usage and effectiveness of instructional materials;

10. Services, equipment, and technology infrastructure necessary to ensure internet connectivity and adequate bandwidth;

11. Training educational personnel directly involved in student learning in the appropriate use of instructional materials and for providing for access to technological equipment for instructional use;

12. Training personnel in the electronic administration of assessment instruments;

13. The salary and other expenses of an employee who provides technical support for the use of technological equipment directly involved in student learning; and

14. Costs associated with distance learning, including services, equipment, and technology such as Wi-Fi, internet access hotspots, wireless network service, broadband service, and other services and technological equipment necessary to facilitate internet access.

The allotment funds may not be used to purchase instructional material that contains obscene or harmful content or would otherwise cause the district to which the funds were allotted to be unable to submit the certification required under Education Code 31.1011(a)(1)(B) [see Certification of Instructional Materials, below].

Education Code 31.0211(c), (f)

Technological Equipment

In purchasing technological equipment, a district shall:

1. Secure technological solutions that meet the varying and unique needs of students and teachers in the district; and

2. Consider both the long-term cost of ownership of the technological equipment and flexibility for innovation.

Education Code 31.0211(d)

Instructional Materials and Technology Account

The commissioner shall maintain an instructional materials and technology account for each district. In the first year of each biennium, the commissioner shall deposit the district's allotment in the account. The commissioner shall pay the cost of instructional materials requisitioned by a district under Education Code 31.103 using funds from the district's instructional materials and technology account.

Money deposited in a district's instructional materials and technology account during each state fiscal biennium remains in the account and available for use by the district for the entire biennium.

At the end of each biennium, a district with unused money in the district's account may carry forward any remaining balance to the next biennium.

A district shall provide to TEA the title and publication information for any instructional materials requisitioned or purchased by the district with the district's instructional materials and technology allotment.

Education Code 31.0212(a)-(d)

Purchasing Method

A district is not required to use a method provided by Education Code 44.031(a) to purchase instructional materials that have been reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.102(d)*

Requisitions, Use, and Distribution

Delegation of Authority

The board may delegate to an employee the authority to requisition, distribute, and manage the inventory of instructional materials, consistent with Education Code Chapter 31 and rules adopted under that chapter. *Education Code 31.104(a)*

Local Funds

A district may use local funds to purchase any instructional materials in addition to those selected under Education Code Chapter 31. *Education Code 31.106*

Online Requisition Program

A district shall make a requisition for instructional materials using the online requisition program maintained by the commissioner. A district may requisition instructional materials for grades above the grade level in which a student is enrolled. *Education Code 31.103(b)-(c)*

Distribution

The board shall distribute printed instructional materials to students in the manner that the board determines is most effective and economical. *Education Code 31.102(c)*

OER Instructional Materials

A district may adopt OER instructional material at any time. Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may not be charged for a cost associated with the selection of an OER instructional material, except for the cost of printing copies of the material. *Education Code 31.073(a), (c)-(d)*

OER Transition Plan

To qualify for additional state aid under Education Code 48.308 the board must adopt an OER instructional material transition plan to assist classroom teachers in the district who will be using an OER instructional material in a specific subject or grade level for which the teacher has not previously used an OER instructional material.

The plan must ensure that OER instructional materials are used in a manner that maintains the instructional flexibility of a classroom teacher to address the needs of each student.

A district that participates in the program developed and maintained by TEA under Education Code 31.0752 is not required to adopt a transition plan under this provision.

Education Code 31.0751

TEA Assistance Program

TEA shall develop and maintain a program to assist school districts in adopting and using OER instructional material. Education Code 31.0752

Requisition

A district that selects OER instructional material shall requisition a sufficient number of printed copies for use by students unable to access the instructional material electronically unless the district provides to each student:

1. Electronic access to the instructional material at no cost to the student; or
2. Printed copies of the portion of the instructional material that will be used in the course.

Education Code 31.103(d)

Parent Portal

An entity that hosts an instructional materials parent portal must comply with requests regarding parental access to the portal made by a district in compliance with Education Code 31.154 or Education Code 26.006 [see EFA]. *Education Code 31.154(e)*

[For more information regarding the requirements for certain entities that supply instructional materials to host a parent portal, see Education Code 31.154.]

Bilingual Instructional Materials

A district shall purchase with its allotment or otherwise acquire instructional materials for use in bilingual education classes. *Education Code 31.029*

Certification of Instructional Materials

Prior to the beginning of each school year, a district shall submit to the SBOE and commissioner certification that the district:

1. For each subject in the required curriculum under Education Code 28.002, other than physical education, and each grade level:
    a. Provides each student with instructional materials that cover all elements of the essential knowledge and skills adopted by the SBOE for that subject and grade level; and

b. In the provision of instructional materials, the district protects students from obscene or harmful content as necessary for compliance with the Children's Internet Protection Act (Pub. L. No. 106-554) [see CQ], Education Code 28.0022 [see EMB], Penal Code 43.22, and any other law or regulation that protects students from obscene or harmful content [see EFA]; and

2. The district used money allocated to the district or school under the instructional materials and technology allotment only for purposes allowed under Education Code 31.0211.

To determine whether each student has instructional materials that cover all elements of the essential knowledge and skills, a district may consider:

1. Instructional materials adopted by the SBOE;

2. Instructional materials developed, purchased, or otherwise acquired by the district; and

3. OER instructional materials and other electronic instructional materials included in the repository under Education Code 31.0722.

Education Code 31.1011

Annual Report

Each district shall annually report to TEA information regarding the instructional materials used by the district during the previous school year, including the cost of each material. *Education Code 31.1012*

Ownership

Except as otherwise provided, a student must return all instructional materials to the teacher at the end of the school year or when the student withdraws from school. At the end of the school year for which OER instructional material that a district does not intend to use for another student is distributed, the printed copy of the OER instructional material becomes the property of the student to whom it is distributed.

This provision does not apply to an electronic copy of OER instructional material.

Education Code 31.104(c), (g)-(h)

Responsibility for Instructional Materials and Equipment

Each student or the student's parent or guardian is responsible for all instructional material and technological equipment not returned in an acceptable condition by the student. A student who fails to return in an acceptable condition all instructional materials and technological equipment forfeits the right to free instructional materials and technological equipment until all instructional materials and

technological equipment previously issued but not returned in an acceptable condition are paid for by the student, parent, or guardian.

As provided by board policy, a district may waive or reduce the payment required if the student is from a low-income family. [See FP] The district shall allow the student to use instructional materials and technological equipment at school during each school day.

If instructional materials or technological equipment is not returned in an acceptable condition or paid for, a district may withhold the student's records. A district may not prevent the student from graduating, participating in a graduation ceremony, or receiving a diploma. [See FL and GBA regarding student and parental right to access records; and FD, FFAB, and FL regarding a district's duties to provide records to another district]

The board may not require an employee of the district who acts in good faith to pay for instructional materials or technological equipment that is stolen, misplaced, or not returned by a student. [See DG]

These provisions do not apply to an electronic copy of OER instructional material.

Education Code 31.104(d), (e), (h) [See also EFA]

Acceptable Condition

Printed instructional materials are considered to be in acceptable condition if:

1. The cover, binding, pages, spine, and all integral components of the instructional materials are wholly intact and the instructional materials are fully usable by students; and
2. No component of the instructional materials is soiled, torn, or damaged (whether intentionally or by lack of appropriate care) to the extent that any portion of the content is too disfigured or obscured to be fully accessible to other students.

Electronic instructional materials are considered to be in acceptable condition if:

1. All components or applications that are a part of the electronic instructional materials are returned;
2. The electronic materials perform as they did when they were new;
3. The electronic instructional materials do not contain computer code (e.g., bug, virus, worm, or similar malicious software) that has been designed to self-replicate, damage, change, or

otherwise hinder the performance of any computer's memory, file system, or software; and

4. The electronic instructional materials have not been installed with plug-ins, snap-ins, or add-ins without the prior approval of the district.

Technological equipment is considered to be in acceptable condition if:

1. The equipment is returned with the software and hardware in their original condition unless the district authorized changes; and

2. The physical condition of the equipment is fully usable as it was originally intended to be used.

19 TAC 66.1310

Lost or Damaged Instructional Materials

A district may order replacements for instructional materials that have been lost or damaged directly from the publisher of the instructional materials or any source for a printed copy of OER instructional material. *Education Code 31.104(b)*

Sale or Disposal

The board shall determine how the district will dispose of discontinued printed instructional materials, electronic instructional materials, and technological equipment.

Sale

The board may sell printed instructional materials on the date the instructional material is discontinued for use in the public schools by the SBOE or the commissioner. The board may also sell 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

Note: For information regarding security breaches, see CQB.

For record retention requirements under specific statutes, see the applicable policy code.

Definitions

Custodian — "Custodian" means the appointed or elected public officer who by the state constitution, state law, ordinance, or administrative policy is in charge of an office that creates or receives local government records. *Local Gov't Code 201.003(2)*

Disposition — "Disposition" means final processing of local government records by archival transfer under Local Government Code 203.049 or destruction under Local Government Code 202.001 or Government Code 441.0945. *13 TAC 7.71(5)*

Electronic Record — "Electronic record" means any information that is recorded in a form for computer processing and that satisfies the definition of local government record data in Local Government Code 201.003(8), below. *13 TAC 7.71(6)*

Note: Additional definitions related to standards and procedures for management of electronic records are found in 13 Administrative Code 7.71.

Electronic Records System — "Electronic records system" means any information system that produces, manipulates, and stores local government records by using a computer. *13 TAC 7.71(7)*

Electronic Storage Media — "Electronic storage media" means all physical media capable of being read by a computer including computer hard disks, magnetic tapes, optical disks, or similar machine-readable media. *13 TAC 7.71(8)*

Essential Record — "Essential record" means any local government record necessary to the resumption or continuation of district operations in an emergency or disaster, to the re-creation of the legal and financial status of the district, or to the protection and fulfillment of obligations to the people of the state. *Local Gov't Code 201.003(5)*

Local Government Record — "Local government record" means any document, paper, letter, book, map, photograph, sound or video recording, microfilm, magnetic tape, electronic medium, or other information recording medium, regardless of physical form or characteristic and regardless of whether public access to it is open or restricted under the laws of the state, created or received by a district or any of its officers or employees, pursuant to law, including an ordinance, or in the transaction of public business. The term does not include:

1. Extra identical copies of documents created only for convenience of reference or research by officers or employees of the district;
2. Notes, journals, diaries, and similar documents created by an officer or employee of the district for the officer's or employee's personal convenience;
3. Blank forms, stocks of publications, or library and museum materials acquired solely for the purposes of reference or display;
4. Copies of documents in any media furnished to members of the public to which they are entitled under Government Code Chapter 552 (Public Information Act) or other state law; or
5. Any records, correspondence, notes, memoranda, or documents, other than a final written agreement described by Government Code 2009.054(c), associated with a matter conducted under an alternative dispute resolution procedure in which personnel of a district participated as a party, facilitated as an impartial third party, or facilitated as the administrator of a dispute resolution system or organization.

Local Gov't Code 201.003(8)

Permanent Record	"Permanent record" or "record of permanent value" means any local government record for which the retention period on a records retention schedule issued by the Texas State Library and Archives Commission (TSLAC) is given as permanent. *Local Gov't Code 201.003(10)*
Records Control Schedule	"Records control schedule" means a document prepared by or under the authority of a records management officer listing the records maintained by a district, their retention periods, and other records disposition information that the records management program in each district may require. *Local Gov't Code 201.003(12)*
Records Management	"Records management" means the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping. The term includes the development of records control schedules, the management of filing and information retrieval systems, the protection of essential and permanent records, the economical and space-effective storage of inactive records, control over the creation and distribution of forms, reports, and correspondence, and the management of micrographics and electronic and other records storage systems. *Local Gov't Code 201.003(13)*

Records Management Officer	"Records management officer" means the person designated under Local Government Code 203.025 as the records management officer. [See Designation, below] *Local Gov't Code 201.003(14)*
Records Retention Schedule	"Records retention schedule" means a document issued by TSLAC under authority of Government Code Chapter 441, Subchapter J, establishing mandatory retention periods for local government records. *Local Gov't Code 201.003(15)*
Retention Period	"Retention period" means the minimum time that must pass after the creation, recording, or receipt of a record, or the fulfillment of certain actions associated with a record, before it is eligible for destruction. *Local Gov't Code 201.003(16)*
Third-Party Custodians	"Third-party custodians" means parties with which a district may contract for services who are temporarily responsible for the maintenance of local government records, other than an interlocal contract under Local Government Code 203.025(f). *13 TAC 7.71(16)*

Board's Responsibilities

The board shall:

1. Establish, promote, and support an active and continuing program for the efficient and economical management of all local government records;
2. Cause policies and procedures to be developed for the administration of the program under the direction of the records management officer;
3. Facilitate the creation and maintenance of local government records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the district and designed to furnish the information necessary to protect the legal and financial rights of the district, the state, and persons affected by the district's activities;
4. Facilitate the identification and preservation of local government records that are of permanent value;
5. Facilitate the identification and protection of essential local government records; and
6. Cooperate with TSLAC in its conduct of statewide records management surveys.

Local Gov't Code 203.021

District's Duties

Each district shall:

1. Submit to the director and librarian of TSLAC the name of the district's records management officer and the name of the new officer in the event of a change;
2. File a plan or an ordinance or order establishing a records management program and any amendments to the plan or ordinance or order with the director and librarian;
3. Notify TSLAC at least 10 days before destroying a local government record that does not appear on a records retention schedule issued by TSLAC; and
4. File with the director and librarian a written certification as provided by Local Government Code 203.041 that the district has prepared a records control schedule that:
    a. Establishes a retention period for each local government record as required by Local Government Code Chapter 203, Subchapter C; and
    b. Complies with a local government records retention schedule distributed by the director and librarian under Government Code 441.158 and any other state and federal requirements.

Gov't Code 441.169

Minimum Requirements for Electronic Records

Each district must:

1. Manage electronic records according to the district's records management program and records retention schedule regardless of format, system, or storage location;
2. Maintain ownership and responsibility for electronic records regardless of where the record originates or resides, including, but not limited to, external electronic records systems, third-party custodians, and social media platforms;
3. Develop and maintain up-to-date documentation about electronic records systems and storage media adequate to identify, retain, read, process, or migrate electronic records and ensure the timely, authorized final disposition of electronic records;
4. Ensure that electronic records remain readily retrievable and readable for as long as they are maintained by the district through migration or by maintaining any software, hardware, and documentation required to retrieve and read the electronic records;

5. Maintain descriptive and technical metadata required for electronic records to maintain and retain reliability, including metadata necessary to adequately support the usability, authenticity, or integrity as well as the preservation of a record;
6. Preserve the authenticity, integrity, reliability, and usability of the records;
7. Ensure that electronic records are readily retrievable and readable independently of other records in the database management system, electronic records system, or electronic storage media;
8. Ensure that system backups that are required for disaster recovery are not used to satisfy records retention requirements unless indexed to ensure usability and are tested on a regular basis; and
9. Require all third-party custodians of records to provide the district with descriptions of their business continuity and/or disaster recovery plans pertaining to the protection of the district's essential records.

Any technology for electronic records developed, used, or acquired by a district must support the district's ability to meet the minimum requirements in 13 Administrative Code 7.74(a) to preserve and make readily retrievable and readable any electronic record or to extract or migrate the record in as complete a form as possible for its full retention period.

13 TAC 7.74

Security of Electronic Records

Districts must implement and maintain an electronic records security program for office and storage areas that complies with 13 Administrative Code 7.75.

Note: The district's duties regarding maintenance of electronic storage media are set out in 13 Administrative Code 7.76. The minimum requirements for all electronic records systems are found in 13 Administrative Code 7.77.

Custodians of Records

District custodians of records shall:

1. Cooperate with the records management officer in carrying out the policies and procedures established by a district for the efficient and economical management of records and in carrying out the requirements of Local Government Code Title 6, Subtitle C;

2. Adequately document the transaction of district business and the services, programs, and duties for which they and their staff are responsible; and

3. Maintain the records in their care and carry out the preservation, microfilming, destruction, or other disposition of the records only in accordance with the policies and procedures of the district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it.

Local Gov't Code 203.022

Records Management Officer

Designation

The board shall designate a records management officer by designating an individual or designating an office or position, the holder of which shall be the records management officer.

The name, office, or position of the records management officer shall be entered on the minutes of the board. The name or the name and office or position of the records management officer shall be filed by the records management officer with the director and librarian of TSLAC within 30 days after the date of the designation.

The designation of a new individual or a new office or position shall be entered on the minutes and reported to TSLAC in the same manner as the original designation.

If the order designating a records management officer designates an office or position rather than an individual, a new holder of that office or position must file the holder's name with TSLAC within 30 days after the date of assuming the office or position.

Local Gov't Code 203.025(a)-(e)

Duties

The district's records management officer shall:

1. Assist in establishing and developing policies and procedures for a district's records management program;

2. Administer the records management program and provide assistance to custodians for the purposes of reducing costs and improving recordkeeping efficiency;

3. In cooperation with the custodians of the records:

   a. Prepare the records control schedules and amended schedules required by Local Government Code 203.041 and the list of obsolete records as provided by Local Government Code 203.044;

b. Identify and take adequate steps to preserve local government records of permanent value;

c. Identify and take adequate steps to protect essential local government records;

d. Ensure that the maintenance, preservation, microfilming, destruction, or other disposition of records is carried out in accordance with a district's records management program and the requirements of Local Government Code Title 6, Subtitle C and rules adopted under it;

4. Disseminate to the board and custodians of records information concerning state laws, administrative rules, and government policies relating to local government records; and

5. In cooperation with the custodians of records, establish procedures to ensure that the handling of records in any context of the records management program is carried out with due regard for the duties and responsibilities of custodians that may be imposed by law and the confidentiality of information in records to which access is restricted by law.

Local Gov't Code 203.023

Electronic Records Management Practices

District records management officers, in conjunction with the board, shall approve and institute written policies and procedures that communicate the district's approach for electronic records management practices that ensure electronic records maintain and retain reliability, usability, integrity, and authenticity.

A district's policies and procedures must:

1. Establish a component of the district's active and continuing records management program to address the management of electronic records created, received, retained, used, transmitted, or disposed of electronically, including electronic records maintained or managed by third-party custodians or other external entities;

2. Integrate the management of electronic records into existing records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities;

4. Address electronic records management requirements, including retention requirements and final disposition;

5. Address the use of new technologies through regular media and format conversion, recopying, reformatting, and other

necessary maintenance to ensure the retention and usability of electronic records until the expiration of their retention periods and final disposition; and

6. Ensure transparency by documenting, in an open and verifiable manner, the processes and activities carried out in the management of electronic records.

A district's policies and procedures must ensure information that must be protected from unauthorized use or disclosure is appropriately protected as required by applicable law, regulation, or other applicable requirement

13 TAC 7.73

Records Management Program

A board by ordinance or order shall establish a records management program to be administered by the records management officer. The ordinance or order must provide methods and procedures to enable the board, custodians, and the records management officer to fulfill the statutory duties and responsibilities concerning management and preservation of records. The ordinance or order may prescribe any policies or procedures for the operation of the records management program that are consistent with the requirements of Local Government Code Title 6, Subtitle C rules adopted under it. A copy of the ordinance or order must be filed by the records management officer with TSLAC within 30 days after the date of its adoption. *Local Gov't Code 203.026(a)-(c)*

Electronic Records Management

The board and its records management officer, in cooperation with other employees of the district, must:

1. Administer a program for the management of records created, received, maintained, used, or stored on electronic media;

2. Integrate the management of electronic records with other records and information resources management programs;

3. Incorporate electronic records management objectives, responsibilities, and authorities in pertinent directives;

4. Establish procedures for addressing records management requirements, including recordkeeping requirements and disposition;

5. Make training available for users of electronic records systems that addresses:

    a. The operation, care, and handling of the equipment, software, media, and information contained in the system; and

b. Records management concepts and applicable requirements, including any records management issues as they relate to item 5a;

6. Develop and maintain up-to-date documentation about all electronic records systems that is adequate to specify all technical characteristics necessary for reading or processing the records and the timely, authorized disposition of records; and

7. Specify the location and media on which electronic records are maintained to meet retention requirements and maintain inventories of electronic records systems to facilitate disposition.

13 TAC 7.72(c)

Records Control Schedules

The records management officer shall:

1. Prepare a records control schedule listing the following records and establishing a retention period for each:

   a. All records created or received by the district;

   b. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has not expired; and

   c. Any record no longer created or received by the district that is still in its possession and for which the retention period on a records retention schedule issued by TSLAC has expired but which will not be destroyed; and

2. File with the director and librarian a written certification of compliance that the district has adopted records control schedules that comply with the minimum requirements established on records retention schedules issued by TSLAC.

Amendment of Schedules

The records management officer shall review the district's records control schedules and prepare amendments to the schedules as needed to reflect new records created or received by the district or revisions to retention periods established in a records retention schedule issued by TSLAC. The records management officer shall file with the director and librarian a written certification of compliance that the district has amended the records control schedules to comply with the minimum requirements established on records retention schedules issued by TSLAC.

The board shall require in the ordinance or order establishing the records management program the review or approval of a records

control schedule or amended schedule by the officers of the district as it considers necessary.

Local Gov't Code 203.041

Retention Periods

A retention period for each record on the records control schedule shall be determined by the board or under its direction. A retention period may not be less than a retention period prescribed by state or federal law, regulation, or rule of court; or a retention period for the record established on a records retention schedule issued by TSLAC. *Local Gov't Code 203.042*

TSLAC Retention Schedules

TSLAC has adopted the following retention schedules, among others: Local Schedule GR—Records Common to All Governments, Local Schedule EL—Records of Elections and Voter Registration, Local Schedule TX—Records of Property Taxation, and Local Schedule SD—Records for Public School Districts. These schedules establish mandatory minimum retention periods for the records listed. *13 TAC 7.125*

Note: Local government records retention schedules[1] are available on the TSLAC website.

Destruction of Records

A local government record may be destroyed if:

1. The record is listed on a valid records control schedule and either its retention period has expired or it has been microfilmed or electronically stored in accordance with legal requirements;
2. The record appears on a list of obsolete records as provided by Local Government Code 203.044;
3. The record is not listed on a records retention schedule issued by TSLAC and the district provides notice to TSLAC at least 10 days before destroying the record as required by Government Code 441.169 [see District's Duties, above];
4. A court issues an expunction order for the destruction or obliteration of the records, pursuant to state law; and
5. The records are defined as exempt from scheduling or filing requirements or listed as exempt in a records retention schedule issued by TSLAC.

Local Gov't Code 202.001

Electronic Records Destruction

Electronic records may be destroyed only in accordance with Local Government Code 202.001, above.

Each district must ensure that:

1. Electronic records eligible for destruction are disposed of in a manner that ensures protection of any confidential information; and
2. Electronic storage media used for electronic records containing confidential information is not reused if the previously recorded information can be compromised in any way through reuse.

13 TAC 7.78(a), (b)

Exceptions

A local government record the subject matter of which is known by the custodian to be the subject of litigation may not be destroyed until the litigation is settled. A local government record that is subject to a request under Government Code Chapter 552 (Public Information Act) may not be destroyed until the request is resolved. *Local Gov't Code 202.002*

[See FL regarding student records.]

Recordkeeping

As a board may require, the records management officer shall keep accurate lists of records destroyed, their volume, and other information of records management activities. *Local Gov't Code 203.046*

Preservation of Records

Permanent records shall be stored under conditions that meet the requirements of 13 Administrative Code 7.164.

Permanent Records

Microfilm

Any local government record may be maintained on microfilm in addition to or instead of paper or other media, subject to the requirements of Local Government Code Chapter 204 and rules adopted under it. *Local Gov't Code 204.002*

Electronic Storage

Any local government record data may be stored electronically in addition to or instead of source documents in paper or other media, subject to the requirements of Local Government Code Chapter 205 and rules adopted under it. *Local Gov't Code 205.002*

Records Offenses

Destruction or Alienation of Record

A board member or district employee commits an offense if the board member or employee knowingly or intentionally violates Local Government Code Title 6, Subtitle C (local government records) or rules adopted under it by destroying or alienating a local government record in contravention of Local Government Code Subtitle C or by intentionally failing to deliver records to a successor in office as provided by Local Government Code 201.006(a). *Local Gov't Code 202.008*

Tampering with Governmental Record

A person commits an offense if the person:

1. Knowingly makes a false entry in, or false alteration of, a governmental record;
2. Makes, presents, or uses any record, document, or thing with knowledge of its falsity and with intent that it be taken as a genuine governmental record;
3. Intentionally destroys, conceals, removes, or otherwise impairs the verity, legibility, or availability of a governmental record;
4. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with intent that it be used unlawfully;
5. Makes, presents, or uses a governmental record with knowledge of its falsity; or
6. Possesses, sells, or offers to sell a governmental record or a blank governmental record form with knowledge that it was obtained unlawfully.

It is an exception to the application of item 3, above, that the governmental record is destroyed pursuant to legal authorization or transferred under Government Code 441.204. With regard to the destruction of a local government record, legal authorization includes compliance with the provisions of Local Government Code Title 6, Subtitle C.

Penal Code 37.10

Federal Investigations

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any bankruptcy case, or in relation to or contemplation of any such matter or case, shall be fined, imprisoned not more than 20 years, or both. *18 U.S.C. 1519*

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[1] Local Government Retention Schedules:
https://www.tsl.texas.gov/slrm/recordspubs/localretention.html

Information Required on Website

A district that at any time on or after January 1, 2019, maintained a publicly accessible internet website shall post on a publicly accessible website the following information:

1. The district's contact information, including a mailing address, telephone number, and email address;
2. Each member of the board;
3. The date and location of the next election for board members [see BB series];
4. The requirements and deadline for filing for candidacy of board member, which shall be continuously posted for at least one year before the election day for the office [see BB series];
5. Each notice of a meeting of the board under Government Code Chapter 551, Subchapter C [see BE]; and
6. Each record of a meeting of the board under Government Code 551.021 [see BE].

Items 5 and 6 above do not apply to a district with a population of less than 5,000 in the district's boundaries and located in a county with a population of less than 25,000.

Gov't Code 2051.201

Note: See GBA regarding the confidentiality of certain board member information.

Trustee Information

Each district that maintains an internet website shall post on the website the name, email address, and term of office, including the date the term began and the date the term expires, of each member of the district's board of trustees. If a district does not maintain an internet website, the district shall submit the information required above to the Texas Education Agency (TEA). On receipt of the district's information, TEA shall post the information on TEA's internet website.

Each time there is a change in the membership of a district's board, the district shall update the information required above and, as applicable post the updated information on the district's internet website or submit the updated information to TEA for posting on TEA's internet website.

Education Code 11.1518

Note: The following is an index of website posting requirements that are addressed in the legal reference material of the policy manual. The list is not all-inclusive. The list does not address postings that are required in response to a specific incident or postings required under special circumstances.

Other Required Internet Postings

The following posting requirements apply to a district that maintains an internet website:

1. A board may not vote on adoption of a proposed local innovation plan unless the final version of the proposed plan has been available on the district website for at least 30 days, under Education Code 12A.005(a)(1) and 19 Administrative Code 102.1307(a)(1). [See AF]
2. A district designated as a district of innovation shall ensure that a copy of its current local innovation plan is available to the public by posting and maintaining the plan in a prominent location on the district's website, under Education Code 12A.0071(a) and 19 Administrative Code 102.1305(e), .1307(f). [See AF]
3. Not later than 30 days after an accreditation status of accredited-warned, accredited-probation, or not accredited-revoked is assigned, a district must post notice on the home page of its website with a link to the required notification under 19 Administrative Code 97.1055(f), and maintain this until the district is assigned the accredited status. [See AIA]
4. A district with a local accountability system must produce a campus scorecard and make available on the district website an explanation of the methodology used to assign local accountability performance ratings, under 19 Administrative Code 97.1003(g). [See AIA]
5. A board shall disseminate its Texas Academic Performance Report (TAPR) by posting it on the district website under 19 Administrative Code 61.1022(f). [See AIB]
6. Not later than the 10th day after the first day of instruction of each school year, a district shall make available each campus report card, the district's performance report, the district's accreditation status and performance rating, and a definition and explanation of each accreditation status, under Education Code 39.362. [See AIB]
7. A district shall post its annual federal report card under 20 U.S.C. 6311(h)(2). [See AIB]

8. A district or campus assigned a rating of D that qualifies under Education Code 39.0543(b) must notify the public of the meeting for input for the development of a local improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(b)(3)(A)(ii). [See AIC]

9. A campus intervention team must notify the public of the meeting for input for the development of a targeted improvement plan 15 days prior to the meeting by way of the district and campus website, under 19 Administrative Code 97.1061(e)(3)(A)(ii) and Education Code 39A.056. [See AIC]

10. A district shall post a targeted improvement plan for a campus assigned an unacceptable performance rating on its website before the board hearing on the plan under Education Code 39A.057(b). [See AIC]

11. A district shall notify stakeholders of their ability to review the completed campus turnaround plan and post the completed plan on the district website at least 30 days before the final plan is submitted to the board of trustees, under 19 Administrative Code 97.1064(e). [See AIC]

12. A district shall post an election notice required under Election Code 85.007. [See BBBA]

13. A district shall post election information under Election Code 4.009. [See BBBA]

14. Each day early voting is conducted, the district shall post the branch daily register under Election Code 85.072. [See BBBA]

15. A district shall post early voting rosters under Election Code 87.121. [See BBBA]

16. A district shall post election results under Election Code 65.016. [See BBBB]

17. A district shall post the minutes of the last regular board meeting held before an election of trustees if the minutes reflect that a trustee is deficient in meeting the trustee's training requirement, under Education Code 11.159(b) and 19 Administrative Code 61.1(j). [See BBD]

18. A district shall post a report filed with the district by a candidate, board member, or specific-purpose committee pursuant to Election Code Chapter 254 not later than the 10th business day after it is received under Election Code 254.0401. [See BBBC]

19. A district shall provide access to the conflicts disclosure statements and questionnaires under Local Government Code 176.009. [See BBFA, CHE]

20. A district shall post the statements regarding activities to support and promote student health under Education Code 28.004. [See BDF]

21. A district must post notice of school health advisory council (SHAC) meetings under Education Code 28.004(d-1). [See BDF]

22. A district must post the minutes and audio or video recording of each SHAC meeting under Education Code 28.004(d-2). [See BDF]

23. A board must post notice of a board meeting and, if the district contains all or part of the area within the corporate boundaries of a municipality with a population of 48,000 or more, the board must also post the agenda for a board meeting under Government Code 551.056. [See BE]

24. A district that has a student enrollment of 10,000 or more shall post the archived recording, or a link thereto, of its meetings under Government Code 551.128(b-1). [See BE]

25. A district conducting a bond election shall post the election order, the election notice, the contents of the proposition, and any sample ballot under Election Code 4.003(f). [See CCA]

26. A district conducting a bond election shall post the voter information document beginning not later than the 21st day before election day and ending on the day after the election, under Government Code 1251.052(d). [See CCA]

27. A district issuing capital appreciation bonds shall post the information required by Government Code 1201.0245. [See CCA]

28. A district shall post prominently a notice informing property owners of the property tax database maintained by the appraisal district under Tax Code 26.17. [See CCG]

29. Not later than 30 days before the date of an election to approve a tax rate, a district must post the results of an efficiency audit under Education Code 11.184. [See CCG]

30. A district shall include on the home page of its website the prescribed statement if the district increases the amount of taxes to fund maintenance and operation expenditures under Tax Code 26.05(b). [See CCG]

31. A district shall maintain a link to the area of the comptroller's website where information on each of the district's agreements to limit appraised value, if any, is maintained, under Tax Code 313.0265(c). [See CCGB]

32. A district shall post a summary of its proposed budget concurrently with publication of the proposed budget under Education Code 44.0041. [See CE]

33. In the format prescribed by the comptroller, a district shall post or cause to be posted tax rate and budget information under Tax Code 26.18. [See CE]

34. A district shall maintain its adopted budget on the district's website until the third anniversary of the date the budget was adopted, under Education Code 44.0051. [See CE]

35. A district shall continuously post its contact information and Annual Local Debt Report under Local Government Code 140.008 and 34 Administrative Code 10.1-.6 on its website until the district posts the next annual report, or, as an alternative, the district may continually maintain a link to the comptroller's website where the district's financial information may be viewed. [See CFA]

36. Prior to conducting an active threat exercise, a district must provide adequate notice of the exercise through multiple distribution networks, including the district's website, under 19 Administrative Code 103.1211(b)(1). [See CKB]

37. A district must make available information regarding its compliance with requirements related to the transportation of students enrolled in the district who reside outside the district, under Education Code 34.007. [See CNA]

38. A district that does not participate in the uniform group health insurance program (TRS ActiveCare) shall post its comparability report, together with the policy or contract for the group health coverage plan, under Education Code 22.004(d). [See CRD]

39. A district that is a service provider seeking to limit liability under the Digital Millennium Copyright Act must post information regarding its designated agent under 17 U.S.C. 512(c)(2). [See CY]

40. A district shall post its employment policy and any regulations referenced under Education Code 11.1513(a). [See DC]

41. A district shall post the board's employment policies under Education Code 21.204(d). [See DCB]

42. The board shall adopt and post on the district's website early childhood literacy and mathematics plans that set specific annual goals under Education Code 11.185. [See EA]

43. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the early childhood literacy and mathematics plans under Education Code 11.185. [See EA]

44. The board shall post on the district's website and on the website, if any, of each campus the annual report of progress toward the goals set under the college, career, and military readiness plans under Education Code 11.186. [See EA]

45. A district shall post curriculum materials used in the district's human sexuality instruction or instruction relating to the prevention of child abuse, family violence, dating violence, and sex trafficking, if the materials are in the public domain, under Education Code 28.004(j). [See EHAA]

46. A district shall post the transition and employment guide for students enrolled in special education programs and their parents in order to provide information on statewide services and programs that assist in the transition to life outside the public school system, under Education Code 29.0112. [See EHBAD]

47. Each year, a district shall post a report on measurable outcomes for each dropout recovery education program offered by the district, under Education Code 29.081(e-6). [See EHBC]

48. A district shall make available on the district or campus website by November 1 of each school year a family engagement plan to assist the district in achieving and maintaining high levels of family involvement and positive family attitudes toward education, under 19 Administrative Code 102.1003(e). [See EHBG]

49. Annually, a district shall post any agreement between the district and a public institution of higher education to provide a dual credit program, under Education Code 28.009(b-2). [See EHDD]

50. A district shall publish information from TEA under Education Code 28.02121 explaining the advantages of the distinguished level of achievement and each endorsement. [See EIF]

51. A district shall post the date the PSAT/NMSQT will be administered and the date any college advanced placement tests will be administered, under Education Code 29.916. [See EK]

52. A district that receives funds under Title 1, Part A shall post on its website and the website of each campus for each grade served, information on each assessment required by the state to comply with 20 U.S.C. 6311, other assessments required by the state, and assessments required district-wide, under 20 U.S.C. 6312(e)(2)(B). [See EKB]

53. A district shall post information regarding local programs and services, including charitable programs and services, available to assist students who are homeless, under Education Code 33.906. [See FDC]

54. A district shall prominently post information about required and recommended immunizations and procedures for claiming an exemption from immunization requirements under Education Code 38.019. [See FFAB]

55. Each school year, the board shall post a summary of the Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis[1] on the district's website with instructions for obtaining access to the complete guidelines document, under Education Code 38.0151. [See FFAF]

56. A district must prominently display the contact information required to be listed for the Title IX Coordinator and policy on its website, if any, under 34 C.F.R. 106.8(b). [See FFH]

57. A district must make all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process publicly available on its website, if any, under 34 C.F.R. 106.45(b)(10)(i)(D). [See FFH]

58. To the extent practicable, a district must post the procedure for reporting bullying established by the district's bullying policy, under Education Code 37.0832(e). [See FFI]

59. A district shall post on its website, for each district campus, the email address and dedicated phone number of the campus behavior coordinator under Education Code 26.015. [See FO]

60. If the board designates a method for making a written request for public information, other than mail, email, or hand-delivery, the board must include a statement that a request may be made by that method on its website under Government Code 552.234(b) unless the statement is on the sign required by Government Code 552.205. [See GBAA]

61. A board that allows requestors to use the public information request form created by the attorney general must post the

form on the district website under Government Code 552.235. [See GBAA]

62. A district shall post on its website and each campus shall post on any campus website a notice regarding the district's ability to refuse entry or eject certain persons under Education Code 37.105 and 19 Administrative Code 103.1207(g), including the appeal process. [See GKA]

Optional Internet Postings

A district that maintains an internet website has the following options:

1. A board may broadcast an open meeting over the internet, under Government Code 551.128. [See BE]
2. A district may publish the superintendent's employment contract on the district's website instead of publishing it in the annual financial management report under 19 Administrative Code 109.1001(q)(3)(B)(i). [See CFA]
3. Notice of a vacant position for which a certificate or license is required may be provided by posting the position on the district's internet website, rather than on a bulletin board, under Education Code 11.1513. [See DC]
4. A district shall either post online or provide physical copies of the report on library materials under Education Code 35.006. [See EFB]
5. A district may place on its internet website a current copy of the procedural safeguards notice regarding special education and related services, under 34 C.F.R. 300.504(b). [See EHBAE]
6. A district may provide the annual notice to the parent of each student enrolled in grade 9 or above of the availability of subsidies for certain exam fees and the availability and enrollment qualifications for programs under which a student may earn college credit and career and technology education programs or other work-based education programs in the district, under Education Code 28.010. [See EHDD]
7. A board may post a mailing address and email address designated for receiving written requests for public information on its website under Government Code 552.234(d). [See GBAA]

Geospatial Data Products

"Geospatial data product" means a document, computer file, or internet website that contains geospatial data; a map; or information about a service involving geospatial data or a map. *Gov't Code 2051.101(1)*

Notice

A district shall include a notice on each geospatial data product that:

1. Is created or hosted by the district;
2. Appears to represent property boundaries; and
3. Was not produced using information from an on-the-ground survey conducted by or under the supervision of a registered professional land surveyor or land surveyor authorized to perform surveys under laws in effect when the survey was conducted.

The notice must be in substantially the following form: "This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries."

The notice may include language further defining the limits of liability of a geospatial data product producer; apply to a geospatial data product that contains more than one map; or for a notice that applies to a geospatial data product that is or is on an internet website, be included on a separate page that requires the person accessing the website to agree to the terms of the notice before accessing the geospatial data product.

Gov't Code 2051.102

Exemption

A district is not required to include the notice on a geospatial data product that:

1. Does not contain a legal description, a property boundary monument, or the distance and direction of a property line;
2. Is prepared only for use as evidence in a legal proceeding;
3. Is filed with the clerk of any court; or
4. Is filed with the county clerk.

Gov't Code 2051.103

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[1] TDSHS Guidelines for the Care of Students with Food Allergies at Risk for Anaphylaxis: https://www.dshs.texas.gov/sites/default/files/schoolhealth/pdf/FINAL%20Guidelines%20for%20Food%20Allergies%203.2023.pdf

Note: For information on purchasing technological equipment with the instructional materials and technology allotment, see CMD.

Technology Lending Program Grant

A district may apply to the commissioner of education to participate in the technology lending grant program established under Education Code 32.301. *Education Code 32.301(b)*

A district may use a grant awarded under this program or other local funds to purchase, maintain, and insure equipment for a technology lending program. Equipment purchased by a district with a grant is the property of the district. *Education Code 32.303*

Guidelines for Use of Digital Devices

The Texas Education Agency, in consultation with the Health and Human Services Commission, shall develop and distribute model health and safety guidelines that districts may use to determine best practices for the effective integration of digital devices in public schools.

The board shall adopt a policy for the effective integration of digital devices in the district. In adopting the policy, the board may decide whether to adopt the guidelines for use in the district.

Each district that adopts the guidelines may implement the guidelines in a manner that best meets the district's individual needs and the individual needs of students in the district, including students with intellectual or physical disabilities.

If a district adopts the guidelines, the district shall post the guidelines publicly on the district's internet website.

Education Code 38.0231

Transfer of Equipment to Students

"Data processing" means information technology equipment and related services designed for the automated storage, manipulation, and retrieval of data by electronic or mechanical means.

Definitions

"Electronic device" means a device that is capable of connecting to a cellular network or the internet, including a computer, smartphone, or tablet.

"Internet filter" means a software application that is capable of preventing an electronic device from accessing certain websites or displaying certain online material.

Education Code 32.101; Gov't Code 2054.003(3)

Transfers

A district may transfer to a student enrolled in the district:

1. Any data processing equipment donated to the district, including equipment donated by a private donor, or a state eleemosynary institution or state agency under Government Code 2175.905 [see Fees, below];
2. Any equipment purchased by the district, to the extent consistent with the provisions at Use of Public Funds, below; and
3. Any surplus or salvage equipment owned by the district.

Education Code 32.102(a)

Before transferring data processing equipment or an electronic device to a student, a district must:

1. Adopt rules governing transfers, including provisions for technical assistance to the student by the district;
2. Determine that the transfer serves a public purpose and benefits the district;
3. Remove from the equipment any offensive, confidential, or proprietary information, as determined by the district;
4. Adopt rules establishing programs promoting parents as partners in cybersecurity and online safety that involve parents in students' use of transferred equipment or electronic devices; and
5. For the transfer of an electronic device to be used for an educational purpose, install an internet filter that blocks and prohibits pornographic or obscene materials or applications, including from unsolicited pop-ups, installations, and downloads.

Education Code 32.104

Donations

A district may accept:

1. Donations of data processing equipment for transfer under these provisions; and
2. Gifts, grants, or donations of money or services to purchase, refurbish, or repair data processing equipment.

Education Code 32.102(b)

Fees

A state eleemosynary institution or institution or agency of higher education or other state agency may not collect a fee or other reimbursement from a district for surplus or salvage data processing equipment transferred to the district. *Gov't Code 2175.905(c)*

Use of Public Funds

A district may spend public funds to:

1. Purchase, refurbish, or repair any data processing equipment transferred to a student; and

2. Store, transport, or transfer data processing equipment under these provisions.

Education Code 32.105

Eligibility

A student is eligible to receive data processing equipment under these provisions only if the student does not otherwise have home access to data processing equipment, as determined by the district. A district shall give preference to educationally disadvantaged students. *Education Code 32.103*

Return of Equipment

Except as provided below, a student who receives data processing equipment from a district under these provisions shall return the equipment to the district not later than the earliest of:

1. Five years after the date the student receives the equipment;

2. The date the student graduates;

3. The date the student transfers to another district; or

4. The date the student withdraws from school.

The requirements above do not apply if, at the time the student is required to return the equipment, the district determines that the equipment has no marketable value.

Education Code 32.106

Prohibited Applications on District-Owned Devices

"Covered application" means the social media service TikTok or any successor application or service developed or provided by ByteDance Limited or an entity owned by ByteDance Limited, or a social media application or service specified by proclamation of the governor to pose a risk to the state. *Gov't Code 620.001(1), .005.*

A district shall adopt a policy prohibiting the installation or use of a covered application on any device owned or leased by the district and requiring the removal of covered applications from those devices. The Department of Information Resources and the Department of Public Safety shall jointly develop a model policy for districts to use in developing the required policy. *Gov't Code 620.003*

The district's policy may provide for the installation and use of a covered application to the extent necessary for providing law enforcement or developing or implementing information security measures. A policy allowing the installation and use of a covered application must require the use of measures to mitigate risks posed to the state during the use of the covered application and the documentation of those measures. *Gov't Code 620.004*

With this policy, the Board adopts the model health and safety guidelines for the effective integration of digital devices in schools that have been developed by the Texas Education Agency and the Health and Human Services Commission.

The Superintendent shall develop regulations that implement these guidelines.

Non-Chapter 21 Contracts

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

Termination During Contract Term

In accordance with DCE(LEGAL), an employee may request a hearing before the Board to appeal discharge during the contract period.

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

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with the DIA series.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with the DIA series.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with the DIA series.
4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Direct Communication with Board Members

Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.

Formal Process

An employee may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.

Whistleblower Complaints

Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Timelines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]

Complaints Against Supervisors

Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the employee's absence.

Response	At Levels One and Two, “response” shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee’s email address of record, or sent by U.S. Mail to the employee’s mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	“Days” shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is “day zero.” The following business day is “day one.”
Representative	“Representative” shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process. The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three days’ notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District’s counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint. When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the con-

ference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board

with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Searches — General Rule

Citizens, including district employees, have a right to be free from unreasonable searches and seizures. *U.S. Const. Amendment IV; Tex. Const. Art. I, Sec. 9*

A district may search an employee or an employee's property if:

1. There are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct; and

2. The search is reasonably related in scope to the circumstances that justified the interference in the first place.

O'Connor v. Ortega, 480 U.S. 709 (1987); New Jersey v. T.L.O., 469 U.S. 325 (1985)

In addition, a district may search an employee's workplace for non-investigatory, work-related purposes, if there are reasonable grounds to believe that the search will turn up evidence that the employee is guilty of work-related misconduct. *O'Connor v. Ortega, 480 U.S. 709 (1987)*

Drug/Alcohol Testing

Blood, urine, and breath tests of public employees to determine drug use are searches under the Fourth Amendment of the U.S. Constitution. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602 (1989)*

Random Drug Testing

A district may conduct drug tests, without a warrant and without individualized suspicion, when the test serves special governmental needs that outweigh the individual's privacy expectation. *Skinner v. Railway Labor Executives Ass'n, 489 U.S. 602 (1989); Nat'l Treasury Employees Union v. Von Raab, 489 U.S. 656 (1989)*

Safety-Sensitive Positions

Random alcohol and drug testing of employees in "safety-sensitive" positions may be permissible when the intrusiveness of the search is minimal and a board is able to demonstrate that the drug-testing program furthers its interest in ensuring the physical safety of students. "Safety-sensitive" positions include those that involve the handling of potentially dangerous equipment or hazardous substances in an environment including a large number of children. *Aubrey v. Sch. Bd. of LaFayette Parish, 148 F.3d 559 (5th Cir. 1998)*

Note: The following testing requirements apply to employees who operate commercial motor vehicles and are subject to commercial driver's license requirements in accordance with federal regulations.

Testing of Drivers

A district shall conduct testing, in accordance with federal regulations, of commercial motor vehicle operators for use of alcohol or a controlled substance that violates law or federal regulation. *49 U.S.C. 31306; 49 C.F.R. Part 382*

Commercial Motor Vehicle Defined

A commercial motor vehicle is defined as a motor vehicle used to transport passengers or property that:

1. Has a gross combination weight rating of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds;
2. Has a gross vehicle weight rating of 26,001 or more pounds; or
3. Is designed to transport 16 or more passengers, including the driver.

49 C.F.R. 382.107

Testing Procedures

A district shall ensure that all alcohol or controlled substances testing conducted under 49 C.F.R. Part 382 complies with the procedures set forth in 49 C.F.R. Part 40. *49 C.F.R. 382.105*

U.S. Department of Transportation (DOT) tests must be completely separate from non-DOT tests in all respects. DOT tests must take priority and must be conducted and completed before a non-DOT test is begun. *49 C.F.R. 40.13*

Tests Required

Required DOT testing includes:

1. Pre-employment controlled substance tests required under 49 C.F.R. 382.301 [see DBAA];
2. Post-accident alcohol or controlled substance tests required under 49 C.F.R. 382.303;
3. Random alcohol or controlled substances tests required under 49 C.F.R. 382.305;
4. Reasonable suspicion alcohol or controlled substance tests required under 49 C.F.R. 382.307;
5. Return-to-duty alcohol or controlled substances tests required under 49 C.F.R. 382.309; or
6. Follow-up alcohol or controlled substance tests required under 49 C.F.R. 382.311.

No Refusal	No driver shall refuse to submit to a required DOT test. A district shall not permit a driver who refuses to submit to such tests to perform or continue to perform safety-sensitive functions. *49 C.F.R. 382.211*
Education and Treatment	A district is not required to provide an evaluation by a substance abuse professional or any subsequent recommended education or treatment for an employee who has violated a drug and alcohol regulation of the DOT. However, if a district offers an employee an opportunity to return to a safety-sensitive duty following a violation, the district must, before the employee again performs that duty, ensure that the employee receives an evaluation by a substance abuse professional and that the employee successfully complies with the professional's evaluation recommendations. *49 C.F.R. 40.289*
Return-to-Duty Testing	If a district permits an employee who has violated a DOT drug and alcohol regulation to return to safety-sensitive functions, the district must ensure that the employee takes a return-to-duty test. This test cannot occur until after the substance abuse professional has determined that the employee has successfully complied with prescribed education and/or treatment. The employee must have a negative drug test result and/or an alcohol test with an alcohol concentration of less than 0.02 before resuming performance of safety-sensitive duties. A district is not required to return an employee to safety-sensitive duties because the employee has met the conditions described in the preceding paragraph. Return-to-duty is a personnel decision that the district has the discretion to make subject to legal requirements. *49 C.F.R. 40.305(a)-(b)*
Educational Materials	A district shall provide educational materials that explain the federal requirements and the district's policies and procedures with respect to meeting the requirements. The district shall ensure that a copy of these materials is distributed to each driver before the start of alcohol and controlled substances testing under 49 C.F.R. Part 382 and to each driver subsequently hired or transferred into a position that requires driving a commercial motor vehicle. Written notice to representatives of employee organizations of the availability of this information shall also be provided. The materials shall include detailed discussion of at least the items listed at 49 C.F.R. 382.601. *49 C.F.R. 382.601*

Reports to DPS

A district required under federal safety regulations to conduct alcohol and drug testing of an employee who holds a commercial driver's license as part of the district's drug testing program shall report to the Department of Public Safety:

1. A valid positive result on an alcohol or drug test performed and whether the specimen producing the result was a dilute specimen, as defined by 49 C.F.R. 40.3;
2. A refusal to provide a specimen for an alcohol or drug test; or
3. An adulterated specimen or substituted specimen, as defined at 49 C.F.R. 40.3, on an alcohol or drug test.

"Employee" includes individuals currently performing safety-sensitive functions designated in DOT agency regulations and applicants for employment subject to pre-employment testing.

Transp. Code 644.251-.252; 49 C.F.R. 40.3

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Teacher Appraisal

The employment policies adopted by the board must require a written evaluation of each teacher at annual or more frequent intervals.

A teacher appraisal must be done at least once for each school year. A teacher may be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. A teacher who is appraised less frequently than annually must be appraised at least once during each period of five school years.

Education Code 21.203, .352(c)

Interim Evaluations and Guidance

In addition to conducting a complete appraisal as frequently as required by Education Code 21.352(c), a district shall require that appropriate components of the appraisal process, such as classroom observations and walk-throughs, occur more frequently as necessary to ensure that a teacher receives adequate evaluation and guidance. A district shall give priority to conducting appropriate components more frequently for inexperienced teachers or experienced teachers with identified areas of deficiency. *Education Code 21.352(c-1)*

Required Components

The statutorily required components of teacher appraisal are defined as follows:

1. The implementation of discipline management procedures is the teacher's pedagogical practices that produce student engagement and establish the learning environment.
2. The performance of teachers' students is how the individual teacher's students progress academically in response to the teacher's pedagogical practice as measured at the individual teacher level by one or more student growth measures.

19 TAC 150.1001(f)

Notice and Use of Evaluations

A district shall use a teacher's consecutive appraisals from more than one year, if available, in making employment decisions and developing career recommendations for the teacher. *Education Code 21.352(e)*

The district shall notify a teacher of the results of any appraisal of the teacher in a timely manner so that the appraisal may be used as a developmental tool by the district and the teacher to improve the overall performance of the teacher. *Education Code 21.352(f)*

Role of Extracurricular Activities

A teacher who directs extracurricular activities in addition to performing classroom teaching duties shall be appraised only on the

basis of classroom teaching performance and not on performance in connection with extracurricular activities. *Education Code 21.353*

Disciplinary Referrals

A district may not assign an area of deficiency to a teacher solely on the basis of disciplinary referrals made by the teacher or documentation regarding student conduct submitted by the teacher under Education Code 37.002. [See FOA for discretionary removal] A district is not prohibited from assigning an area of deficiency to a teacher based on documented evidence of a deficiency in classroom management obtained through observation or a substantiated report. *Education Code 21.352(a-1)*

Access to Evaluations

A district shall maintain a written copy of the evaluation of each teacher's performance in the teacher's personnel file.

Each teacher is entitled to receive a written copy of the evaluation promptly on its completion. The evaluation and any rebuttal may be given to another school district at which the teacher has applied for employment at the request of that district.

Education Code 21.352(c)

Confidentiality

A document evaluating the performance of a teacher or administrator is confidential and is not subject to disclosure under the Public Information Act, Government Code 552. *Education Code 21.355(a)* [For disclosure requirements on evaluations, see GBA]

Two Appraisal Methods

A district shall use one of the following methods to appraise teachers:

1. The teacher appraisal system recommended by the commissioner of education [see State Method (T-TESS), below]; or
2. A local teacher appraisal system [see District Option and Campus Option, below].

Education Code 21.352(a); 19 TAC 150.1001(a)

Selection of Appraisal Method

A superintendent, with the approval of a board, may select the state appraisal method. Each district or campus wanting to select or develop an alternative teacher appraisal system must follow the requirements set forth below at District Option or Campus Option. *19 TAC 150.1001(c)*

Notice to Service Center

A superintendent shall notify the executive director of the district's regional education service center in writing of the district's choice of appraisal system when using an alternative to the state appraisal method and detail the components of that system by the first day of instruction for the school year in which the alternative system is used.

A district shall submit annually to its service center a summary of the campus-level evaluation scores from the state appraisal method or the district's locally adopted appraisal system, in a manner prescribed by the commissioner.

19 TAC 150.1008

Note: The following provisions apply to teacher appraisal using the state appraisal method.

State Method (T-TESS)

The commissioner's recommended teacher appraisal system, the Texas Teacher Evaluation and Support System (T-TESS), was developed in accordance with Education Code 21.351. *19 TAC 150.1001(b), .1002(a)*

Orientation and Annual Review

A district shall ensure that all teachers are provided with an orientation to the T-TESS no later than the final day of the first three weeks of school and at least two weeks before the first observation when:

1. The teacher is new to the district;
2. The teacher has never been appraised under the T-TESS; or
3. District policy regarding teacher appraisal has changed since the last time the teacher was provided with an orientation to the T-TESS.

The teacher orientation shall be conducted in a face-to-face setting during a district's first year of T-TESS implementation and include all state and local appraisal policies and the local appraisal calendar. In addition to the orientation, campuses may hold other sessions sufficient in length allowing teachers to actively participate in a discussion of the T-TESS specifics and to have their questions answered.

19 TAC 150.1006

Appraisers

The teacher appraisal process requires at least one certified appraiser. An appraiser must be the teacher's supervisor or a person approved by the board.

Campus Administrator

Only a campus administrator may act as a certified appraiser, except as provided below.

Under the T-TESS, a "campus administrator" includes a principal, an assistant principal, an administrator who holds a comparable administrator/supervisor certificate established by the State Board for Educator Certification, or supervisory staff whose job descrip-

tion includes the appraisal of teachers and who is not a classroom teacher.

An individual other than a campus administrator may act as a certified appraiser if:

1. The individual has been certified by completing the required training prior to conducting appraisals; and
2. In the case where the certified appraiser is a classroom teacher, the certified appraiser:
    a. Conducts appraisals at the same school campus at which the certified appraiser teaches if the certified appraiser is the chair of a department or grade level whose job description includes classroom observation responsibilities; or
    b. Does not conduct appraisals of classroom teachers who teach at the same campus as the certified appraiser if the certified appraiser is not a department or grade-level chair.

Training and Certification

Before conducting appraisals, an appraiser must be certified by having satisfactorily completed the state-approved T-TESS appraiser training and having passed the T-TESS certification examination, and must have received Instructional Leadership Training (ILT), Instructional Leadership Development (ILD), or Advanced Educational Leadership (AEL) certification. Appraisers without ILT, ILD, or AEL certification before January 1, 2016, may not take ILT or ILD to satisfy the requirement. Periodic recertification and training shall be required.

Education Code 21.351(c); 19 TAC 150.1005

Appraisal Calendar

A district shall establish a calendar for teacher appraisals and provide that calendar to teachers within three weeks from the first day of instruction. The appraisal period for each teacher must include all of the days of the teacher's contract.

Observations during the appraisal period must be conducted during the required days of instruction for students during one school year.

The appraisal calendar shall:

1. Exclude observations in the two weeks after the day of completion of the T-TESS orientation in the school years when an orientation is required; and

2. Indicate a period for end-of-year conferences that ends no later than 15 working days before the last day of instruction for students.

19 TAC 150.1003(d)

A teacher may be given advance notice of the date or time of an appraisal, but advance notice is not required. *Education Code 21.352(d); 19 TAC 150.1003(c)*

Assessment of Teacher Performance

Each teacher must be appraised each school year, except as provided below at Less-Than-Annual Appraisal. Whenever possible, an appraisal shall be based on the teacher's performance in fields and teaching assignments for which he or she is certified. *19 TAC 150.1003(a)*

During the appraisal period, the certified appraiser shall evaluate and document teacher performance specifically related to the domain criteria as identified in 19 Administrative Code 150.1002(a) and the performance of teachers' students as defined in 19 Administrative Code 150.1001(f)(2). *19 TAC 150.1003(e)*

Less-Than-Annual Appraisal

A teacher may receive a full appraisal less than annually if the teacher agrees in writing and the teacher's most recent full appraisal resulted in the teacher receiving summative ratings of at least proficient on nine of the sixteen dimensions and did not identify any area of deficiency, defined as a rating of Improvement Needed or its equivalent, on any of the sixteen dimensions identified in 19 Administrative Code 150.1002(a) or the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2). A teacher who receives a full appraisal less than annually must receive a full appraisal at least once during each period of five school years.

District policy may stipulate:

1. Whether the option to receive a full appraisal less frequently than annually is to be made available to teachers;

2. Whether the option to receive a full appraisal less frequently than annually is to be adopted district-wide or is to be campus specific;

3. If the appraisal accompanying a teacher new to a district or campus meets this option, whether the appraisal is to be accepted or whether that teacher is to be appraised by the new campus administrator; and

4. Whether a certified appraiser may place a teacher on the traditional appraisal cycle as a result of performance deficiencies

documented in accordance with 19 Administrative Code 150.1003(b)(6) and (f) (cumulative data regarding teacher performance in addition to formal classroom observations).

A school district may choose annually to review the written agreement to have less frequent full appraisals with the teacher. However, at the conclusion of the school year, the district may modify appraisal options through board policy and may make changes to expectations for appraisals that apply to all teachers regardless of a teacher's participation in the appraisal option in the previous year(s).

In a year in which a teacher does not receive a full appraisal due to meeting the requirements, a teacher shall participate in:

1. The Goal-Setting and Professional Development Plan process;
2. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
3. A modified end-of-year conference that addresses:
    a. The progress on the Goal-Setting and Professional Development Plan;
    b. The performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2); and
    c. The following year's Goal-Setting and Professional Development plan.

19 TAC 150.1003(l)

Domains and Dimensions

Each teacher shall be appraised on the following domains and dimensions of the T-TESS rubric that is aligned to the Texas Teacher Standards in 19 Administrative Code Chapter 149 (Commissioner's Rules Concerning Educator Standards):

1. Domain I. Planning or Alternate Domain I. Lesson Internalization, which includes the following dimensions:
    a. Standards and alignment;
    b. Data and assessment;
    c. Knowledge of students; and
    d. Activities.
2. Domain II. Instruction, which includes the following dimensions:

a. Achieving expectations;

b. Content knowledge and expertise;

c. Communication;

d. Differentiation; and

e. Monitor and adjust.

3. Domain III. Learning Environment, which includes the following dimensions:

a. Classroom environment, routines, and procedures;

b. Managing student behavior; and

c. Classroom culture.

4. Domain IV. Professional Practices and Responsibilities, which includes the following dimensions:

a. Professional demeanor and ethics;

b. Goal setting;

c. Professional development; and

d. School community involvement.

The evaluation of each of the dimensions above shall consider all data generated in the appraisal process. The data for the appraisal of each dimension shall be gathered from pre-conferences, observations, post-conferences, end-of-year conferences, the Goal-Setting and Professional Development Plan process, and other documented sources.

Each teacher shall be evaluated on the 16 dimensions in Domain I or Alternate Domain I and Domains II-IV identified above using the following categories:

1. Distinguished;

2. Accomplished;

3. Proficient;

4. Developing; and

5. Improvement needed.

Beginning with the 2024-25 school year, teachers may be appraised using Domain I or Alternate Domain I based on the alignment of teacher responsibilities to lesson planning or lesson internalization.

Student Performance

Beginning with the 2017-18 school year, each teacher appraisal shall include the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (student growth measures).

If calculating a single overall summative appraisal score for teachers, the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), shall count for at least 20 percent of a teacher's summative score.

Each teacher shall be evaluated on the performance of teachers' students using one of the terms from the following categories:

1. Distinguished or well above expectations;
2. Accomplished or above expectations;
3. Proficient or at expectations;
4. Developing or below expectations; or
5. Improvement needed or well below expectations.

19 TAC 150.1002

Appraisal Process

The annual teacher appraisal, or full appraisal, shall include:

1. A completed and appraiser-approved Goal-Setting and Professional Development Plan that shall be:
    a. Submitted to the teacher's appraiser within the first six weeks from the day of completion of the T-TESS orientation for teachers in their first year of appraisal under the T-TESS or for teachers new to the district; or
    b. Initially drafted in conjunction with the teacher's end-of-year conference from the previous year, revised as needed based on changes to the context of the teacher's assignment during the current school year, and submitted to the teacher's appraiser within the first six weeks of instruction; and
    c. Maintained throughout the course of the school year by the teacher to track progress in the attainment of goals and participation in professional development activities detailed in the approved plan;
    d. Shared with the teacher's appraiser prior to the end-of-year conference; and
    e. Used after the end-of-year conference in the determination of ratings for the goal setting and professional development dimensions of the T-TESS rubric;

2. For a teacher in the first year of appraisal under the T-TESS or for teachers new to the district, a Goal-Setting and Professional Development Plan conference prior to the teacher submitting the plan to the teacher's appraiser;

3. After a teacher's first year of appraisal under the T-TESS within the district, an observation pre-conference conducted prior to announced observations;

4. At least one classroom observation of a minimum of 45 minutes, with additional walk-throughs and observations conducted at the discretion of the certified appraiser and in accordance with the Education Code 21.352(c-1). Additional observations and walk-throughs do not require an observation post-conference. Additional observations and walk-throughs do require a written summary if the data gathered during the additional observation or walk-through will impact the teacher's summative appraisal ratings, in which case the written summary shall be shared within 10 working days after the completion of the additional observation or walk-through. Title 19 Administrative Code 150.1004 (Teacher Response and Appeals) applies to a written summary of an additional observation or walk-through that will impact the teacher's summative appraisal ratings;

5. An observation post-conference that:

    a. Shall be conducted within 10 working days after the completion of an observation;

    b. Is diagnostic and prescriptive in nature;

    c. Includes a written report of the rating of each dimension observed that is presented to the teacher only after a discussion of the areas for reinforcement and areas for refinement; and

    d. Can allow for, at the discretion of the appraiser, a revision to an area for reinforcement or refinement based on the post-conference discussion with the teacher;

6. Cumulative data from written documentation collected regarding job-related teacher performance, in addition to formal classroom observations;

7. An end-of-year conference that:

    a. Reviews the appraisal data collected throughout the current school year and previous school years, if available;

b. Examines and discusses the evidence related to the teacher's performance on the four dimensions of Domain IV of the T-TESS rubric;

c. Examines and discusses evidence related to the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2) (student growth measures), when available; and

d. Identifies potential goals and professional development activities for the teacher for the next school year; and

8. A written summative annual appraisal report to be provided to the teacher within 10 working days of the conclusion of the end-of-year conference.

19 TAC 150.1003(b)

Shorter Observations — By written, mutual consent of the teacher and the certified appraiser, the required 45 minutes of observation may be conducted in shorter time segments. The time segments must aggregate to at least 45 minutes. *19 TAC 150.1003(g)*

Cumulative Data — The certified appraiser is responsible for documentation of cumulative data. Any third-party information from a source other than the certified appraiser that the certified appraiser wishes to include as cumulative data shall be verified and documented by the certified appraiser. Any documentation that will influence the teacher's summative annual appraisal report must be shared in writing with the teacher within 10 working days of the certified appraiser's knowledge of the occurrence. The principal shall also be notified in writing of the cumulative data when the certified appraiser is not the teacher's principal. *19 TAC 150.1003(f)*

Summative Report — A written summative annual appraisal report shall be shared with the teacher no later than 15 working days before the last day of instruction for students. The written summative annual appraisal report shall be placed in the teacher's personnel file by the end of the appraisal period. *19 TAC 150.1003(h)*

End-of-Year Conference — An end-of-year conference shall be held within a time frame specified on the district calendar, no later than 15 working days before the last day of instruction for students. The end-of-year conference shall focus on the data and evidence gathered throughout the appraisal year; the teacher's efforts as they pertain to Domain IV; the results of the performance of teachers' students, when available, as defined in 19 Administrative Code 150.1001(f)(2); and the potential goals and professional development plans for the following year. The written summative annual appraisal report shall be shared with the teacher within 10 working days following the con-

clusion of the end-of-year conference but no later than 15 working days before the last day of instruction.

In cases where the certified appraiser is not an administrator on the teacher's campus, either the principal, assistant principal, or another supervisory staff member designated as an administrator on the campus must participate in the end-of-year conference.

19 TAC 150.1003(i), (j)

Additional Documentation

Any documentation collected after the end-of-year conference but before the end of the contract term during one school year may be considered as part of the appraisal of a teacher. If the documentation affects the teacher's evaluation in any dimension, another summative report shall be developed to inform the teacher of the changes. *19 TAC 150.1003(k)*

Teacher Response and Rebuttal

A teacher may submit a written response or rebuttal at the following times:

1. For Domain I or Alternate Domain I, Domain II, and Domain III, after receiving a written observation summary or any other written documentation related to the ratings of those three domains; or

2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after receiving a written summative annual appraisal report.

Any written response or rebuttal must be submitted within 10 working days of receiving a written observation summary, a written summative annual appraisal report, or any other written documentation associated with the teacher's appraisal. A teacher may not submit a written response or rebuttal to a written summative annual appraisal report for the ratings in Domain I or Alternate Domain I, Domain II, and Domain III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to submit a written response or rebuttal.

Education Code 21.352(c); 19 TAC 150.1004(a), (b)

Request for Second Appraisal

A teacher may request a second appraisal by another certified appraiser at the following times:

1. For Domain I or Alternate Domain I, Domain II, and Domain III, after receiving a written observation summary with which the teacher disagrees; or

2. For Domain IV and for the performance of teachers' students, as defined in 19 Administrative Code 150.1001(f)(2), after re-

ceiving a written summative annual appraisal report with which the teacher disagrees.

The second appraisal must be requested within 10 working days of receiving a written observation summary or a written summative annual appraisal report. A teacher may not request a second appraisal by another certified appraiser in response to a written summative annual appraisal report for the ratings of dimensions in Domains I, II, and III if those ratings are based entirely on observation summaries or written documentation already received by the teacher earlier in the appraisal year for which the teacher already had the opportunity to request a second appraisal.

A teacher may be given advance notice of the date or time of a second appraisal, but advance notice is not required.

The second appraiser shall make observations and walk-throughs as necessary to evaluate the dimensions in Domains I-III or shall review the Goal-Setting and Professional Development Plan for evidence of goal attainment and professional development activities, when applicable. Cumulative data may also be used by the second appraiser to evaluate other dimensions.

A district shall adopt written procedures for determining the selection of second appraisers. The procedures shall be disseminated to each teacher at the time of employment and updated annually or as needed.

Education Code 21.352(c); 19 TAC 150.1004(c)-(g)

Note: The following provisions apply to teacher appraisal using a district-developed appraisal method.

District Option

A district that does not choose to use the T-TESS must develop its own teacher-appraisal system supported by locally adopted policy and procedures and by the processes outlined below.

Development of Appraisal System

The district-level planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Consult with the campus-planning and decision-making committee on each campus in the district.

Appraisal Process

The appraisal process shall include:

1. At least one appraisal each year, or less frequently if in accordance with Education Code 21.352(c) [see Teacher Appraisal, above];
2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and
3. Criteria based on observable, job-related behavior, including:
    a. Teachers' implementation of discipline management procedures, as defined in 19 Administrative Code 150.1001(f)(1); and
    b. Beginning with the 2017-18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

Board Acceptance

A district-level planning and decision-making committee shall submit the appraisal process and criteria to the superintendent, who shall submit the appraisal process and criteria to the board with a recommendation to accept or reject.

The board may accept or reject, with comments, the appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1007(a)

Note: The following provisions apply to teacher appraisal using a campus-developed appraisal method.

Campus Option

A campus within a district may choose to develop a local appraisal system.

Development of Appraisal System

The campus planning and decision-making committee shall:

1. Develop an appraisal process;
2. Develop evaluation criteria, including discipline management and performance of the teachers' students; and
3. Submit the process and criteria to the district-level planning and decision-making committee.

Appraisal Process

The appraisal process shall include:

1. At least one appraisal each year, or less frequently if in accordance with Education Code 21.352(c) [see Teacher Appraisal above];

2. A conference between the teacher and the appraiser that is diagnostic and prescriptive with regard to remediation needed in overall performance by category; and

3. Criteria based on observable, job-related behavior, including:

   a. Teachers' implementation of discipline management procedures, as defined in 19 Administrative Code 150.1001(f)(1); and

   b. Beginning with the 2017-18 school year, the performance of the teachers' students as defined in 19 Administrative Code 150.1001(f)(2).

Board Acceptance

Upon submission of the appraisal process and criteria to the district-level planning and decision-making committee, the committee shall make a recommendation to accept or reject the appraisal process and criteria and transmit that recommendation to the superintendent.

The superintendent shall submit to the board:

1. The recommended campus appraisal process and criteria;

2. The district-level planning and decision-making committee's recommendation; and

3. The superintendent's recommendation.

The board may accept or reject, with comments, an appraisal process and performance criteria, but may not modify the process or criteria.

Education Code 21.352(a)(2), (b); 19 TAC 150.1007(b)

Note: The following provision applies to appraiser training under a local appraisal process (district- or campus-developed).

Appraisers

A district that locally develops and adopts its own educator appraisal system should have a clearly defined set of procedures for training appraisers. The district should identify the qualities appraisers must demonstrate and include appropriate proficiency checks to evaluate the performance of all educators performing appraisals under the district's locally adopted appraisal systems. The school district shall be responsible for documenting that appraisers have met training criteria established by the district. *19 TAC 244.3*

Note: The standards to be used to inform the training, appraisal, and professional development of teachers are outlined in 19 Administrative Code 149.1001.

Principal

Qualifications

A board, by local policy, shall adopt qualifications for principals. *Education Code 11.202(c)*

Certification

State Board for Educator Certification (SBEC) rules establish the requirements for receiving a principal certificate and for first-time principals in Texas. *19 TAC Ch. 241*

Duties

The principal shall be the instructional leader of the school and shall be provided with adequate training and personnel assistance to assume that role. *Education Code 11.202(a)*

A principal shall:

1. Approve all teacher and staff appointments for the campus. [See DK]
2. Set specific education objectives for the campus, through the planning process.
3. Develop budgets for the campus.
4. Assume administrative responsibility and instructional leadership, under the supervision of the superintendent, for discipline at the campus.
5. Assign, evaluate, and promote all personnel assigned to the campus.
6. Recommend to the superintendent the termination, suspension, or nonrenewal of an employee assigned to the campus.
7. Perform any other duties assigned by the superintendent pursuant to board policy.
8. Regularly consult with the campus-level committee in the planning, operation, supervision, and evaluation of the campus educational program. [See BQ series]
9. Each school year, with the assistance of the campus-level committee, develop, review, and revise the campus improvement plan. [See BQ]
10. For high school principals, serve, or appoint someone to serve, as deputy voter registrar for the county in which the school is located. *Election Code 13.046; 1 TAC 81.7*

Education Code 11.202(b), .253(c), (h) [See also DMA]

Principal's Report to Superintendent

A principal must notify the superintendent not later than the seventh business day after the date:

Educators

1. Of an educator's termination of employment or resignation following an alleged incident of misconduct under Education Code 21.006(b); or

2. The principal knew about an educator's criminal record under Education Code 21.006(b)(1).

Education Code 21.006(b-2); 19 TAC 249.14(e) [See Required Reports at DHB(LEGAL)]

Noncertified Employees

A principal must notify the superintendent not later than the seventh business day after the date of a noncertified employee's termination or resignation following allegations that the employee:

1. Abused or otherwise committed an unlawful act with a student or minor; or

2. Was involved in a romantic relationship with or solicited or engaged in sexual contact with a student or minor.

Education Code 22.093(e) [See Principal Notification at DHC(LEGAL)]

Sanctions and Administrative Penalty

SBEC determines whether to impose sanctions, including an administrative penalty, against a principal who fails to provide notification to a superintendent. *Education Code 21.006(f), 22.093(i); 19 TAC 249.14(e), (h)*

If a principal is required to notify a superintendent about an educator's criminal record or alleged incident of misconduct and fails to provide the notice by the required date, SBEC may impose an administrative penalty of not less than $500 and not more than $10,000. SBEC may not renew the certification of an educator against whom an administrative penalty is imposed until the penalty is paid. *Education Code 21.006 (i)*

Criminal Offense

A principal required to notify a superintendent about an employee's criminal record or alleged incident of misconduct commits a state jail felony if the principal fails to provide the notice by the required date with intent to conceal an educator's criminal record or alleged incident of misconduct. *Education Code 21.006(j), 22.093(k)*

School Nurse

Minimum Salary Schedule

For purposes of the minimum salary schedule, a school nurse is an educator employed to provide full-time nursing and health-care services and who meets all the requirements to practice as a registered nurse (RN) pursuant to the Nursing Practice Act and the rules and regulations relating to professional nurse education, licensure, and practice and has been issued a license to practice professional nursing in Texas. *19 TAC 153.1022(a)(1)(D)*

Licensed Vocational Nurse

The practice of vocational nursing must be performed under the supervision of an RN, physician, physician assistant, podiatrist, or dentist. *Occupations Code 301.353*

Supervision is the process of directing, guiding, and influencing the outcome of an individual's performance of an activity. *22 TAC 217.11(2)*

Nursing Peer Review Committee

"Nursing peer review committee" includes a committee established under the authority of the governing body of a political subdivision for the purpose of conducting peer review.

A person shall establish a nursing peer review committee to conduct nursing peer review under Occupations Code Chapter 303 and Chapter 301:

1. For vocational nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses; and
2. For professional nurses, if the person regularly employs, hires, or contracts for the services of eight or more nurses, at least four of whom are RNs.

A person required to establish a nursing peer review committee under this section may contract with another entity to conduct peer review for the person.

Occupations Code 303.001(4), .0015

Certified School Counselor

Note: Education Code 33.002 regarding certified school counselors applies only to school districts that apply for, receive, and allocate funds under Education Code 33.002(a).

A district with 500 or more students enrolled in elementary school grades shall employ a certified school counselor for each elementary school and at least one school counselor for each 500 elementary school students [see DBA].

A district with fewer than 500 students enrolled in elementary school grades shall provide guidance and counseling services to elementary school students by any of the following methods:

1. Employing a part-time certified school counselor.
2. Employing a part-time teacher who is also certified as a school counselor.
3. Entering into a shared services agreement with one or more other districts to share a certified school counselor.

Education Code 33.002

Note: Education Code 33.006 applies to all districts that employ school counselors.

School Counselor Duties

The primary responsibility of a school counselor is to counsel students to fully develop each student's academic, career, personal, and social abilities. In addition, a school counselor shall:

1. Participate in planning, implementing, and evaluating a comprehensive developmental guidance program to serve all students and to address the special needs of students who are:
    a. At risk of dropping out of school, becoming substance abusers, participating in gang activity, or committing suicide;
    b. In need of modified instructional strategies; or
    c. Gifted and talented, with emphasis on identifying and serving gifted and talented students who are educationally disadvantaged;
2. Consult with students' parents or guardians and make referrals as appropriate in consultation with parents or guardians;
3. Consult with school staff, parents, and other community members to help them increase the effectiveness of students' education and promote student success;
4. Coordinate people and resources in the school, home, and community;
5. With the assistance of school staff, interpret standardized test results and other assessment data that help a student make educational and career plans;
6. Deliver classroom guidance activities or serve as a consultant to teachers conducting lessons based on the school's guidance curriculum; and
7. Serve as an impartial, non-reporting resource for interpersonal conflicts and discord involving two or more students, including accusations of bullying under Education Code 37.0832.

Nothing in item 7, above, exempts a school counselor from any mandatory reporting requirements imposed by other provisions of law.

School Counselor Policy

A board shall adopt a policy that requires a school counselor to spend at least 80 percent of the school counselor's total work time

on duties that are components of the district's comprehensive school counseling program under Education Code 33.005. [See FFEA] Time spent in administering assessment instruments or providing other assistance in connection with assessment instruments, except time spent in interpreting data from assessment instruments, is not considered time spent on counseling.

Each school in the district shall implement the policy. A copy of the policy shall be maintained in the office of each school in the district and made available on request during regular school hours to district employees, parents of district students, and the public.

Exception

If a board determines that, because of staffing needs in the district or at a school in the district, a school counselor must spend less than 80 percent of the school counselor's total work time on duties that are components of the district's comprehensive school counseling program, the policy shall:

1. Include the reasons why the counselor needs to spend less than 80 percent of the counselor's work time on duties that are components of the counseling program;
2. List the duties the counselor is expected to perform that are not components of the counseling program; and
3. Set the percentage of work time that the counselor is required to spend on components of the counseling program.

School Counselor Contracts

A district may not include a provision in an employment contract with a school counselor under Education Code Chapter 21 that conflicts with the policy or, except as provided below, has the effect of authorizing a school principal or school district superintendent to require a school counselor to generally perform duties that are not primarily related to a counseling function.

A district that complies with the exception above may not include a provision in an employment contract under Education Code Chapter 21 with an affected school counselor that has the effect of requiring the counselor to generally perform a duty that is not primarily related to a counseling function unless the duty is specified in the district's policy as required above.

Education Code 33.006(a)-(g)

Tracking and Documentation

A district shall require each district school counselor to track and document, using a standardized tracking tool, as established by the district, the time spent on work duties performed by the school counselor throughout a school year. This tracking tool shall:

1. Include the following components:

a. The total work time worked by the school counselor for the year;

b. The total time spent on the following duties that are components of a counseling program developed under Education Code 33.005:

(1) Provision of a guidance curriculum;

(2) Responsive services for students;

(3) Individual planning for students; and

(4) System support; and

c. The total time spent on duties that are not components of a counseling program developed under Education Code 33.005, including time spent in administering assessment instruments or providing other assistance in connection with assessment instruments (except time spent in interpreting data from assessment instruments); and

2. Be maintained by the district in a format that can be made available to the Texas Education Agency (TEA) upon request.

19 TAC 61.1073(b)

Annual Assessment

A district shall annually assess its compliance with its school counselor policy and, on request by the commissioner, provide a written copy of the assessment to TEA on or before the date specified by the commissioner.

The assessment shall include:

1. Work time tracking documentation as described above for each school counselor in the district;

2. The number of school counselors whose work was in compliance with the district's school counselor policy; and

3. The number of school counselors in the district whose work was not in compliance with the district's school counselor policy.

The assessment shall be maintained by the district in a format that can be made available to TEA upon request.

Education Code 33.006(h); 19 TAC 61.1073(c), (d)

Nonphysician Mental Health Professional

A district may employ or contract with one or more nonphysician mental health professionals.

In this section, “nonphysician mental health professional” means:

1. A psychologist licensed to practice in this state and designated as a health-service provider;
2. An RN with a master's or doctoral degree in psychiatric nursing;
3. A licensed clinical social worker;
4. A professional counselor licensed to practice in this state; or
5. A marriage and family therapist licensed to practice in this state.

Education Code 38.0101

Note: For information about mental health treatment, including counseling, see FFEA.

School Psychological Services

The rules of the Texas Behavioral Health Executive Council (TBHEC) acknowledge the unique difference in the delivery of school psychological services in schools from psychological services in the private sector. The TBHEC recognizes the purview of the State Board of Education (SBOE) and TEA in safeguarding the rights of school children in Texas. Mandated multidisciplinary team decision making, hierarchy of supervision, regulatory provisions, and past traditions of school psychological service delivery both nationally and in Texas, among other factors, allow for rules of practice in schools which reflect the occupational distinctions from the private practice of psychology. *22 TAC 465.38(a)*

Licensed Specialist in School Psychology (LSSP)

A person may not be employed by a school district as a school psychologist or associate school psychologist unless the person holds a specialist in school psychology license under Occupations Code 501.260. A specialist in school psychology license is the appropriate credential for a person who provides psychological services for a school district. *Education Code 21.003(b); Occupations Code 501.002(2), .260(a)*

The correct title for an individual holding a specialist in school psychology license is Licensed Specialist in School Psychology or (LSSP), or the individual may use the title School Psychologist. An LSSP who has achieved certification as a Nationally Certified School Psychologist (NCSP) may use this credential along with the license title of LSSP. *22 TAC 465.38(d)*

School psychological services may be provided in Texas public schools only by LSSPs and interns and post-doctoral fellows working towards licensure as a psychologist. *22 TAC 465.38(e)*

Scope of Practice

An LSSP is trained to address psychological and behavioral problems manifested in and associated with educational systems by utilizing psychological concepts and methods in programs or actions that attempt to improve the learning, adjustment, and behavior of students. These activities include, but are not limited to:

1. Addressing special education eligibility;
2. Conducting manifestation determinations;
3. Assisting with the development and implementation of individual educational programs (IEPs);
4. Conducting behavioral assessments; and
5. Designing and implementing behavioral interventions and supports.

The assessment of emotional or behavioral disturbance, solely for educational purposes, using psychological techniques and procedures is considered the practice of school psychology.

An LSSP may not provide psychological services in any context or capacity outside of a public or private school.

22 TAC 465.38(b), (c)

Standards

The delivery of school psychological services in Texas public schools shall be consistent with nationally recognized standards for the practice of school psychology. *Occupations Code 501.260(c); 22 TAC 465.38(b)(3)*

Notice of Assignment or Subcontract

An LSSP who contracts with a school to provide school psychological services must notify the school of any intent or plan to subcontract or assign those services to another provider prior to entering into the agreement. An LSSP shall be responsible for ensuring the school psychological services delivered comply with TBHEC standards. *22 TAC 465.38 (e)(3)*

Compliance with Applicable Education Laws

LSSPs shall comply with all applicable state and federal laws affecting the practice of school psychology, including, but not limited to:

1. Texas Education Code;
2. Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g;

3. Individuals with Disabilities Education Act (IDEA), 20 U.S.C. 1400 et seq.;
4. Texas Public Information Act, Texas Government Code, Chapter 552;
5. Section 504 of the Rehabilitation Act of 1973; and
6. Americans with Disabilities Act (ADA) 42 U.S.C. 12101.

22 TAC 465.38 (f)

School Chaplains

A district may employ or accept as a volunteer a chaplain to provide support, services, and programs for students as assigned by the board. A chaplain employed or volunteering is not required to be certified by SBEC.

A district that employs or accepts as a volunteer a chaplain shall ensure that the chaplain complies with the applicable requirements under Education Code Chapter 22, Subchapter C, before the chaplain begins employment or volunteering at the district.

A district may not employ or accept as a volunteer a chaplain who has been convicted of or placed on deferred adjudication community supervision for an offense for which a defendant is required to register as a sex offender under Code of Criminal Procedure Chapter 62.

Education Code 23.001

General Education

Consistent with the Texas Education Agency (TEA) *Student Attendance Accounting Handbook* (*SAAH*), a student may be eligible for general education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical or psychological reasons specifically documented by a physician licensed to practice in the United States. The weeks of confinement need not be consecutive. The parent's request for services shall be submitted to the principal in accordance with TEA's *SAAH* and administrative procedures.

The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, if applicable, the length of the transition period to the school-based setting based on current information regarding the medical or psychological condition.

Special Education

Consistent with state rule and the *SAAH*, a student receiving special education services may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical or psychological reasons specifically documented by a physician licensed to practice in the United States. The weeks need not be consecutive.

If a student's admission, review, and dismissal committee determines that homebound instruction is appropriate, the committee shall determine the type and amount of instruction to be provided in accordance with law, and, if applicable, the length of the transition period to the school-based setting based on current information regarding the medical or psychological condition.

Documentation of Services

The District shall maintain full documentation about students receiving homebound services, in accordance with administrative procedures, the *SAAH,* and a student's individualized education program, as applicable.

Note: For provisions regarding inventory and requisition of instructional materials, including the annual certification, see CMD.

Definitions

"Instructional material" is defined as content that conveys the essential knowledge and skills of a subject in the public school curriculum through a medium or a combination of media for conveying information to a student.

The term includes:

1. Material used by a teacher, including a lesson plan, answer key, grading rubric, or unit plan;
2. Material used by a principal or campus instructional leader to support instruction; and
3. Material used by a student, including a book, supplementary materials, a combination of a book, workbook, and supplementary materials, computer software, magnetic media, DVD, CD-ROM, computer courseware, online services, or an electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means, including open education resource instructional material.

Education Code 31.002(1-a)

"Open education resource (OER) instructional material" is teaching, learning, and research resources that reside in the public domain or have been released under an intellectual property license that allows for free use, reuse, modification, and sharing with others, including full courses, course materials, modules, textbooks, streaming videos, tests, software, and any other tools, materials, or techniques used to support access to knowledge. *Education Code 31.002(1-b)*

"Technological equipment" is hardware, a device, or equipment necessary for instructional use in the classroom, including to gain access to or enhance the use of electronic instructional materials; or professional use by a classroom teacher. *Education Code 31.002(4)*

State Materials Selection and Assistance

The State Board of Education (SBOE) shall review instructional materials provided to the board by the Texas Education Agency (TEA) under Education Code 31.023. Before approving instructional material, the SBOE may review the material and must determine that the material is free from factual error and suitable for the subject and grade level for which the material is designed, and, if

	the material is intended to cover the foundational skills reading curriculum in kindergarten through third grade, does not include three-cueing, as defined by Education Code 28.0062(a-1). The SBOE shall add each approved material to a list of approved instructional materials and may add a material not approved to a list of rejected instructional materials. *Education Code 31.022(a)*
TEA Website	TEA shall develop and maintain an instructional material website to assist districts in locating and selecting instructional material. *Education Code 31.025(a)*
TEA Support	On request of a district, TEA shall provide the district assistance in evaluating, adopting, or using instructional materials. Except as otherwise provided, TEA may not require a district to adopt or otherwise use instructional material reviewed by TEA or included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.0251*
OER Instructional Material	Except as provided by Education Code 31.0721(b), OER instructional material may not be made available to students, teachers, educators, or other education professionals before being reviewed by TEA and included on the list of approved instructional materials maintained by the SBOE. *Education Code 31.0721(a)* Except as otherwise provided by the Education Code, the commissioner may not require a district to adopt or use an OER instructional material. A district may adopt OER material at any time. A district may not be charged for a cost associated with the selection of an OER, except for the cost of printing copies of the material. *Education Code 31.073*
Local Selection	A board shall select instructional materials in an open meeting as required by the Texas Open Meetings Act, including public notice. *19 TAC 66.104(a)*
Special Education	Adopted instructional materials shall be supplied to a student in special education classes as appropriate to the level of the student's ability and without regard to the grade for which the instructional material is adopted or the grade in which the student is enrolled. *19 TAC 66.104(c)*
Criminal Offense	A board member, administrator, or teacher commits an offense if the person receives any commission or rebate on any instructional materials or technological equipment used in the schools with which the person is associated.

A board member, administrator, or teacher commits an offense if the person accepts a gift, favor, or service that:

1. Is given to the person or the person's school;
2. Might reasonably tend to influence the person in the selection of instructional material or technological equipment; and
3. Could not be lawfully purchased with state instructional materials funds.

"Gift, favor, or service" does not include:

1. Staff development, in-service, or teacher training; or
2. Ancillary materials, such as maps or worksheets, that convey information to the student or otherwise contribute to the learning process.

Education Code 31.152

Human Sexuality Materials

Course materials relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) shall be selected by a board with the advice of the local school health advisory council (SHAC). *Education Code 28.004(e)*

[For more information on the requirements for adopting human sexuality instructional materials, see EHAA.]

Instructional Material Review

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 tests readily available for review by parents in person and teaching materials readily available for review by parents both in person and, if applicable, through an instructional materials portal established under Education Code 31.154 [see CMD].

The district may specify reasonable hours for in-person review. A district may not deny a parent access to an instructional materials parent portal.

Review Period

In providing access to instructional materials to a student's parent under this provision, the district shall allow access beginning not later than 30 days before the school year begins and concluding not earlier than 30 days after the school year ends.

For the entire period, the district shall include access to all instructional materials that pertain to each subject area in the grade level in which the student is enrolled, except for tests or exams that have not yet been administered to the student and the student's graded assignments.

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

District Instructional Material Review

The board shall establish a process by which a parent of a student, as indicated on the student registration form at the student's campus, may request an instructional material review under Education Code 31.0252 [see below] for a subject area in the grade level in which the student is enrolled.

The process:

1. May not require more than one parent of a student to make the request;

2. Must provide for the board to determine if the request will be granted, either originally or through an appeal process; and

3. May permit the requesting parent to review the instructional material directly before the district conducts an instructional material review.

If the parents of at least 25 percent of the students enrolled at a campus present to the board in which the campus is located a petition for the board to conduct an instructional material review under Education Code 31.0252, the board shall conduct the review, unless the petition is presented by the parents of less than 50 percent of the students enrolled at the campus and, by a majority vote, the board denies the request. A review shall include a review of instructional materials for each subject area or grade level specified in the petition.

The board is not required to conduct a review for a specific subject area or grade level at a specific district campus more than once per school year.

Parental access to instructional material provided by an instructional material review conducted under this provision is in addition to any other right to access instructional material granted by the Education Code or school district policy.

Education Code 26.0061

TEA shall develop standards that a district may use to conduct a review of instructional materials used by a classroom teacher in a foundation curriculum course to determine the degree in which the material corresponds with the instructional materials adopted by the district and meets the level of rigor of the essential knowledge and skills for the grade level in which it is being used. Education Code 31.0252

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)

Federally Required 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 United States Department of Education shall be available for inspection by the parents or guardians of the children. *20 U.S.C. 1232h(a)* [For more information about the Protection of Pupil Rights Amendment (PPRA), see FA.]

Note: For information related to the accounting of instructional materials, as this term is defined by state law and rule, see CMD.

For information related to the selection process of library materials, see EFB.

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent shall ensure that professional staff select instructional materials in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, "instructional materials" may include textbooks, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional materials are to implement, enrich, and support the District's educational program.

Selection

Instructional materials that are textbooks and related supplemental materials, which may include items from the list of resources adopted by the State Board of Education, shall be chosen in accordance with administrative regulations and the objectives above.

The Board shall rely on District professional staff to select and acquire instructional materials that:

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Are appropriate for the subject area and for the age, ability level, learning styles, interests, and social and emotional development of the students for whom they are selected.
3. Meet high standards for artistic quality, literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
4. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives. [See also EMB regarding instruction about controversial issues.]
5. Promote literacy.

District professional staff may select additional instructional materials in accordance with administrative regulations and the criteria above.

Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection. Gifts of instructional materials shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of instructional materials is an ongoing process that includes the removal of materials no longer appropriate and the periodic replacement or repair of materials that still have educational value.

Reconsideration of Instructional Materials

A District employee or a parent or guardian of a District student may request reconsideration of instructional material used in the District's educational program on the basis that the instructional material fails to meet the standards set forth in this policy.

Guiding Principles

The following principles shall guide the Board and staff in responding to a request for reconsideration of instructional materials:

1. A complainant may raise an objection to an instructional material used in a school's educational program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives for instructional materials set out in this policy.
2. A parent's ability to exercise control over instruction extends only to his or her own child as set forth in Education Code Chapter 26.
3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use. No challenged instructional material shall be removed solely because of the ideas expressed therein.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of an instructional material, the appropriate administrator shall try to resolve the matter informally. The administrator shall explain the selection process and discuss the intended educational purpose for the instructional material. If appropriate, the administrator may offer a concerned parent an alternative instructional ma-

terial to be used by that parent's child in place of the challenged material.

If the complainant wishes to make a formal challenge, the administrator shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the instructional material.

Formal Request for Reconsideration

A complainant shall make any formal request to reconsider an instructional material on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged material with students or is familiar with the challenged material's content. Other members of the committee may include District-level staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy and whether the challenged material will continue to be used in the educational program. The committee shall prepare a written report of its findings. The Superintendent, other appropriate administrators, and the complainant shall receive copies of the report.

Frequency of Review

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again until it is evaluated in the periodic local selection process.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the appropriate level. [See DGBA, FNG, and GF]

Note: As of the date issued below, the following sections of the Texas Education Code are enjoined by the United States Fifth Circuit Court of Appeals: 35.001, 35.002, 35.0021, 35.003. *Book People, Inc. v. Wong, 91 F.4th 318 (5th Cir. 2024)*. These sections, as well as any other sections that are not severable, are unenforceable unless affected by further legal action.

School Library

A district possesses significant discretion to determine the content of its school libraries. A district must, however, exercise its discretion in a manner consistent with the First Amendment.

Removal of Library Materials

Students' First Amendment rights are implicated by the removal of books from the shelves of a school library. A district shall not remove materials from a library for the purpose of denying students access to ideas with which the district disagrees. A district may remove materials because they are pervasively vulgar or based solely upon the educational suitability of the books in question.

Bd. of Educ. v. Pico, 457 U.S. 853 (1982)

Standards

The *School Library Programs: Standards and Guidelines for Texas* are adopted by the Texas State Library and Archives Commission. The standards and guidelines are applicable to local Texas school districts. *13 TAC 4.1*

A district shall consider the standards in developing, implementing, or expanding library services. *Education Code 33.021(b)*

Collection Development

A district shall adhere to the standards for school library collection development in developing or implementing the district's library collection development policies. *Education Code 33.021(c)*

Library Material Definitions

Patently Offensive

"Patently offensive" means so offensive on its face as to affront current community standards of decency.

Sexually Explicit Material

"Sexually explicit material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Education Code 28.002(a) (foundation and enrichment curriculum) that describes, depicts, or portrays sexual conduct, as defined by Penal Code 43.25, in a way that is patently offensive, as defined by Penal Code 43.21.

Education Code 33.021; Penal Code 43.21(a)(4)

Harmful Material

"Harmful material" means material whose dominant theme taken as a whole:

1. Appeals to the prurient interest of a minor, in sex, nudity, or excretion;
2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable for minors; and
3. Is utterly without redeeming social value for minors.

Penal Code 43.24(a)

Library Collection Development Standards

A district must approve and institute a collection development policy that describes the processes and standards by which a school library acquires, maintains, and withdraws materials.

A school library collection should include materials that are age appropriate and suitable to the campus and students it serves and include a range of materials. A school library collection should:

1. Enrich and support the Texas Essential Knowledge and Skills (TEKS) and curriculum established by Education Code 28.002 [see EHAA], while taking into consideration students' varied interests, maturity levels, abilities, and learning styles;
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards;
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis; and
4. Represent the ethnic, religious, and cultural groups of the state and their contribution to Texas, the nation, and the world.

13 TAC 4.2(a)-(b)

Responsibility

A district is responsible for ensuring its school libraries implement and adhere to these collection development standards. *13 TAC 4.2(j)*

A district should ensure a professional librarian certified by the State Board for Educator Certification or other dedicated professional library staff trained on proper collection development standards is responsible for the selection and acquisition of library materials. *13 TAC 4.2(f)*

Procedures

A district must develop collection assessment and evaluation procedures to periodically appraise the quality of library materials in

the school library to ensure the library's goals, objectives, and information needs are serving its school community and should stipulate the means to weed or update the collection. *13 TAC 4.2(g)*

A district may add procedures to these minimum requirements to satisfy local needs so long as the added procedures do not conflict with these minimum requirements. *13 TAC 4.2(i)*

Policy Requirements

A school library collection development policy must:

1. Describe the purpose and collection development goals;
2. Designate the responsibility for collection development;
3. Establish procedures for the evaluation, selection, acquisition, reconsideration, and deselection of materials;
4. Consider the distinct age groups, grade levels, and possible access to materials by all students within a campus;
5. Include a process to determine and administer student access to material rated by library material vendors as "sexually relevant" as defined by Education Code 35.001 consistent with any policies adopted by the Texas Education Agency (TEA) and local school board requirements; *[This regulation is inoperable; see editorial note above.]*
6. Include an access plan that, at a minimum, allows efficient parental access to the district's library and online library catalog; and
7. Comply with all applicable local, state, and federal laws and regulations. Specifically, a collection development policy must:
    a. Recognize that parents are the primary decision makers regarding their student's access to library material;
    b. Prohibit the possession, acquisition, and purchase of harmful material, as defined by Penal Code 43.24, library material rated sexually explicit material by the selling library material vendor under Education Code 35.002 *[inoperable; see editorial note above]*, or library material that is pervasively vulgar or educationally unsuitable as referenced in *Pico v. Board of Education*, 457 U.S. 853 (1982);
    c. Recognize that obscene content is not protected by the First Amendment to the United States Constitution;

d. Be required for all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs;

e. Ensure schools provide library catalog transparency, including, but not limited to:

(1) Online catalogs that are publicly available; and

(2) Information about titles and how and where material can be accessed;

f. Recommend schools communicate effectively with parents regarding collection development, including, but not limited to:

(1) Access to district/campus policies relating to school libraries;

(2) Consistent access to library resources; and

(3) Opportunities for students, parents, educators, and community members to provide feedback on library materials and services; and

g. Prohibit the removal of material based solely on the ideas contained in the material or the personal background of the author of the material or characters in the material.

Evaluation of Materials

Evaluation of materials as referenced in this provision includes a consideration of the factors described at 13 Administrative Code 4.2(b), consideration of local priorities and district standards, and at least two of the following:

1. Consideration of recommendations from parents, guardians, and local community members;

2. Consultation with the district's educators and library staff and/or consultation with library staff of similarly situated districts and their collections and collection development policies;

3. An extensive review of the text of item;

4. The context of a work, including consideration of the contextual characteristics, overall fit within existing school library collection, and potential support of the school curriculum; or

5. Consideration of authoritative reviews of the items from sources such as professional journals in library science, recognized professional education or content journals with book

reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.

Policy Review

A district's collection development policy should be reviewed at least every three years and updated as necessary.

13 TAC 4.2(c)-(d), (h)

Reconsideration of Library Material

A reconsideration process as referenced in this provision should ensure that any parent or legal guardian of a student currently enrolled in the district or employee of the district may request the reconsideration of a specific item in their school district's library catalog.

A reconsideration process should:

1. Establish a uniform procedure an individual must follow when filing a request;
2. Require a district to include a form to request a reconsideration of an item on the school's public internet website if the school has a public internet website or ensure the form is publicly available at a district administrative office;
3. Require that the completed request for reconsideration form be distributed to the superintendent or superintendent designee, school librarian, and the board at the time of submission;
4. Include a reasonable timeframe, approved by the board, for the review and final decision by a committee charged with the review of the item in its entirety. A district should convene a review committee in accordance with criteria established by the district to ensure a thorough and fair process. A reasonable timeframe should take into account:
    a. The time necessary to convene a committee to meet and review the item;
    b. Flexibility that may be necessary depending on the number of pending reconsideration requests; and
    c. Other factors relevant to a fair and consistent process, including informing the requester on the progress of the review in a timely fashion;
5. Establish a uniform process approved by the board for the treatment of any library material undergoing reconsideration;
6. Include a review and appeal process approved by the board; and

7. Provide that if an item has gone through the reconsideration process and remains in the collection, a district may not be required to reconsider an item within two calendar years of the final decision.

13 TAC 4.2(e)

Library Material Purchases

[See editorial note above.]

Ratings Requirement

A library material vendor may not sell library materials to a district unless the vendor has issued appropriate ratings regarding sexually explicit material and sexually relevant material previously sold to a district.

A library material vendor may not sell library material rated sexually explicit material and shall issue a recall for all copies of library material sold to a district that is rated sexually explicit material and in active use by the district.

Education Code 35.002(a)-(b)

TEA Library Material List

Not later than September 1 of each year, each library material vendor shall submit to TEA an updated list of library material rated as sexually explicit material or sexually relevant material sold by the vendor to a district during the preceding year and still in active use by the district. TEA shall post each submitted list in a conspicuous place on its website. *Education Code 35.002(d)-(e)*

Prohibited Vendor List

A district may not purchase library material from a library material vendor on TEA's website list of vendors who have failed to comply with Education Code 35.003(b). *Education Code 35.003(d)*

Procedures for Sexually Relevant Material

[See editorial note above.]

Sexually Relevant Material

"Sexually relevant material" means any communication, language, or material, including a written description, illustration, photographic image, video image, or audio file, other than library material directly related to the curriculum required under Education Code 28.002(a) (foundation and enrichment curriculum), that describes, depicts, or portrays sexual conduct, as defined by Penal Code 43.25. *Education Code 35.001*

Parent Consent

A district may not allow a student enrolled in the district to reserve, check out, or otherwise use outside the school library material the library material vendor has rated as sexually relevant material under Education Code 35.002(a) (library vendor ratings) unless the district first obtains written consent from the student's parent or person standing in parental relation. *Education Code 35.005*

Review and Reporting of Library Material

Not later than January 1 of every odd-numbered year, each district shall:

1. Review the content of each library material in the catalog of a district library that is rated as sexually relevant material by the library material vendor;
2. Determine in accordance with the district's policies regarding the approval, review, and reconsideration of school library materials whether to retain each library material reviewed; and
3. Either post a report in a conspicuous place on the district website or provide physical copies of the report at the central administrative building for the district.

The report must include the title of each library material reviewed; the district's decision regarding the library material; and the school or campus where the library material is currently located.

Education Code 35.006

Liability

A district or a teacher, librarian, or other staff member employed by a district is not liable for any claim or damage resulting from a library material vendor's violation of Education Code Chapter 35. *Education Code 35.004*

Joint Facilities

A district may enter into contracts with a county or municipality in which the district is located to provide joint library facilities. The board and the commissioner's court of the county or governing body of the municipality must conduct public hearings before entering into such a contract. The hearings may be held jointly. *Education Code 33.022*

Note: For information related to the selection of instructional materials, see EFA.

The purpose of this policy is to ensure that the District provides a wide range of library materials for students and faculty that support student achievement and present varying levels of difficulty, diversity of appeal, and a variety of points of view. This policy also provides standards for collection development and the selection and evaluation of library materials.

Collection Development Policy

In this policy, "library materials" may include printed and electronic library acquisitions, including online catalogs, and other ancillary or supplementary materials maintained in a campus library.

The library collection development standards shall apply to all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs.

In developing library collections, the District shall consider the age groups, grade levels, and access to library material by all students on a campus.

Responsibility

The District shall ensure librarians, professional library staff, and other designated professional staff trained on the proper collection development standards select and acquire library materials in accordance with state law and rules, this collection development policy, and administrative procedures.

The Superintendent shall develop administrative procedures to ensure that library collections comply with applicable law and the District's collection development purpose and goals.

Collection Development Goals

In addition to the requirements in state law and rules, the District's library collections shall:

1. Present multiple viewpoints related to controversial issues [see EMB regarding instruction about controversial issues].
2. Provide a wide range of background information that will enable students to make intelligent decisions in their daily lives.
3. Include accurate and authentic factual content from authoritative sources.
4. Have a high degree of potential user appeal and interest.
5. Offer a global perspective that promotes equity of access, including print and nonprint materials such as electronic and multimedia, to meet the needs of individual learners.

6. Represent diverse viewpoints and cultures appropriate to each campus to ensure the collection embodies the unique background of its student population.

Selection and Evaluation of Materials

Library materials shall be selected and acquired in accordance with guidelines adopted by the Texas State Library and Archives Commission and the District standards and priorities expressed in this policy.

When selecting, acquiring, and evaluating library materials, librarians and other professional staff shall ensure that the materials:

1. Enrich and support the TEKS and the state and local curriculum, taking into consideration students' varied interests, maturity levels, abilities, and learning styles.
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards.
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis.
4. Represent ethnic, religious, and cultural groups of the state and their contributions to the state, the nation, and the world.

The Superintendent shall ensure that administrative procedures regarding the selection of library materials consider at least two of the following factors:

1. Recommendations from students, parents or guardians, teachers, and District community members.
2. Consultation with District teachers and library staff.
3. Consultation with library staff from other districts.
4. Extensive review of the library material.
5. Context of the library material, including overall fit within the existing collection and support of District curriculum.
6. Reviews of the library material from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.
7. Coverage of topics, authors, series, or genres that fill gaps in the school library collection.

Access Plan

The District shall allow efficient parental access to the District's library and any available online catalogs.

Online catalogs shall be publicly available. The District shall publish information about library material titles, including how and where material can be accessed.

Each campus shall communicate the following to parents and guardians:

- Access to policies relating to school libraries and library materials;
- Consistent access to library materials and resources; and
- Opportunities for students, parents and guardians, educators, and community members to provide feedback on library materials and services.

Parental Involvement

Parents and guardians are the primary decision makers regarding their student's access to library material. In general, a student is afforded the opportunity to self-select library materials as part of literacy development and the library program. District staff may assist a student in selecting library material; however, the ultimate determination of appropriateness remains with the student and parent or guardian. Parents and guardians are encouraged to communicate with the campus librarian and their child's teacher about special considerations regarding library materials self-selected by their student.

In accordance with state law and administrative procedures, parents or guardians may select alternative library materials for their student. [For information on parental rights regarding instructional materials and other instructional resources, see EFA(LEGAL).]

The District shall focus on maximizing transparency with parents while meeting student needs and providing enrichment opportunities with library materials. Parental involvement in library acquisition, maintenance, and campus activities is encouraged.

Access Procedures

School Library

A parent or guardian who wishes to access a school's library shall first submit a request to the principal. The principal or a staff member designated by the principal shall work with the parent or guardian to determine a time to access the library that will not interfere with the delivery of instruction or disrupt student use of library services.

Online Catalog

A parent or guardian who wishes to access an online catalog shall submit a written request to the principal. The principal or a staff member designated by the principal shall respond to the request in accordance with administrative procedures.

Protection from Inappropriate Material

Library materials shall not include “harmful material” as defined by Penal Code 43.24(a)(2); “obscene” material as defined by Penal Code 43.21(a)(1); any library material that is pervasively vulgar or educationally unsuitable as referenced in *Board of Education v. Pico*; or any other material legally prohibited from inclusion in a public school library. [See EFB(LEGAL)]

Obscene material is not protected by the First Amendment to the United States Constitution.

Library materials shall comply with the Children's Internet Protection Act (CIPA), including technology protection measures. [See CQ]

Reconsideration of Library Material

A District employee or a parent or guardian of a District student may request the reconsideration of a library material maintained in the District’s library program.

Guiding Principles

The following principles shall guide the review of a request to reconsider a library material:

1. An individual may raise an objection to a library material used in the District’s library program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for library materials set out in this policy.
2. A parent’s or guardian’s ability to exercise control over instruction and instructional resources, including library materials, extends only to his or her own child as set forth in Education Code Chapter 26.
3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a student if requested by the student’s parent or guardian.

In addition to compliance with state law and this policy, a criterion for the final decision on challenged library materials is the appropriateness of the material for its intended use. No challenged library material shall be removed solely because of the ideas expressed in the library material or the personal background of the library material’s author or the personal background of the characters in the material.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of a library material, the appropriate librarian or administrator shall try to resolve the matter informally. The librarian or ad-

ministrator shall explain the selection process and discuss the intended purpose for the library material.

The librarian or administrator shall offer a concerned parent or guardian an alternative library material to be used by the child in place of the material and, if requested, shall restrict the child's access to the material objected to by the parent or guardian.

If the individual wishes to make a formal challenge, the administrator shall make available to the individual a copy of this policy and a form to request a formal reconsideration of the library material.

Formal Request for Reconsideration

The District shall make a form to request reconsideration of library material available in the District's administrative office.

If an employee or a parent or guardian of a District student wishes to request reconsideration of a library material, they shall follow the procedures to complete and submit the request for reconsideration form.

After a request for reconsideration form is submitted, the form shall be provided to the Superintendent. Copies of the form shall be provided to the school librarian, the Board, and any other staff designated in administrative procedures.

Reconsideration Committee

For purposes of this policy, "days" shall mean District business days, unless otherwise noted.

The principal shall appoint a reconsideration committee and notify committee members within 10 days of receiving the request for reconsideration form.

The reconsideration committee shall include the librarian and at least one member of the instructional staff who is familiar with the material's content. Other members of the committee may include District-level staff, secondary-level students, parents or guardians, and any other appropriate individuals.

Within 10 days of appointment of the committee the District shall provide members of the committee the relevant materials to review. If additional time is required to obtain and distribute the materials for review, all members of the committee shall be informed that a reasonable extension of time is needed.

All members of the committee shall review the challenged library material in its entirety and determine whether the material conforms to this policy and whether the material will continue to be available in the library. The committee shall prepare a written report of its findings.

Absent extenuating circumstances, the written report shall be provided to the administration within 60 days of the District providing the material to the committee members. In calculating timelines under this policy, the day the committee is provided the materials is "day zero." The following business day is "day one."

Extensions of time due to extenuating circumstances shall take into consideration the time necessary to convene the committee members, the amount of material being reviewed, and any other pending reconsideration requests being handled by the committee.

An extension of any deadline shall be promptly communicated to the individual who submitted the request for reconsideration.

The Superintendent, the school librarian, the individual submitting the request for reconsideration, and any other appropriate administrators shall receive a copy of the committee's report.

Appeal

An individual who submitted a request for reconsideration may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the level immediately preceding Board consideration of a complaint. [See DGBA and FNG]

Frequency of Review

After a library material has been reviewed through the reconsideration process, it shall not be reviewed again within two calendar years of the reconsideration committee's final decision.

Maintenance of Library Materials

In accordance with state guidelines and District administrative procedures, collections shall be evaluated and updated regularly based on the collections' age, relevance, diversity, and variety. The Superintendent shall ensure administrative procedures are established for regular maintenance of the library collection on each campus. Standard maintenance procedures for any library collection include repair, replacement, and removal of materials as necessary. Regular maintenance shall also include scheduled inventories of the collection. Disposal of any District-owned library materials shall be in accordance with District policy and procedures. [See CI]

Gifts and Donations

The District shall accept gifts and donations of library materials with the understanding that the use and disposition of the materials and monies will be in accordance with District policy and the selection criteria noted above. [See CDC]

Policy Review

This policy shall be reviewed at least every three years and revised as necessary.

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

Private School Students

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)-(iv) [See EHBAC regarding students in nondistrict placement.]

Preschool Students

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

Requests and Referrals for Evaluation

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, the Texas Education Agency (TEA), another state agency, or the district may initiate a request for an initial evaluation.

District Obligation to Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student.

19 TAC 89.1011(a)

Parental Request

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or

2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

19 TAC 89.1011(b); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation Required

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

Consent for Initial Evaluation

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

Time Frame for Completion of Written Report

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later

than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

“School day” does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children’s prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and

2. The parent and the new school district agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)-(e); Education Code 29.004; 19 TAC 89.1011

Psychological Examinations

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

Eligibility and Reevaluations

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

[For more information on special education of students with dyslexia and related disorders, see EHB.]

Visual and Auditory Impairments

Students with visual impairments or who are deaf or hard of hearing shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Determination of Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) [see EHBAB] committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

19 TAC 89.1011(d), (e)

[For information regarding the evaluation and identification process when dyslexia is a suspected disability, see EHB.]

Consent for Services

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

Initial Provision of Services

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

Revoking Consent

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;

2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;

3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and

4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and

2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how

to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C).*19 TAC 89.1070(g)*

Independent Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

At Public Expense

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

At Private Expense

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

Prescription Medication

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

Admission, Review, and Dismissal Committee

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

Committee Members

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment), who must, to the extent practicable, be a teacher who is responsible for implementing a portion of the student's IEP;
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
    a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
    b. Is knowledgeable about the general education curriculum; and
    c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2-5;
7. The student, if appropriate;

8. For a student who is suspected to be deaf or hard of hearing, a teacher who is certified in the education of students who are deaf or hard of hearing;

9. For a student with a suspected or documented visual impairment, a teacher who is certified in the education of students with visual impairments;

10. For a student with suspected or documented deaf-blindness, a teacher who is certified in the education of students with visual impairments and a teacher who is certified in the education of students who are deaf or hard of hearing;

11. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;

12. 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. 300.156.

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

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)*

Students New to a District

When a student transfers to a new district within the state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district , the new 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 20 school days from the date the student is verified as being a student eligible for special education services.

In-State Transfers

Transfers from Another State

When a student transfers from a district in another state in the same school year and the parents or previous district verifies that the student had an IEP that was in effect in the previous district, the new district must 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 district determines that an evaluation is not necessary, the timeline for completing the requirements outlined in 34 C.F.R.

300.323(f)(2) is 20 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1050(j)(1)-(2)

Transfer During the Summer

A student who registers 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, if the parents or in- or out-of-state district verifies before the new school year begins that the student had an IEP that was in effect in the previous district, 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. If the student's eligibility for special education and related services cannot be verified before the start of the new school year, the timelines for transfer students apply to the student.

If the new district wishes to convene an ARD committee meeting to consider revision to the student's IEP before the beginning of the school year, the new district must determine whether the parent will agree to waive the requirement in 19 Administrative Code 89.1050(d) that the written notice of the ARD committee meeting must be provided at least five school days before the meeting. If the parent agrees to a shorter timeframe, the new district must make every reasonable effort to hold the ARD committee meeting prior to the first day of the new school year if the parent agrees to the meeting time.

19 TAC 89.1050(j)(4)-(5)

Verification

For purposes of the transfer provisions in 19 Administrative Code 89.1050, "verify" means that the new school district has received a copy of the student's IEP that was in effect in the previous district.

Services Before Verification

While waiting for verification, the new district must take reasonable steps to provide, in consultation with the student's parents, services comparable to those the student received from the previous district if the new district has been informed by the previous school district of the student's special education and related services and placement.

19 TAC 89.1050(j)(6)-(7)

Transfer of Records

The new district must take reasonable steps to promptly obtain the student's records from the previous school district, and, in accordance with Education Code 25.002, and 34 C.F.R. 300.323(g), the previous district 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 10th 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*

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 families of their eligibility for the SSES program and shall provide the following at the student's ARD committee meeting: instructions and resources on accessing the online accounts and information about the types of goods and services that are available through the SSES grant.

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 (ac-

quisition, 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 must have the opportunity to participate in a collaborative manner in developing the IEP. The district must take all reasonable actions necessary to ensure that the parent understands the proceedings of the ARD committee meeting, including arranging for an interpreter for parents who are deaf or hard of hearing or whose native language is a language other than English. A decision of the ARD committee concerning required elements of the IEP must be made by mutual agreement if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed 10 school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student’s presence on campus represents a danger of physical harm to the student or others;

2. The student has committed an expellable offense; or

3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, 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.

19 TAC 89.1050(g); Education Code 29.005(c)

Modification of Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)

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 op-

portunity 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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Title III Requirements

A district that receives funds under Title III of the Elementary and Secondary Education Act shall comply with the statutory requirements regarding English learners and immigrant students. *20 U.S.C. 6801-7014*

A district that receives funds under Title I or Title III to provide a language instruction educational program shall, not later than 30 days after the beginning of the school year, inform the parents of an English learner identified for participation in such a program of the information required by 20 U.S.C. 6312(e)(3). *20 U.S.C. 6312(e)(3)*

Definitions

“Alternative language program” means a temporary instructional plan that meets the affective, linguistic, and cognitive needs of emergent bilingual students and equips the teacher under a bilingual education exception or English as a second language (ESL) waiver to align closely to the required bilingual or ESL program through the comprehensive professional development plan.

“Certified bilingual education teacher” means a teacher appropriately certified in bilingual education as well as for the grade level and content area.

“Certified English as a second language teacher” means a teacher appropriately certified in ESL as well as for the grade level and content area. The term “certified English as a second language teacher” is synonymous with the term “professional transitional language educator” used in Education Code 29.063.

“Dual language immersion (DLI) program” means a state-approved bilingual program model in accordance with Education Code 29.066.

“Emergent bilingual student” means a student whose primary language is other than English and whose English language skills are such that the student has difficulty performing ordinary classwork in English. “Emergent bilingual student” also means a student identified by the language proficiency assessment committee (LPAC) who is in the process of acquiring English and has another language as the student’s primary or home language. This term is interchangeable with English learner as used in federal regulations and replaces the term “limited English proficient student.”

“English as a second language program” means a special language program in accordance with Education Code, Chapter 29, Subchapter B. Another related term for an ESL program is “English as an additional language program.”

"English proficient student" means a former emergent bilingual student who has met reclassification as English proficient by the LPAC.

"Exit" refers to the point when a student is no longer classified as an emergent bilingual student (i.e., the student is reclassified) and the student ends bilingual or ESL program participation with parental approval and based on the recommendation of the LPAC. The term "exit" is synonymous with the description in Education Code, Chapter 29, of "transferring out" of bilingual or special language programming. For the purpose of meeting the goals of a DLI program, the LPAC may recommend continued program participation beyond reclassification.

"Language proficiency assessment committee" means a designated group of committee members as described in 19 Administrative Code 89.1220 (relating to Language Proficiency Assessment Committee) that ensures the appropriate identification, placement, assessment, services, reclassification, and monitoring of emergent bilingual students. The LPAC also meets in conjunction with all other committees related to programs and services for which an emergent bilingual student qualifies.

"Parent" includes the parent or legal guardian of the student in accordance with Education Code 29.052.

"Reclassification" means the process by which the LPAC determines that an emergent bilingual student has met the appropriate criteria to be classified as English proficient, and the student enters year 1 of monitoring as indicated in the Texas Student Data System Public Education Information Management System.

Education Code 29.052; 19 TAC 89.1203(1), (3)-(4), (6), (8)-(9), (11)-(12), (14), (17), (21)

District Responsibility

Each district shall:

1. Identify emergent bilingual students based on criteria established by the state;
2. Provide bilingual education and ESL programs as integral parts of the general program;
3. Seek appropriately certified teaching personnel to ensure that emergent bilingual students are afforded full opportunity to master the essential knowledge and skills; and
4. Assess academic achievement and linguistic progress in accordance with Education Code Chapter 29 to ensure account-

ability for emergent bilingual students and the schools that serve them.

19 TAC 89.1201(a)

Identification of Emergent Bilingual Students

Within the first four weeks of the first day of school, the LPAC shall determine and report to the board the number of emergent bilingual students on each campus and shall classify each student according to the language in which the student possesses primary proficiency. A board shall report that information to the Texas Education Agency (TEA) before November 1 each year. *Education Code 29.053(b)*

Language Proficiency Assessment Committees

A district shall by local board policy establish and operate one or more LPACs. The district shall have on file a policy and procedures for the selection, appointment, and orientation of members of the LPAC(s).

A district shall establish and operate a sufficient number of LPACs to enable them to discharge their duties within four weeks of the enrollment of an emergent bilingual student.

19 TAC 89.1220(a), (e)

Membership of LPAC

The LPAC shall include:

1. An appropriately certified bilingual educator (for students served through a bilingual education program);
2. An appropriately certified ESL educator (for students served through an ESL program);
3. A parent of an emergent bilingual student participating in a bilingual or ESL program; and
4. A campus administrator.

A district may add other trained members to the committee.

No parent serving on the LPAC shall be an employee of the district.

All members of the LPAC, including parents, shall be acting for the district and shall observe all laws and rules governing confidentiality of information concerning individual students. A district shall be responsible for the orientation of all members, including the parents, of the LPAC.

Meetings	The LPAC may use alternative meeting methods, such as phone or video conferencing and the use of electronic signatures that adhere to district policy. *19 TAC 89.1220(b)-(d), (f); Education Code 29.063(a)-(b);*
Duties	The LPAC shall have the duties set forth at Education Code 29.063(c) and 19 Administrative Code 89.1220(g)-(i), (k), including duties to review information, classify students, notify parents, and monitor student academic progress.
Home Language Survey	A district shall administer only the TEA-developed home language survey to each new student enrolling for the first time in a Texas public school in any grade from prekindergarten through grade 12. This home language survey will serve as the original and only home language survey throughout the student's educational experience in Texas public schools. The district shall require that the survey be signed by the student's parent for each student in prekindergarten through grade 8, or by the student in grades 9 through 12. It is the district's responsibility to ensure that the student's parent understands the language used in the survey and its implications. The original copy of the survey shall be kept in the student's permanent record and transferred to any subsequent Texas public school districts in which the student enrolls. If the response on the home language survey indicates that a language other than English is or was used for communication, the student shall be tested in accordance with 19 Administrative Code 89.1226 (Testing and Classification of Students). If a parent determines an error was made when completing the original home language survey, the parent may request a correction only if the student has not yet been assessed for English proficiency; and corrections are made within two calendar weeks of the student's initial enrollment date in Texas public schools. *19 TAC 89.1215(a), (c), (e)*
English Language Proficiency Testing	Within four calendar weeks of initial enrollment in a Texas public school, a student with a language other than English indicated on the home language survey shall be administered the state-approved English language proficiency test in accordance with 19 Administrative Code 89.1226 and shall be identified as emergent bilingual and recommended for placement into the required bilingual education or ESL program in accordance with the testing and classification requirements in 19 Administrative Code 89.1226. *19 TAC 89.1226(b)*

Emergent Bilingual Classification

The LPAC may classify a student as emergent bilingual if:

1. The student's ability in English is so limited or the student's disabilities are so severe that assessment procedures cannot be administered;
2. The student's score or relative degree of achievement on the TEA-approved English proficiency test is below the levels established by TEA as indicative of reasonable proficiency;
3. The student's primary language proficiency score as measured by a TEA-approved test is greater than the student's proficiency in English; or
4. The LPAC determines, based on other information, including a teacher evaluation, parental viewpoint, or student interview, that the student's primary language proficiency is greater than the student's proficiency in English or that the student is not reasonably proficient in English.

Education Code 29.056(c)

Parental Notice and Consent

Not later than the 10th day after the date of the student's classification as an emergent bilingual student, the LPAC shall give written notice to the student's parent. *Education Code 29.056(d)*

The district shall notify the parent in English and in the parent's primary language that their child has been identified as an emergent bilingual student and recommended for placement in the required bilingual education or ESL program using the TEA-developed identification and placement letter.

The entry or placement of a student in the bilingual education or ESL program must be approved in writing by the student's parent or through allowable alternatives described in 19 Administrative Code 89.1220, in order to have the student included in the bilingual education allotment. The parent's approval shall be considered valid for the student's continued participation in the required bilingual education or ESL program until the student meets the reclassification criteria described in 19 Administrative Code 89.1226(i) (Testing and Classification of Students), the student graduates from high school, or a change occurs in program placement. A change between bilingual education and ESL program placement requires new parental approval using the TEA-developed change in placement letter.

If a parent denies program placement at any point, the TEA-developed denial letter shall be used to ensure parents are informed of the implications of program denial, including understanding that the child will continue to be identified as an emergent bilingual student

and will continue to be assessed annually using the Texas English Language Proficiency Assessment System (TELPAS) until reclassification criteria have been met.

The district shall use the TEA-developed letter to give written notification to the student's parent of the student's reclassification as English proficient and acquire written approval for his or her exit from the bilingual education or ESL program. Students meeting reclassification criteria who have been recommended for exit by the LPAC may only exit the bilingual education or ESL program with parental approval. Parental approval is also required for students participating in a dual language immersion program who have met reclassification criteria and for whom the LPAC has recommended continued program participation as an English proficient student.

19 TAC 89.1240(a)-(b); Education Code 29.056(a)

Pending completion of the identification process, receipt of LPAC documentation for transferring students, or parental approval of an identified emergent bilingual student's placement into the bilingual education or ESL program recommended by the LPAC, a district shall place the student in the recommended program. Only emergent bilingual students with parental approval for program participation will be included in the bilingual education allotment.

A district may place a student in or exit a student from a program without written approval of the student's parent if:

1. The student is 18 years of age or has had the disabilities of minority removed;
2. The parent provides approval through a phone conversation or email that is documented in writing and retained; or
3. An adult who the district recognizes as standing in parental relation to the student provides written approval. This may include a foster parent or employee of a state or local governmental agency with temporary possession or control of the student.

19 TAC 89.1220(j), (m)

Participation of Other Students

With the approval of a district and a student's parents, a student who is not LEP may also participate in a bilingual education program. *Education Code 29.058*

The number of participating non-emergent bilingual students shall not exceed 40 percent of the number of students enrolled in the bilingual education program district-wide. *19 TAC 89.1233(c)*

Students with Disabilities

For students with disabilities, a district shall utilize the state's criteria for identification of emergent bilingual students as described in 19 Administrative Code 89.1226(f) (relating to Testing and Classification of Students) and shall establish placement procedures that ensure that the placement recommendation by the LPAC, in conjunction with the admission, review, and dismissal (ARD) committee, in a bilingual education or English as a second language program is not refused based on the student's disabling condition.

LPAC members shall meet in conjunction with ARD committee members to review progress and provide recommendations regarding the educational needs of each emergent bilingual student who also qualifies for services in the district's special education program. [See EHBAB] *19 TAC 89.1230*

Bilingual and ESL Programs

Each district that has an enrollment of 20 or more students identified as emergent bilingual students in any language classification in the same grade level district-wide shall offer a bilingual education program for the emergent bilingual students in prekindergarten through the elementary grades with that language classification. "Elementary grades" shall include at least prekindergarten through grade 5; sixth grade shall be included when clustered with elementary grades.

A district required to provide a bilingual education program shall offer dual-language instruction (English and primary language) in prekindergarten through the elementary grades, using one of the four bilingual program models described in 19 Administrative Code 89.1210 (relating to Program Content and Design).

19 TAC 89.1205(a)-(b); Education Code 29.053(c)-(d)

A district shall provide an ESL program to all emergent bilingual students for whom a district is not required to offer a bilingual education program, regardless of the students' grade levels and primary language, and regardless of the number of such students, except in cases where a district exercises the option to provide a bilingual education program that is not required by law [see below]. A district required to provide an ESL program shall provide an ESL program using one of the two models described in 19 Administrative Code 89.1210.*19 TAC 89.1205(c)-(d)*

A district is authorized to establish a bilingual education program even if the district has fewer than 20 students identified as emergent bilingual students in any language classification in the same grade level district-wide and is not required to do so under the law. A district is also authorized to establish bilingual education programs at grade levels at which the district is not required under the law to establish bilingual programs. If a district does operate such a

program under this authorization, the district shall adhere to all program requirements in 19 Administrative Code 89.1210, .1227, .1228, and .1229. *19 TAC 89.1205(f)-(g)*

Exceptions and Waivers

A district shall comply with the requirements for bilingual education exceptions and ESL waivers under 19 Administrative Code 89.1207. *Education Code 29.054; 19 TAC 89.1207*

A district that is unable to employ a sufficient number of teachers, including part-time teachers, who meet the certification requirements for bilingual education and ESL program shall apply for an exception or waiver to the certification requirement on or before November 1. *19 TAC 89.1245(b)*

Program Design

A district that is required to offer a bilingual education or ESL program shall provide each emergent bilingual student the opportunity to be enrolled in the required program at his or her grade level.

A district's bilingual education or ESL program shall comply with the program content and design requirements of 19 Administrative Code 89.1210. A district shall provide for ongoing coordination between the bilingual or ESL program and the general educational program.

19 TAC 89.1210(a)-(b)

Emergent bilingual students shall participate with their non-emergent bilingual peers in general education classes provided in subjects such as art, music, and physical education. A district shall provide students enrolled in the program a meaningful opportunity to participate fully with other non-emergent bilingual peers in all extracurricular activities. Elective courses included in the curriculum may be taught in a language other than English. *Education Code 29.055, .057(b); 19 TAC 89.1210(f)*

Bilingual Education Program Models

The bilingual education program shall be implemented through at least one of the following program models:

1. Transitional bilingual/early exit;
2. Transitional bilingual/late exit;
3. Dual language immersion/one-way; or
4. Dual language immersion/two-way.

19 TAC 89.1210(c)

ESL Program Models

The ESL program shall be implemented through one of the following program models:

1. An ESL/content-based program model is an English acquisition program that serves students identified as emergent bilingual students through English instruction by a teacher appropriately certified in ESL under Education Code 29.061(c), using content-based language instruction in reading and language arts, mathematics, science, and social studies. The goal of content-based ESL is for emergent bilingual students to attain full proficiency in English in order to participate equitably in school.

2. An ESL/pull-out program model is an English acquisition program that serves students identified as emergent bilingual students through English instruction using content-based language instruction methods provided by an appropriately certified ESL teacher under Education Code 29.061(c), through English reading and language arts in a pull-out or inclusionary delivery setting. The goal of ESL pull-out is for emergent bilingual students to attain full proficiency in English in order to participate equitably in school.

19 TAC 89.1210(d)

Dual Language Immersion Program

A district may adopt a DLI program for students enrolled in elementary school grades. *Education Code 28.005(c), .0051(c)*

Implementation

Program implementation shall:

1. Begin at prekindergarten, kindergarten, or grade 1 as applicable, according to the district's earliest grade level provided;

2. Continue without interruption incrementally through the elementary grades;

3. Consider expansion to middle school and high school whenever possible; and

4. Include participation of former emergent bilingual students who have reclassified as English proficient for the duration of the program.

19 TAC 89.1227(e)

Requirements

A DLI program model shall be a full-time program of academic instruction in the program's partner language and English for all program participants, emphasizing the participation of identified emergent bilingual students. Access to the DLI program shall not be restricted based on race, creed, color, religious affiliation, age, or disability.

A DLI program shall meet the minimum requirements described in 19 Administrative Code 89.1227.

19 TAC 89.1227(b)

Two-Way DLI Program Enrollment

Student enrollment in a two-way DLI program model is optional for non-emergent bilingual students. The program shall fully disclose candidate selection criteria and ensure that access to the program is not based on race, creed, color, religious affiliation, age, or disability. Additionally, identified emergent bilingual students and non-emergent bilingual students shall not be restricted access to the two-way DLI program model based on any linguistic or academic achievement measures in the program's partner language or English.

A district implementing a two-way DLI program model shall develop a policy on enrollment and continuation for students in the program model. The policy must address:

1. Equitable access, including the program's intention to maintain a ratio of 50 percent emergent bilingual students to 50 percent non-emergent bilingual students and have no more than two-thirds speakers of the partner language to one-third speakers of English in each classroom;
2. Program goals and benefits;
3. The district's commitment to providing equitable access to services for emergent bilingual students and to ensuring continuity of program for all program participants;
4. The program's language allocation plan for the grade levels in which the program will be implemented;
5. Support of program goals as stated in 19 Administrative Code 89.1210 (Program Content and Design); and
6. Expectations for students and parents.

19 TAC 89.1228(a)-(c)

A district implementing a two-way DLI program model shall obtain written parental approval as follows:

1. For emergent bilingual students in accordance with 19 Administrative Code 89.1240; and
2. For non-emergent bilingual students, through a district-developed process.

19 TAC 89.1228(d)

Two-Way DLI Program State Assessment

A district implementing a two-way DLI program model shall determine the appropriate assessment option for program participants as follows:

1. For emergent bilingual students, the LPAC shall convene before the administration of the state criterion-referenced test each year to determine the appropriate assessment option for each emergent bilingual student in accordance with 19 Administrative Code 89.1220(i) (Language Proficiency Assessment Committee).
2. For non-emergent bilingual students, the appropriate assessment option for the administration of the state criterion-referenced test each year is determined by the LPAC or through a district-developed process.

19 TAC 89.1228(e)

School District Recognition

A district may recognize one or more of its schools that implement an exceptional DLI program if the school meets all of the following criteria:

1. The school must meet the minimum requirements stated in 19 Administrative Code 89.1227.
2. The school must receive an acceptable performance rating in the state accountability system.
3. The school must not be identified for any stage of intervention for the district's bilingual and/or ESL program under the state's accountability system.

Student Recognition

A student participating in a DLI program or any other state-approved bilingual or ESL program may be recognized by the program and the board by earning a performance acknowledgement in accordance with 19 Administrative Code 74.14. [See EIF]

19 TAC 89.1229

Facilities

Bilingual education and ESL programs shall be located in public schools of the district with equitable access to all educational resources rather than in separate facilities. A district may concentrate the programs at a limited number of facilities within the district. Recent immigrant emergent bilingual students shall not remain enrolled in a newcomer center for longer than two years. *Education Code 29.057; 19 TAC 89.1235*

Cooperation Among Districts

A district may join with one or more other districts to provide the required bilingual education or special language programs. The availability of the programs shall be publicized throughout the districts involved.

A district may allow a nonresident emergent bilingual student to enroll in or attend its bilingual education or special language programs if the student's district of residence does not provide an appropriate program. The tuition for the student shall be paid by the district in which the student resides.

Education Code 29.059; 19 TAC 89.1205(e)

Documentation

A student's permanent record shall contain the documentation items required by 19 Administrative Code 89.1220(l). Documentation in a student's permanent record shall be forwarded in the same manner as other student records to another school district in which the student enrolls. *19 TAC 89.1220(l)*

For students previously enrolled in a Texas public school, the receiving district shall secure the student records, including the original home language survey and LPAC documentation as described in 19 Administrative Code 89.1220(l), as applicable. All attempts to contact the sending district to request records shall be documented. Multiple attempts to obtain the student's original home language survey shall be made. *19 TAC 89.1215(d)*

Summer Program

If a district is required to offer a bilingual education or special language program, it shall offer a voluntary summer school program for emergent bilingual children who will be eligible for admission to kindergarten or first grade at the beginning of the next school year.

A school that operates on a semester system shall offer the program during the period school is recessed for the summer and for one-half day for eight weeks or on a similar schedule approved by the board. A school that operates on any other system shall offer 120 hours of instruction on a schedule established by the board.

The program must be an intensive bilingual education or special language program that meets the standards set by TEA, and the student/teacher ratio may not exceed 18:1. A district shall comply with the requirements of 19 Administrative Code 89.1250 in providing such a program.

Other Programs

A district may establish on a full- or part-time basis other summer school, extended day, or extended week bilingual education or special language programs for emergent bilingual students and may join with other districts in establishing such programs.

The programs required or authorized by Education Code 29.060 may not be a substitute for programs required to be provided during the regular school year.

Education Code 29.060; 19 TAC 89.1250

Personnel

Teachers assigned to a bilingual education program using one of the following program models must be appropriately certified in bilingual education:

1. Transitional bilingual/early exit program model; or
2. Transitional bilingual/late exit program model.

Education Code 29.061(b)

Teachers assigned to a bilingual education program using a dual language immersion/one-way or two-way program model must be appropriately certified for:

1. Bilingual education for the component of the program provided in a language other than English; and
2. Bilingual education or English as a second language for the component of the program provided in English.

A district that provides a bilingual education program using a dual language immersion/one-way or two-way program model may assign a teacher certified for the language other than English component of the program and a different teacher certified for the English language component.

Education Code 29.061(b-1)-(b-2)

A district shall take all reasonable affirmative steps to assign appropriately certified teachers to the required bilingual education and ESL programs. A district that is unable to secure a sufficient number of appropriately certified bilingual education and/or ESL teachers to provide the required programs may request activation of the appropriate permits in accordance with 19 Administrative Code Chapter 230. *19 TAC 89.1245(a); Education Code 29.061(c)*

A district that is unable to provide the required bilingual education program because of an insufficient number of appropriately certified teachers shall request from the commissioner an exception to the bilingual education program and the approval of a temporary alternative language program. Emergent bilingual students with parental approval for program participation under a bilingual education exception will be included in the bilingual education allotment designated for an alternative language program. The approval of an exception to the bilingual education program shall be valid only during the school year for which it was granted. A request for a bilingual education program exception must be submitted by November 1 and shall adhere to the requirements in 19 Administrative Code 89.1207. [See Exceptions and Waivers, above] *19 TAC 89.1207(a)-(b); Education Code 29.054*

Emergent Bilingual Students and State Assessments

In kindergarten-grade 12, an emergent bilingual student shall participate in the state assessment in accordance with commissioner's rules at 19 Administrative Code Chapter 101, Subchapter AA. [See EKBA]

Program Exit

A district may transfer an emergent bilingual student out of a bilingual education or special language program for the first time or a subsequent time if the student is able to participate equally in a regular all-English instructional program as determined by:

1. TEA-approved tests administered at the end of each school year to determine the extent to which the student has developed oral and written language proficiency and specific language skills in English;
2. Satisfactory performance on the reading assessment instrument under Education Code 39.023(a) or an English language arts assessment instrument under Education Code 39.023(c), as applicable, with the assessment instrument administered in English, or, if the student is enrolled in the first or second grade, an achievement score at or above the 40th percentile in the reading and language arts sections of an English standardized test approved by TEA; and
3. TEA-approved criterion-referenced tests and the results of a subjective teacher evaluation.

Education Code 29.056(g)

Notice to Parents

A district shall give written notification to the student's parent of a student's reclassification as English proficient and his or her exit from the bilingual or ESL program and acquire written approval. Students meeting reclassification requirements may continue in the bilingual education or ESL program with parental approval. *19 TAC 89.1240(b)*

Post-Exit Monitoring and Reenrollment

The language proficiency assessment committee may reenroll the student in the program if later evidence suggests that a student who has been transferred out of a bilingual education or special language program has inadequate English proficiency and achievement. Classification of students for reenrollment must be based on the criteria required by Education Code 29.056. *Education Code 29.056(h)*

The LPAC shall reevaluate a student who is transferred out of a bilingual education or special language program if the student earns a failing grade in a subject in the foundation curriculum during any grading period in the first two school years after the student is transferred to determine whether the student should be reenrolled in a bilingual education or special language program.

During the first two school years after a student is transferred out of a bilingual education or special language program, the LPAC shall review the student's performance and consider:

1. The total amount of time the student was enrolled in bilingual education or special language programs;
2. The student's grades each grading period in each subject in the foundation curriculum;
3. The student's performance on state assessment instruments;
4. The number of credits the student has earned toward high school graduation, if applicable; and
5. Any disciplinary actions taken against the student under Education Code Chapter 37, Subchapter A.

After the evaluation, the LPAC may require intensive instruction for the student or reenroll the student in a bilingual education or special language program.

Education Code 29.0561

Program Evaluation

A district that is required to implement a bilingual education or ESL program shall conduct an annual evaluation in accordance with 19 Administrative Code 89.1265. The annual evaluation report shall be presented to the board before November 1 of each year. The report shall be retained at the district level and must meet the requirements of 19 Administrative Code 89.1265(b)-(c).

A district shall report to parents the progress of their child in acquiring English as a result of participation in the program offered to emergent bilingual students.

In alignment with the district improvement plan, each school year, the principal of each campus, with assistance from the campus level committee, shall develop, review, and revise the campus improvement plan for the purposes of improving student performance for emergent bilingual students. [See BQB]

19 TAC 89.1265

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. The State Board of Education (SBOE) may approve discipline-based courses in the foundation or enrichment curriculum and courses that do not fall within any of the subject areas listed in the foundation and enrichment curricula when the applying district or organization demonstrates that the proposed course is academically rigorous and addresses documented student needs. 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 from the SBOE, the applying 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)(3).

To request approval from the commissioner for a career and technical education innovative course, the applying 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. This requirement does not apply to the consideration of a course developed to support a program of study in career and technical education.

Newly approved innovative courses shall be approved for a period of three years, and courses approved for renewal shall be approved for a period of five years.

With the approval of the board, a district may offer, without changes or deletions to content, any state-approved innovative course.

19 TAC 74.27(a)(1)-(8)

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)*

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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.

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)*

Religious Holy Days

The board may consider the dates of religious holy days or periods of observance likely to be observed by the students enrolled in the district during the period set by the State Board of Education (SBOE) for the administration of state assessment instruments in establishing:

1. The district's calendar for that school year; and
2. The instructional days within that period on which students are administered the required assessment instruments, provided that the board not exclude more than two instructional

days from that period based solely on the occurrence of a single religious holy day or period of observance.

"Religious holy day or period of observance" means a holy day or a period of holy days observed by a religion whose places of worship would be exempt from property taxation under Tax Code 11.20.

In establishing a school calendar under this provision, the board shall provide for alternative dates for the administration of state assessment instruments to a student who is absent from school to observe a religious holy day or period of observance on the date an assessment instrument is administered.

Education Code 39.0238

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)*

Paper Administration

A district may administer a state assessment instrument required under Education Code 39.023(a), (c), or (l) in paper format to any student whose parent, guardian, or teacher in the applicable subject area requests the assessment instrument be administered to the student in paper format.

A request for the administration of an assessment instrument in paper format to a student must be submitted to the district:

1. For a fall administration of an assessment instrument, not later than September 15 of the school year in which the assessment instrument will be administered; and
2. For a spring administration of an assessment instrument, not later than December 1 of the school year in which the assessment instrument will be administered.

The number of students enrolled at a district who are administered an assessment instrument in paper format for any single administration under this provision may not exceed three percent of the number of students enrolled in the district. On receipt of more requests for administration of an assessment instrument than the maximum number permitted, the district shall accept the requests in the order received until the maximum number is reached.

This limitation does not apply to a student whose ARD committee determines that the administration of an assessment instrument in paper format is a necessary modification for the student.

Education Code 39.02342

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 as-

sessment 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)-(3)

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)*

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 SBOE 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

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

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 re-

maining 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)*

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)

Note: For information on instructional requirements for students who fail to perform satisfactorily on a state assessment instrument, see EHBC and EHBCA.

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 aca-

demic 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)*

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 10 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]

Note: This policy encompasses many, but not all, rights held by parents of Texas public school children. Additional information regarding parent rights exists throughout the policy manual, including:

- District-level and site-based decision making at BQA and BQB
- Access to review instructional materials at the EF series
- Requests for educational programs at EHA
- Human sexuality instruction at EHAA
- Special education at the EHBA series
- Student retention at EIE
- Homeschool rights at FD
- Consent to medical treatment at the FFA series
- Consent to mental health and counseling at FFEA and FFEB
- Access to student records at FL
- Complaints and grievances processes at FNG
- Access to campus and campus visitor policies at GKC

Education Code Chapter 26

Parents are partners with educators, administrators, and the board in their children's education. Parents shall be encouraged to actively participate in creating and implementing educational programs for their children. *Education Code 26.001(a)*

Unless otherwise provided by law, a board, an administrator, an educator, or other person may not limit parental rights. *Education Code 26.001(c)*

"Parent" Defined

For purposes of Education Code Chapter 26 (Parental Rights), "parent" includes a person standing in parental relation, but does not include a person as to whom the parent-child relationship has been terminated or a person not entitled to possession of or access to a child under a court order. Except as provided by federal law, all rights of a parent under Education Code Title 2 and all educational rights under Family Code 151.001(a)(10) shall be exercised by a student 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. *Education Code 26.002*

Parental Rights

Parental rights listed in Education Code Chapter 26 are:

1. Rights concerning academic programs. *Education Code 26.003, .0061* [See EHA, EIF, FDB, and FMH]
2. Access to student records. *Education Code 26.004* [See FL]
3. Access to state assessments. *Education Code 26.005* [See EKB]
4. Access to teaching materials and test results, and observation of virtual instruction. *Education Code 26.006* [See EF series and EKB]
5. Access to board meetings, other than a closed meeting under the Open Meetings Act. *Education Code 26.007* [See BE and BEC]
6. Right to full information concerning a student. *Education Code 26.008* [See DF, FFE, and FM]
7. Right to information concerning special education and education of students with learning disabilities. *Education Code 26.0081* [See FB]
8. Requests for public information. *Education Code 26.0085* [See GBA and GBAA]
9. Consent required for certain activities. *Education Code 26.009* [See EHA, FFE, FL, FM, and FO]
10. Refusal of psychiatric or psychological treatment of child as basis for report of neglect. *Education Code 26.0091* [See FFG]
11. Exemption from instruction. *Education Code 26.010* [See EMB]

Right to Attend School Activities

Unless limited by court order, a parent appointed as a conservator of a child has at all times the right to attend school activities, including school lunches, performances, and field trips. *Family Code 153.073(a)(6)*

Objection to School Assignment

The parent or person standing in parental relation to any student may object to the student's school assignment. Upon receiving a written petition to request or object to a student's assignment, a board shall follow the procedures set forth at Education Code 25.034. *Education Code 25.033(2), .034* [See FDB]

Challenge to Education Records

A district shall give a parent or eligible student, on request, an opportunity for a hearing to challenge the content of the student's education records on the grounds that the information contained in

the records is inaccurate, misleading, or in violation of the privacy rights of the student. *34 C.F.R. 99.21* [See FL]

Public Information Requests

A district that receives a request from a parent for public information relating to the parent's child shall comply with Government Code Chapter 552 (Public Information Act). A district shall also comply with the deadlines and provisions set forth at Education Code 26.0085. *Gov't Code Ch. 552; Education Code 26.0085* [See GBAA]

Title I Funding — Parent Right to Know

Professional Qualifications

At the beginning of each school year, a district shall notify the parents of each student attending any school receiving funds under Title I, Part A of the Elementary and Secondary Education Act (ESEA), that the parents may request, and the district will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student's classroom teachers. *20 U.S.C. 6312(e)(1)(A)* [See DBA]

Title I Required Notice

A school that receives funds under Title I, Part A of ESEA shall provide to each individual parent of a child who is a student in such school, with respect to such student:

1. Information on the level of achievement and academic growth of the student, if applicable and available, on each of the required state academic assessments [see EKB]; and

2. Timely notice that the student has been assigned, or has been taught for four or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned [see DBA].

20 U.S.C. 6312(e)(1)(B)

For information on the parent and family engagement requirements for districts receiving funds under the Elementary and Secondary Education Act, see EHBD.

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 United States Department of Education (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 emancipated 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)

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 U.S. ED-Funded Surveys, above, 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 per-

sonal 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 instructional 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 the Texas Education Agency (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 provision:

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 U.S. ED-Funded Surveys, above.

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]

"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)

For information about parental access to instructional materials under the PPRA, see FA.

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]

Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or

4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Telehealth in Medicaid Covered Services

Telemedicine medical services and telehealth services authorized as Texas Medicaid covered services must meet the conditions specified in 1 Administrative Code 354.1432(5). *1 TAC 354.1432(5)*

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.

2. When administering prescription medication, the medication is administered either:

   a. From a container that appears to be the original container and to be properly labeled; or

   b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a)-(b)

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;
2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
    a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
    b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
        (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
        (2) The name and purpose of the medicine;
        (3) The prescribed dosage for the medicine;
        (4) The times at which or circumstances under which the medicine may be administered; and
        (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or

2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

Prescription Medication and Special Education Students

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

Dextromethorphan (Certain Cold Medication)

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Maintenance and Administration of Opioid Antagonists

Each district shall adopt and implement a policy regarding the maintenance, administration, and disposal of opioid antagonists at each campus in the district that serves students in grades 6 through 12 and may adopt and implement such a policy at each campus in the district, including campuses serving students in a grade level below grade 6.

The policy adopted must:

1. Provide that school personnel and school volunteers who are authorized and trained may administer an opioid antagonist to a person who is reasonably believed to be experiencing an opioid-related drug overdose;
2. Require that each school campus subject to a policy adopted under this provision have one or more school personnel members or school volunteers authorized and trained to administer an opioid antagonist present during regular school hours;
3. Establish the number of opioid antagonists that must be available at each campus at any given time; and
4. Require that the supply of opioid antagonists at each school campus subject to a policy adopted under this provision must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an opioid antagonist.

Education Code 38.222(a), (c); 25 TAC 40.84(b)-(c)

Definitions

“Authorized healthcare provider” means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

“Campus” means a unit of a district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

“Opioid antagonist” as defined in Health and Safety Code 483.101, means any drug that binds to opioid receptors and blocks or otherwise inhibits the effects of opioids acting on those receptors.

	"Opioid-related drug overdose" as defined in Health and Safety Code 483.101, means a condition, evidenced by symptoms of extreme physical illness, decreased level of consciousness, constriction of the pupils, respiratory depression, or coma, that a layperson would reasonably believe to be the result of the consumption or use of an opioid. *25 TAC 40.82(2)-(3), (5)-(6)*
Maintenance	Once a district adopts an opioid antagonist medication policy, a campus implementing an opioid policy must stock opioid antagonist medication.
Prescription	A campus must obtain a prescription from a physician or a person who has been delegated prescriptive authority to stock, possess, and maintain the established number of doses of opioid antagonists as determined by a district, on each campus as described in Education Code 38.225 (Prescription of Opioid Antagonists). The campus must renew this prescription or obtain a new prescription annually. The number of additional doses may be determined by an individual campus review led by a physician or a person who has been delegated prescriptive authority. *25 TAC 40.85(a)-(b)*
Standing Order	A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe opioid antagonists in the name of a school district. *Education Code 38.225(a); 25 TAC 40.85(c)*
Storage of Medication	The unassigned opioid antagonist medication must be stored in a secure location and be easily accessible, in accordance with the manufacturer's guidelines and local policy of the district.
Disposal	Used, unassigned opioid antagonists are considered infectious waste and must be disposed of according to the school's bloodborne pathogen control policy. Expired, unassigned opioid antagonists must be disposed of in accordance with the Federal Drug Administration's disposal of unused medications guidelines and local policy of the district. *25 TAC 40.85(d)-(f)*
Reporting Requirement	The campus must submit the report no later than the 10th business day after the date a school personnel member or school volunteer administers an opioid antagonist in accordance with the unassigned opioid antagonist medication policy.

The report shall be submitted to the following individuals and entities:

1. The district;
2. The physician or other person who prescribed the opioid antagonist; and
3. The commissioner of DSHS.

Notifications to the commissioner of DSHS must be submitted on the designated electronic form available on DSHS School Health Program website found at dshs.texas.gov.

25 TAC 40.87(b)-(c)

The school shall report the following information:

1. The age of the person who received the administration of the opioid antagonist;
2. Whether the person who received the administration of the opioid antagonist was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the opioid antagonist was administered;
4. The number of doses of opioid antagonist administered;
5. The title of the person who administered the opioid antagonist; and
6. Any other information required by the commissioner of education.

Education Code 38.223(b)

Records Retention

Records relating to implementing and administering the district unassigned opioid antagonist medication policy must be retained per the campus record retention schedule. *25 TAC 40.87(a)*

Training

A district that adopts an opioid antagonist policy is responsible for training school personnel and school volunteers in the administration of an opioid antagonist. *Education Code 38.224(a)*

Training must include information on:

1. Recognizing the signs and symptoms of an opioid-related drug overdose;
2. Responding to an opioid-related drug overdose and administering an opioid antagonist;

3. Implementing emergency procedures, after administering an opioid antagonist;

4. Understanding the medical purpose and misuse of opioids; and

5. Properly disposing of used or expired opioid antagonists.

Training must:

1. Be provided annually in a formal training session or through online education, including practicing the administration of an opioid antagonist with an opioid antagonist trainer device; and

2. Be provided in accordance with the policy adopted under Education Code 21.4515.

Each campus must maintain training records and must make available upon request a list of school personnel and school volunteers who are trained and authorized to administer the unassigned opioid antagonist medication on the campus.

25 TAC 40.86(b)-(c)

Gifts, Grants, and Donations

A district may accept gifts, grants, donations, and federal and local funds to implement these provisions. *Education Code 38.226*

Immunity

A person who in good faith takes, or fails to take, any action under Education Code Chapter 38, Subchapter E-1 is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.227. *Education Code 38.227*

Maintenance and Administration of Epinephrine Auto-Injectors

Note: The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and

2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be ex-

periencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open. The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

A district that chooses to adopt and implement a written unassigned epinephrine auto-injector policy under Education Code Chapter 38, Subchapter E is not required to create an additional policy for care of certain students at risk for anaphylaxis under Education Code 38.0151 [see FFAF]. *25 TAC 40.62(c)*

A district may develop, as part of the policy, provisions for additional doses to be stocked and utilized at off-campus school events, or in transit to or from school events. *25 TAC 40.65(a)(2)*

Definitions

All Hours the Campus Is Open

“All hours the campus is open” is defined as, at a minimum, during regular on-campus school hours, and when school personnel are physically on site for school-sponsored activities.

Campus

A “campus” is defined as a unit of a school district that has an assigned administrator, has enrolled students who are counted for average daily attendance, has assigned instructional staff, provides instructional services to students, has one or more grades in the range from early childhood education through grade 12 or is ungraded, and complies with relevant Texas laws.

Unassigned Epinephrine Auto-Injector

An “unassigned epinephrine auto-injector” is an epinephrine auto-injector prescribed by an authorized health-care provider in the name of the school issued with a non-patient-specific standing delegation order for the administration of an epinephrine auto-injector, issued by a physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157.

25 TAC 40.63(1), (4), (11)

Prompt Notification

Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individ-

ual should administer the unassigned epinephrine auto-injector before notifying emergency medical services.

The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis.

25 TAC 40.65(e)-(f)

Records

School records of the administration of the unassigned epinephrine auto-injector and suspected anaphylaxis must be provided to the parent or guardian of the recipient upon request.

Records relating to implementation and administration of the school's unassigned epinephrine auto-injector policy shall be retained per the record retention schedule for records of public school districts found in 13 Administrative Code 7.125 [see CPC].

25 TAC 40.65(f)-(g)

Reports

Not later than the 10th business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services.

The report must include the following information:

1. The age of the person who received the administration of the epinephrine auto-injector;
2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 40.68(b)*

Assignment of Trained Individuals

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 40.66(a)-(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 40.66(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the administration of an unassigned epinephrine auto-injector.

Training must include information on:

1. Recognizing the signs and symptoms of anaphylaxis;
2. Administering an epinephrine auto-injector;
3. Implementing emergency procedures, if necessary, after administering an epinephrine auto-injector; and
4. Properly disposing of used or expired epinephrine auto-injectors.

Training must be provided in accordance with the district professional development policy [see DMA].

Education Code 38.210(a), (b)

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training.

Training:

1. Shall be consistent with the most recent Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs published by the federal Centers for Disease Control and Prevention;
2. May be provided in a formal face-to-face training session or through an online education course;
3. Must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration; and
4. Must include information about promptly notifying local emergency medical services.

25 TAC 40.67(1)-(2), (5)

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 40.67(3)-(4), (6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211(a)*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 40.65(a)-(a)(1)

Epinephrine Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school per-

	sonnel must coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. *25 TAC 40.65(b)*
Notice to Parents	If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212* A district shall provide electronic or written notice to the parent or guardian of each student. If a district changes or discontinues the policy under this subchapter, written or electronic notice detailing the change or discontinuation must be provided to the parent or guardian of each student within 15 calendar days. *25 TAC 40.69*
Storage	Unassigned epinephrine auto-injectors shall be stored in a secure, easily accessible area for an emergency, in accordance with manufacturer's guidelines. It is recommended that the school administrator develop a map to be placed in high traffic areas that indicates the location of the unassigned epinephrine auto-injectors on each school campus. It is recommended that the map also indicates the locations of the automated external defibrillator (AED). *25 TAC 40.65(h)*
Replacement	The district shall develop a plan to replace, as soon as reasonably possible, any unassigned epinephrine auto-injector that is used or close to expiration. *25 TAC 40.65(i)*
Disposal	Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy. Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy. *25 TAC 40.65(j)-(k)* [See DBB]
Gifts, Grants, and Donations	A district may accept gifts, grants, donations, and federal and local funds to implement its policy. *Education Code 38.213*

Maintenance and Administration of Medication for Respiratory Distress

Note: The following provisions apply only to a district that will adopt a policy on medication for respiratory distress.

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of medication for respiratory distress at each campus in the district. *Education Code 38.208(a-1)*

If a policy is adopted, the policy must provide that school personnel and school volunteers who are authorized and trained may administer medication for respiratory distress to a person reasonably believed to be experiencing respiratory distress on a school campus, or at a school-sponsored or school-related activity on or off school property. *Education Code 38.208(b-1)*

Definitions

"Medication for respiratory distress" means albuterol, levalbuterol, or another medication designated by the executive commissioner of the Health and Human Services Commission for treatment of respiratory distress Education Code 38.208(c).

"School personnel" means an employee of a district. The term includes a member of the board.

Education Code 38.201(3-a), (6)

Regular School Hours

Each district that adopts a policy must require that each campus have one or more school personnel or school volunteers authorized and trained to administer medication for respiratory distress present during regular school hours. *Education Code 38.208(d-1)*

Referral Required

If medication for respiratory distress is administered to a student whose parent or guardian has not provided notification to the school that the student has been diagnosed with asthma, the school must refer the student to the student's primary care provider on the day the medication for respiratory distress is administered and inform the student's parent or guardian regarding the referral. The referral must include:

1. The symptoms of respiratory distress observed;
2. The name of the medication for respiratory distress administered to the student; and
3. Any patient care instructions given to the student.

If a student who has received medication for respiratory distress does not have a primary care provider or the parent or guardian of the student has not engaged a primary care provider for the student, the student's parent or guardian must receive information to

assist the parent or guardian in selecting a primary care provider for the student.

Education Code 38.208(b-2)-(b-3)

Storage

The supply of medication for respiratory distress at each campus must be stored in a secure location and be easily accessible to authorized school personnel and school volunteers. *Education Code 38.208(e-1)*

Training

Each district that adopts a policy for the administration of medication for respiratory distress is responsible for training school personnel and school volunteers in the administration of medication for respiratory distress. The training must include information on:

1. Recognizing the signs and symptoms of respiratory distress;
2. Administering medication for respiratory distress;
3. Implementing emergency procedures, if necessary, after administering medication for respiratory distress; and
4. Proper sanitization, reuse, and disposal of medication for respiratory distress.

Education Code 38.210(a-1)

Training must be provided in a formal training session or through online education and must be provided in accordance with the district professional development policy [see DMA]. *Education Code 38.210(b)*

Reporting Requirement

Not later than the 10th business day after the date a school personnel member or school volunteer administers medication for respiratory distress to a person experiencing respiratory distress, the school shall report the following information to the district, the physician or other person who prescribed the medication for respiratory distress, and the commissioner of state health services:

1. The age of the person who received the administration of the medication for respiratory distress;
2. Whether the person who received the administration of the medication for respiratory distress was a student, a school personnel member or school volunteer, or a visitor;
3. The dosage of the medication for respiratory distress administered;
4. The title of the person who administered the medication for respiratory distress; and

5. Any other information required by the commissioner.

Education Code 38.2091

No Negative Fiscal Impact

The policy may not require a district to purchase prescription medication for respiratory distress or require any other expenditure related to the maintenance or administration of medication for respiratory distress that would result in a negative fiscal impact on the district or school. *Education Code 38.208(f)*

Standing Order

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe medication for respiratory distress in the name of a school district. *Education Code 38.211(a)*

Notice to Parents

If a district implements a policy for the maintenance, administration, and disposal of medication for respiratory distress, the district shall provide written notice of the policy to a parent or guardian of each student enrolled in the district. Notice must be provided before the policy is implemented by the district and before the start of each school year. *Education Code 38.212*

Refusal to Administer

A school personnel member or school volunteer may not be subject to any penalty or disciplinary action for refusing to administer or receive training to administer epinephrine auto-injectors or medication for respiratory distress, as applicable, in accordance with a policy for the maintenance and administration of epinephrine autoinjectors or a policy for medication for respiratory distress. *Education Code 38.208(d-2)*

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and medication for respiratory distress, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act as described by Education Code 38.215 and 25 Administrative Code 40.49. *Education Code 38.215; 25 TAC 40.71*

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with the FFH series.
2. Complaints concerning dating violence shall be submitted in accordance with the FFH series.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with the FFH series.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The

written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or parent and administration to each make a presentation and provide re-

buttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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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, child abduction, 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.

Restriction on Release of Licensee Information

A district may not sell or otherwise release certain information listed about a person who holds, previously held, or is an applicant for a license issued by the district if the person meets the requirements under Government Code 552.138.

Gov't Code 552.138(b-1), (c), (d), (f)

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*

A district may not release or disclose to any person criminal history record information (CHRI) obtained from the Federal Bureau of Investigation.

CHRI obtained by the district or obtained by an entity that contracts to provide services to a district from the Texas Department of Public Safety or any other Texas criminal justice agency may not be released to any person in the original form or any subsequent form except:

1. The individual 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) [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	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)*
Voluntary Disclosure	

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)*
Election Information	The litigation exception to disclosure does not apply to information requested under the Public Information Act if the information relates to a general, primary, or special election and the information is in the possession of a governmental body that administers elections. *Gov't Code 551.103(d)*
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.

Basic Information

A district shall promptly release basic information about an arrested person, an arrest, or a crime responsive to a Public Information Act request unless the district seeks to withhold the information as provided by another provision of the PIA. The district shall promptly release the information regardless of whether the district requests an attorney general decision regarding other information subject to the request.

Certain Crime Information

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 is not excepted from disclosure of information, records, or notations if:

1. A person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or

2. Each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation.

Gov't Code 552.108

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 protecting 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 as-

	sert 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)

[For information regarding economic development negotiations under Government Code Chapter 403, Subchapter T, including the confidentiality of information, see CCGB.]

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 re-

tirement 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

United States Constitution

A district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances. *U.S. Const. Amend. I, XIV*

A board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when a board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberger v. Rector & Visitors of Univ. of Virginia, 515 U.S. 819, 828 (1995); City of Madison v. Wis. Emp. Rel. Comm'n, 429 U.S. 167, 174 (1976); Pickering v. Bd. of Educ., 391 U.S. 563, 568 (1968)*

Texas Constitution

Citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

Response to Complaints

There is no requirement that a board negotiate or even respond to complaints. However, a board must stop, look, and listen and must consider the petition, address, or remonstrance. *Professional Association of College Educators v. El Paso County Community [College] District, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)*

Federal Laws

Section 504

A district that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. *29 U.S.C. 794; 34 C.F.R. 104.7(b)*

Americans with Disabilities Act

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). *28 C.F.R. 35.107*

Closed Meeting

A board may conduct a closed meeting on a public complaint to the extent required or provided by law. [See BEC]

Record of Proceedings

An appeal of a board's decision to the commissioner of education shall be decided based on a review of the record developed at the district level. "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument. *Education Code 7.057(c), (f)*

It is a district's responsibility to make and preserve the records of the proceedings before the board. If a district fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the district. The record shall include:

1. A tape recording or a transcript of the hearing at the local level. If a tape recording is used:
   a. The tape recording must be complete, audible, and clear; and
   b. Each speaker must be clearly identified.
2. All evidence admitted;
3. All offers of proof;
4. All written pleadings, motions, and intermediate rulings;
5. A description of matters officially noticed;
6. If applicable, the decision of the hearing examiner;
7. A tape recording or transcript of the oral argument before the board; and
8. The decision of the board.

19 TAC 157.1073(d)

Disruption

It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*

Note: Public complaints regarding instructional and library materials are addressed at EFA and EFB, respectively, and complaints against peace officers are addressed at CKE.

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with the EF series.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with the CKE series.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Guiding Principles

Informal Process

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on

	the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
Scheduling Conferences	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.
Response	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date

of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other

relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with re-

sponses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

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Applicability of Criminal Laws

The criminal laws of the state apply to the areas under the control and jurisdiction of the board. *Education Code 37.101*

Trespass

An unauthorized person who trespasses on the grounds of a school district commits a Class C misdemeanor. *Education Code 37.107*

Refusal of Entry or Ejection of Unauthorized Persons

A school administrator, school resource officer, or school district peace officer may refuse to allow persons to enter on or may eject a person from property under the district's control if the person refuses to leave peaceably on request and:

1. The person poses a substantial risk of harm to any person; or
2. The person behaves in a manner that is inappropriate for a school setting and:
    a. The administrator, resource officer, or peace officer issues a verbal warning to the person that the person's behavior is inappropriate and may result in the person's refusal of entry or ejection; and
    b. The person persists in that behavior.

Identification may be required of any person on property under the district’s control.

A district shall maintain a record of each verbal warning issued, including the name of the person to whom the warning was issued and the date of issuance.

At the time a person is refused entry to or ejected from a school district's property, the district shall provide to the person written information explaining the appeal process.

If a parent or guardian of a child enrolled in a school district is refused entry to the district’s property, the district shall accommodate the parent or guardian to ensure that the parent or guardian may participate in the child’s admission, review, and dismissal committee or in the child’s team established under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), in accordance with federal law.

The term of a person’s refusal of entry to or ejection from a school district's property under this section may not exceed two years.

A district shall post on the district's website and each district campus shall post on any campus website a notice regarding these provisions, including the appeal process.

The board shall adopt a policy that uses the district’s existing grievance process [see FNG, GF] to permit a person refused entry to or

ejected from property controlled by the district to appeal such refusal of entry or ejection. The policy must permit a person appealing under this section to address the board in person within 90 days of the commencement of the appeal, unless the appeal is granted before the board considers the appeal.

The board's decision to grant or deny an appeal under this section is final and may only be further appealed under the applicable provisions of Education Code 7.057.

Education Code 37.105; 19 TAC 103.1207

[For information on visitor requirements, including requesting identification, see GKC.]

Vehicles on School Property

A board may bar or suspend a person from driving or parking a vehicle on any school property as a result of the person's violation of any rule or regulation promulgated by the board or set forth in Education Code Chapter 37, Subchapter D. [See CLC] *Education Code 37.106*

Disruption of Lawful Assembly

A person commits a Class B misdemeanor if the person, alone or in concert with others, intentionally engages in disruptive activity on the campus or property of a public school.

Disruptive activity means:

1. Obstructing or restraining the passage of persons in an exit, entrance, or hallway of any building without the authorization of the administration of the school;
2. Seizing control of any building or portion of a building to interfere with any administrative, educational, research, or other authorized activity;
3. Preventing or attempting to prevent by force or violence or the threat of violence any lawful assembly authorized by the school administration so that a person attempting to participate in the assembly is unable to participate due to the use of force or violence or due to a reasonable fear that force or violence is likely to occur;
4. Disrupting by force or violence or the threat of force or violence a lawful assembly in progress; or
5. Obstructing or restraining the passage of any person at an exit or entrance to the campus or property or preventing or attempting to prevent by force or violence or by threats thereof the ingress or egress of any person to or from the property or campus without the authorization of the administration of the school.

Free Speech

This provision shall not be construed to infringe upon any right of free speech or expression guaranteed by the constitutions of the United States or the state of Texas.

Education Code 37.123

Disruption of Classes

A person, other than a primary or secondary grade student enrolled in the school, commits a Class C misdemeanor if the person, on school property or on public property within 500 feet of school property, alone or in concert with others, intentionally disrupts the conduct of classes or other school activities. 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.

Disrupting the conduct of classes or other school activities includes:

1. Emitting noise of an intensity that prevents or hinders classroom instruction.
2. Enticing or attempting to entice a student away from a class or other school activity that the student is required to attend.
3. Preventing or attempting to prevent a student from attending a class or other school activity that the student is required to attend.
4. Entering a classroom without the consent of either the principal or the teacher and, through either acts of misconduct or use of loud or profane language, disrupting class activities.

“School property” includes a public school campus or school grounds on which a public school is located, and any grounds or buildings used by a school for an assembly or other school-sponsored activity.

“Public property” includes a street, highway, alley, public park, or sidewalk.

Education Code 37.124

Disruption of Transportation

A person, other than a primary or secondary grade student, commits a Class C misdemeanor if the person intentionally disrupts, prevents, or interferes with the lawful transportation of students to and from school, or to or from activities sponsored by a school, on a vehicle owned and/or operated by a district. 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*

Tobacco and E-Cigarettes

A board shall prohibit smoking or using e-cigarettes or tobacco products at a school-related or school-sanctioned activity on or off school property. School personnel shall enforce these policies on school property. *Education Code 38.006* [See FNCD for the definition of e-cigarette.]

Smoking in Buildings

A district shall not permit smoking within any indoor facility used for provision of routine or regular kindergarten, elementary, or secondary education or library services to children; or regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of employees who provide such services. *20 U.S.C. 6083; 20 U.S.C. 7183*

Criminal Penalty

A person commits an offense if the person is in possession of a burning tobacco product, smokes tobacco, or operates an e-cigarette in a facility of a public school.

Defense

It is a defense to prosecution that a district does not have prominently displayed a reasonably sized notice that smoking is prohibited by state law in such place and that an offense is punishable by a fine not to exceed $500.

Facilities for Extinguishment

A district shall be equipped with facilities for extinguishment of smoking materials.

Penal Code 48.01(a)-(c)

Alcohol

A board shall prohibit the use of alcoholic beverages at school-related or school-sanctioned activities on or off school property. *Education Code 38.007(a)* [See FNCF regarding alcohol-free zones.]

Intoxicants

A person commits a Class C misdemeanor if the person possesses an intoxicating beverage for consumption, sale, or distribution while:

1. On the grounds or in a building of a public school; or
2. Entering or inside any enclosure, field, or stadium where any athletic event sponsored or participated in by a public school is being held.

Education Code 37.122 [See also FNCF]

Fireworks

A person may not explode or ignite fireworks within 600 feet of any school unless the person receives authorization in writing from the school. *Occupations Code 2154.251(a)(1)*

Federal Gun-Free School Zones Act

It is unlawful for any individual knowingly to possess a firearm at a place that the individual knows, or has reasonable cause to believe, is a school zone.

"School zone" means in, or on the grounds of, a school; or within a distance of 1,000 feet from the grounds of a school.

This prohibition does not apply to the possession of a firearm:

1. On private property not part of school grounds;
2. If the individual possessing the firearm is licensed to do so by the state, and the law of the state requires that, before an individual obtains such a license, the law enforcement authorities of the state verify that the individual is qualified under law to receive the license;
3. That is not loaded and in a locked container, or a locked firearms rack that is on a motor vehicle;
4. By an individual for use in a program approved by a school in the school zone;
5. By an individual in accordance with a contract entered into between a school in the school zone and the individual or an employer of the individual;
6. By a law enforcement officer acting in his or her official capacity; or
7. That is unloaded and is possessed by an individual while traversing school premises for the purpose of gaining access to public or private lands open to hunting, if the entry on school premises is authorized by school authorities.

It is unlawful for any person, knowingly or with reckless disregard for the safety of another, to discharge or attempt to discharge a firearm at a place that the person knows is a school zone.

This prohibition does not apply to the discharge of a firearm:

1. On private property not part of school grounds;
2. As part of a program approved by a school in the school zone, by an individual who is participating in the program;
3. By an individual in accordance with a contract entered into between a school in a school zone and the individual or an employer of the individual; or
4. By a law enforcement officer acting in his or her official capacity.

18 U.S.C. 921(a)(25), .922(q)

Possession of Weapons

Unless entitled to a defense or otherwise excepted by Penal Code 46.15, a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [see FNCG]:

1. On the premises of a school, on any grounds or building owned by and under the control of a school and on which an activity sponsored by the school is being conducted, or in a passenger transportation vehicle of a school, unless pursuant to written regulations or written authorization of the school;
2. On the premises of a polling place on the day of an election or while early voting is in progress;
3. On the premises where a high school, collegiate, or professional sporting event or interscholastic event is taking place, unless the person is a participant in the event and a firearm, location-restricted knife, club, or prohibited weapon is used in the event;
4. In the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to the OMA, and the entity provided required notice of the meeting.

It is not a defense to prosecution that the person possessed a handgun and was licensed to carry a handgun.

Penal Code 46.03(a)(1), (2), (8), (14), (f)

"Premises" Defined

"Premises," for purposes of this policy, means a building or a portion of a building. The term does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area. *Penal Code 46.03(c)(4)*

Notice to Public

A district may provide notice that firearms and other weapons are prohibited under Penal Code 46.03 on the premises or other property, as applicable, by posting a sign at each entrance to the premises or other property that:

1. Includes language that is identical to or substantially similar to the following: "Pursuant to Section 46.03, Penal Code (places weapons prohibited), a person may not carry a firearm or other weapon on this property";
2. Includes the language described above in both English and Spanish;
3. Appears in contrasting colors with block letters at least one inch in height; and

4. Is displayed in a conspicuous manner clearly visible to the public.

Without a sign described above posted prominently at each entrance to the premises or other property, as applicable, a person can assert a defense to prosecution for unlawfully carrying a handgun if the person personally received notice that carrying a firearm was prohibited and promptly departed from the premises or other property.

Penal Code 46.15(m)-(o)

Transportation or Storage of Firearm in School Parking Area

A district may not prohibit a person who holds a license to carry a handgun under Government Code, Chapter 411, Subchapter H, from transporting or storing a handgun or other firearm or ammunition in a locked, privately owned or leased motor vehicle in a parking lot, parking garage, or other parking area provided by the district, and may not regulate the manner in which the handgun, firearm, or ammunition is stored in the vehicle, provided that the handgun, firearm, or ammunition is not in plain view.

This does not authorize a person to possess, transport, or store a handgun, a firearm, or ammunition in violation of Education Code 37.125, Penal Code 46.03, or other law.

Education Code 37.0815

Volunteer Emergency Services Personnel

A district is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Government Code, Chapter 411, Subchapter H.

The discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun under Subchapter H, Chapter 411, Government Code, is outside the course and scope of the individual's duties as volunteer emergency services personnel.

The district does not waive immunity from suit or liability under the Texas Tort Claims Act or any other law.

“Volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer as defined by Health and Safety Code 773.003, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations. The term does not include a peace officer or reserve law enforcement officer, as those terms are defined

by Occupations Code 1701.001, who is performing law enforcement duties.

Civ. Prac. & Rem. Code 112.001; Penal Code 46.01(18)

Exhibition of Firearm

A person commits a third degree felony if, in a manner intended to cause alarm or personal injury to another person or to damage school property, the person intentionally:

1. Exhibits or uses a firearm:
    a. In or on any property, including a parking lot, parking garage, or other parking area, that is owned by a private or public school; or
    b. On a school bus being used to transport children to and from school-sponsored activities;
2. Threatens to exhibit or use a firearm in or on property described above or on a bus and was in possession of or had immediate access to the firearm.

A person commits a Class A misdemeanor if the person threatens to exhibit or use a firearm, but was not in possession of or did not have immediate access to the firearm.

Education Code 37.125

Trespass — Concealed Carry of Handgun

A license holder commits an offense if the license holder:

1. Carries a concealed handgun on the property of another without effective consent; and
2. Received notice that entry on the property by a license holder with a concealed handgun was forbidden.

An offense under Penal Code 30.06 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice that entry or remaining on the property with a concealed handgun was forbidden and subsequently failed to depart.

Notice / Sign — Concealed Carry of Handgun

For purposes of Penal Code 30.06, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

“Written communication” means:

1. A card or other document on which is written language identical to the following: “Pursuant to Section 30.06, Penal Code (trespass by license holder with a concealed handgun), a per-

son licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a concealed handgun"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public.

Exception

It is an exception to Penal Code 30.06 that the property on which the license holder carries a concealed handgun is owned or leased by a district and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.06 [See also FNCG]

Unauthorized Notice

A district may not take any action, including an action consisting of the provision of notice, by a communication described by Penal Code 30.06 or 30.07 that states or implies that a license holder who is carrying a handgun under the authority of Government Code Chapter 411 is prohibited from entering or remaining on a premises or other place owned or leased by the district unless license holders are prohibited from carrying a handgun on the premises or other place by Penal Code 46.03 or other law. *Gov't Code 411.209*

Trespass — Open Carry of Handgun

A holder of a license to openly carry a handgun commits an offense if the license holder:

1. Openly carries a handgun on property of another without effective consent; and

2. Received notice that entry on the property by a license holder openly carrying a handgun was forbidden.

Notice / Sign — Open Carry of Handgun

For purposes of Penal Code 30.07, a person receives notice if the owner of the property or someone with apparent authority to act for the owner provides notice to the person by oral or written communication.

"Written communication means":

1. A card or other document on which is written language identical to the following: "Pursuant to Section 30.07, Penal Code (trespass by license holder with an openly carried handgun), a person licensed under Subchapter H, Chapter 411, Government Code (handgun licensing law), may not enter this property with a handgun that is carried openly"; or

2. A sign posted on the property that includes the language described above in both English and Spanish, appears in contrasting colors with block letters at least one inch in height, and is displayed in a conspicuous manner clearly visible to the public at each entrance to the property.

An offense under Penal Code 30.07 is a Class C misdemeanor, except that the offense is a Class A misdemeanor if, after entering the property, the license holder was personally given the notice by oral communication that entry or remaining on the property with an openly carried handgun was forbidden and subsequently failed to depart.

Exception

It is an exception to Penal Code 30.07 that the property on which the license holder openly carries the handgun is owned or leased by a governmental entity and is not a premises or other place on which the license holder is prohibited from carrying the handgun under Penal Code 46.03.

Penal Code 30.07

Unmanned Aircraft Systems

Note: For provisions applicable to the use of drones for law enforcement purposes, see CKEA

Federal Law

The U.S. Government has exclusive sovereignty of airspace of the United States. *49 U.S.C. 40103*

Small Unmanned Aircraft

"Small unmanned aircraft" means an unmanned aircraft weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft.

Small Unmanned Aircraft System

"Small unmanned aircraft system" (small UAS) means a small unmanned aircraft and its associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system.

14 C.F.R. 1.1, 107.3

Operation of Small UAS

The registration, airman certification, and operation of civil small UAS within the United States is subject to 14 C.F.R. Part 107. Part 107 does not apply to the following:

1. Air carrier operations;
2. Any aircraft subject to the provisions of 49 U.S.C. 44809;
3. Any operation that the holder of an exemption under section 333 of Public Law 112-95 or 49 U.S.C. 44807 elects to con-

duct pursuant to the exemption, unless otherwise specified in the exemption; or

4. Any operation that a person elects to conduct under 14 C.F.R. Part 91 with a small UAS that has been issued an airworthiness certificate.

14 C.F.R. 107.1

Exception for Limited Recreational Operation

A person may operate a small unmanned aircraft without specific certification or operating authority from the Federal Aviation Administration (FAA) if the operation adheres to all of the following limitations:

1. The aircraft is flown strictly for recreational purposes.
2. The aircraft is operated in accordance with or within the programming of a community-based organization's set of safety guidelines that are developed in coordination with the FAA.
3. The aircraft is flown within the visual line of sight of the person operating the aircraft or a visual observer co-located and in direct communication with the operator.
4. The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft.
5. In Class B, Class C, or Class D airspace or within the lateral boundaries of the surface area of Class E airspace designated for an airport, the operator obtains prior authorization from the administrator of the FAA or designee before operating and complies with all airspace restrictions and prohibitions.
6. In Class G airspace, the aircraft is flown from the surface to not more than 400 feet above ground level and complies with all airspace restrictions and prohibitions.
7. The operator has passed an aeronautical knowledge and safety test and maintains proof of test passage to be made available to the FAA or law enforcement upon request.
8. The aircraft is registered and marked in accordance with 49 U.S.C. Chapter 441 and proof of registration is made available to the FAA or law enforcement upon request.

49 U.S.C. 44809(a)

State Law

Regulation Limited

A political subdivision, including a school district, may not adopt or enforce any ordinance, order, or other similar measure regarding the operation of an unmanned aircraft. An ordinance, order, or

other similar measure that violates this provision is void and unenforceable. *Gov't Code 423.009(b), (d)*

Exception

A political subdivision may adopt and enforce an ordinance, order, or other similar measure regarding:

1. The use of an unmanned aircraft during a special event;
2. The political subdivision's use of an unmanned aircraft; or
3. The use of an unmanned aircraft near a facility or infrastructure owned by the political subdivision, if the political subdivision:
    a. Applies for and receives authorization from the Federal Aviation Administration to adopt the regulation; and
    b. After providing reasonable notice, holds a public hearing on the political subdivision's intent to apply for the authorization.

"Special event" means a festival, celebration, or other gathering that involves the reservation and temporary use of all or a portion of a public park, road, or other property of a political subdivision; and entertainment, the sale of merchandise, food, or beverages, or mass participation in a sports event; and requires a significant use or coordination of a political subdivision's services.

Gov't Code 423.009(a)(2), (c)

Privacy Law

It is lawful to capture an image using an unmanned aircraft in this state for the reasons listed in Government Code 423.002, including:

1. With the consent of the individual who owns or lawfully occupies the real property captured in the image; or
2. From a height no more than eight feet above ground level in a public place, if the image was captured without using any electronic, mechanical, or other means to amplify the image beyond normal human perception.

Gov't Code 423.002(a)

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, school resource officers and contracted police officers, 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 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(a)(6)-(7)

Notice to School Personnel

Prior to conducting an investigation of school personnel or volunteers, SI must 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. If the superintendent is the alleged perpetrator, SI must instead orally notify the president of the school board.

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 a public school. On request, SI must also provide a redacted copy of the report to the following:

1. State Board for Educator Certification;
2. The president of the local school board;
3. The superintendent of the district unless the superintendent is the alleged perpetrator; 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 district. "Child" means a person who is a student and at least 10 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 con-

duct 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 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

[For information regarding when a child may be taken into custody without a court order, see Family Code 262.007, .008, .104, .110.]

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)*

Public Information Coordinator

The Superintendent shall fulfill the responsibilities of the public information coordinator and shall receive, on behalf of Board members, the training specified by Government Code 552.012. [See GBAA]

After Election or Appointment

After a Violation

A Board member who receives written notice from the attorney general that the member must complete Public Information Act (PIA) training described by GBAA(LEGAL) following the District's failure to comply with a PIA requirement shall complete the training within the timelines described in law. The completion of the training in response to such a notice cannot be delegated.

Reporting Continuing Education Credit

The Board President shall announce the status of each Board member's continuing education credit. The announcement shall be made annually at the last regular Board meeting before the District's uniform election date, whether or not an election is held. The announcement shall be reflected in the meeting minutes and, when necessary, posted on the District's website in accordance with law.

In addition to disclosures required by law, a Board member shall disclose to the Board any personal financial interest, business interest, or obligation or relationship that in any way creates a potential conflict of interest with a vote on a pending matter.

A Board member shall not use coercive means or promise special treatment in order to influence Board or District decisions, nor use the member's position to seek personal advantage. [See also BBF(LOCAL)]

Annual Financial Management Report

Each Board member shall provide to the District in a timely manner information necessary for the District's annual financial management report. [See CFA]

Emergency Operations Plan

The Superintendent shall ensure updating of the District's emergency operations plan and ongoing staff training.

As required by law, the emergency operations plan shall include the District's procedures addressing~~:~~:

1. Reasonable security measures when District property is used as a polling place;
2. Response to an active shooter emergency;
3. Response to a nearby train derailment, as applicable; and
4. Access to campus buildings and materials necessary for a substitute teacher to carry out the duties of a District employee during an emergency or an emergency drill.

Notice Regarding Violent Activity

~~4.~~ The Superintendent shall develop procedures to notify parents regarding violent activity that has occurred or is being investigated at a campus or other District facility or at a District-sponsored activity.

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 District 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 and Duties

Each District police officer 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, each District police officer shall:

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.

A District police officer shall not be assigned routine classroom discipline or administrative tasks.

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. Each District police officer shall enforce all laws, including municipal ordinances, county ordinances, and state laws within another law enforcement agency's jurisdiction while working off-duty or temporarily assigned to another agency.

Relationship with Outside Agencies

The District's police department and the law enforcement agencies with which it has overlapping jurisdiction shall enter into memoranda of understanding and other appropriate interlocal agreements that outline reasonable communication and coordination efforts among the department and the agencies. The chief of police and the Superintendent shall review the memoranda of understanding and other agreements at least once every year. All such agreements shall be approved by the Board.

Interlocal Agreement for Mutual Aid

While operating pursuant to an interlocal agreement for mutual aid or other support for another law enforcement agency, each District police officer shall perform the duties and have the authorities set out in the agreement, including enforcing all laws within the other agency's jurisdiction.

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

Each District police officer 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 laws regarding racial profiling. A District police officer 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 A District police officer 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.

[See CKE(LEGAL) and CKEA(LEGAL)]

Peace Officers Providing Security Services To assist with implementing the District's comprehensive safety programs and Board policy, the District shall employ or accept as a volunteer for security services a reserve, retired, or off-duty peace officer who shall have the same jurisdiction, duties, authorities, and immunities as commissioned peace officers regularly employed by or assigned to the District.

Security Officers Authorized to Possess Firearms To assist with implementing the District's comprehensive safety programs, the District shall employ security officers as defined by Occupations Code Chapter 1702. To be authorized to carry a firearm, a security officer shall have completed the Department of Public Safety (DPS) Level III training course in order to be commissioned. The District shall comply with DPS rules for the employment of commissioned security officers. Security officers shall be accountable to and shall report to the Superintendent.

Jurisdiction The jurisdiction of security 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.

Authorization Pursuant to its authority under state law, the Board shall authorize security officers to possess certain firearms in schools, at Board meetings, and at school-sponsored or school-related events on

District property, to the extent allowed by law. Each authorized security officer shall have immunities as provided by law.

Each specifically authorized security officer shall be approved by action of the Board. The Superintendent shall issue written authorization to each approved security officer. The written authorization shall specify the District premises and other property where the security officer is authorized to carry a firearm, as well as the means of carrying and storing the firearm.

Revocation

The Superintendent, as well as the Board, shall have the authority to revoke at any time a security officer's authorization to possess a firearm under this policy.

In addition, authorization for a security officer to possess a firearm under this policy shall be automatically revoked if the employee is placed on administrative leave or separates from employment with the District, regardless of the reason.

Duties

An authorized security officer shall not perform routine law enforcement duties unless the duty is performed in response to an emergency that poses a threat of death or serious bodily injury to a student, employee, or other individual on a District campus.

In addition to complying with the relevant DPS regulations, a security officer shall:

1. Act as necessary to protect the safety and welfare of any person in the jurisdiction of the District;
2. Maintain school security by patrolling campus hallways, completing door checks, and monitoring the perimeter of the campus throughout the day;
3. Routinely check exterior doors and interior classroom doors to ensure they are locked;
4. Complete weekly exterior door audits;
5. Inform campus administrators of malfunctioning cameras, doors, locks, gates, windows, etc., that require the submission of a work order for repair;
6. Assist with campus safety drills (i.e., fire, hold, secure, lockdown, evacuate, shelter);
7. Assist and coordinate with law enforcement personnel as needed;
8. Notify the police, fire department, emergency responders, or other appropriate authority of any situation requiring immediate attention; and

9. Perform other tasks and carry out all other lawful duties as directed by the Superintendent.

Handgun Licensees

Each security officer shall be required to maintain a current license to carry a handgun in accordance with state law.

Training

In addition to the training required by law and applicable DPS rules, each security officer assigned to a campus shall receive training in the following:

1. Student mental health, including suicide awareness;
2. Trauma-informed care;
3. Age-appropriate responses;
4. Child abuse identification and reporting;
5. Bullying, cyberbullying, harassment, and dating violence;
6. Special accommodations for students with disabilities (including behavior de-escalation techniques);
7. Confidentiality; and
8. Board policies and District regulations.

Permitted Weapons and Ammunition

Only District-approved firearms and ammunition shall be authorized for possession and use under this policy and the District's emergency operations procedures.

Implementation

The Superintendent shall ensure that procedures to implement this safety and security program are detailed in the District's emergency operations plan.

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.

With this policy, the Board adopts the model health and safety guidelines for the effective integration of digital devices in schools that have been developed by the Texas Education Agency and the Health and Human Services Commission.

The Superintendent shall develop regulations that implement these guidelines.

Non-Chapter 21 Contracts

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

~~**Appeal of Employment Actions**~~

~~An~~Termination During Contract Term

In accordance with DCE(LEGAL), an employee may request a hearing before the Board to appeal discharge during the contract period~~ in accordance with DCE(LEGAL).~~.

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

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Employee complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with DGBA after the relevant complaint process:

1. Complaints alleging discrimination, including violations of Title IX (gender), Title VII (sex, race, color, religion, national origin), ADEA (age), or Section 504 (disability), shall be submitted in accordance with the DIA series.
2. Complaints alleging certain forms of harassment, including harassment by a supervisor and violation of Title VII, shall be submitted in accordance with the DIA series.
3. Complaints concerning retaliation relating to discrimination and harassment shall be submitted in accordance with the DIA series.
4. Complaints concerning instructional resources shall be submitted in accordance with the EF series.
5. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.
6. Complaints concerning the proposed nonrenewal of a term contract issued under Chapter 21 of the Education Code shall be submitted in accordance with DFBB.
7. Complaints concerning the proposed termination or suspension without pay of an employee on a probationary, term, or continuing contract issued under Chapter 21 of the Education Code during the contract term shall be submitted in accordance with DFAA, DFBA, or DFCA.

Notice to Employees

The District shall inform employees of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages employees to discuss their concerns with their supervisor, principal, or other appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Direct Communication with Board Members	Employees shall not be prohibited from communicating with a member of the Board regarding District operations except when communication between an employee and a Board member would be inappropriate because of a pending hearing or appeal related to the employee.
Formal Process	An employee may initiate the formal process described below by timely filing a written complaint form. Even after initiating the formal complaint process, employees are encouraged to seek informal resolution of their concerns. An employee whose concerns are resolved may withdraw a formal complaint at any time. The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.
Freedom from Retaliation	Neither the Board nor any District employee shall unlawfully retaliate against an employee for bringing a concern or complaint.
Whistleblower Complaints	Whistleblower complaints shall be filed within the time specified by law and may be made to the Superintendent or designee beginning at Level Two. Timelines for the employee and the District set out in this policy may be shortened to allow the Board to make a final decision within 60 calendar days of the initiation of the complaint. [See DG]
Complaints Against Supervisors	Complaints alleging a violation of law by a supervisor may be made to the Superintendent or designee. Complaint forms alleging a violation of law by the Superintendent may be submitted directly to the Board or designee.
General Provisions Filing	Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
Scheduling Conferences	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the employee fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the employee's absence.

Response	At Levels One and Two, "response" shall mean a written communication to the employee from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the employee's email address of record, or sent by U.S. Mail to the employee's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or an organization that does not claim the right to strike and is designated by the employee to represent him or her in the complaint process. The employee may designate a representative through written notice to the District at any level of this process. The representative may participate in person or by telephone conference call. If the employee designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. Employees shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint. When two or more complaints are sufficiently similar in nature and remedy sought to permit their resolution through one proceeding, the District may consolidate the complaints.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the employee, at any point during the complaint process. The employee may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.
Costs Incurred	Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the employee does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the employee unless the employee did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Audio Recording

As provided by law, an employee shall be permitted to make an audio recording of a conference or hearing under this policy at which the substance of the employee's complaint is discussed. The employee shall notify all attendees present that an audio recording is taking place.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the employee first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, employees on a school campus shall file Level One complaints with the campus principal; other District employees shall file Level One complaints with their immediate supervisor.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the employee within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the employee did not receive the relief requested at Level One or if the time for a response has expired, the employee may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The employee may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the employee at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the employee may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the employee a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the employee did not receive the relief requested at Level Two or if the time for a response has expired, the employee may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the employee of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The employee may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the employee notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the employee and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three

presentation. The Level Three presentation, including the presentation by the employee or the employee's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

General Education

Consistent with ~~TEA's~~the Texas Education Agency (TEA) *Student Attendance Accounting Handbook* (*SAAH*), a student may be eligible for general education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical or psychological reasons specifically documented by a physician licensed to practice in the United States. The weeks of confinement need not be consecutive. The parent's request for services shall be submitted to the principal in accordance with TEA's *SAAH* and administrative procedures.

The principal or designee shall convene a placement committee composed of at least a campus administrator, a teacher of the student, and the parent or guardian of the student to consider the necessity of providing general education homebound instruction to the student. If the committee determines that such instruction is appropriate, the committee shall determine the type and amount of instruction to be provided and, if applicable, the length of the transition period to the school-based setting based on current ~~medical~~ information regarding the medical or psychological condition.

Special Education

Consistent with state rule and the *SAAH*, a student receiving special education services may be eligible for special education homebound services if the student is to be confined for a minimum of four weeks to a hospital or homebound setting for medical or psychological reasons specifically documented by a physician licensed to practice in the United States. ~~If a student is chronically ill, the student's admission, review, and dismissal (ARD) committee shall determine whether the~~The weeks ~~of confinement~~ need ~~to~~not be consecutive.

~~If the ARD~~If a student's admission, review, and dismissal committee determines that homebound instruction is appropriate, the committee shall determine the type and amount of instruction to be provided in accordance with law, and, if applicable, the length of the transition period to the school-based setting based on current ~~medical~~ information regarding the medical or psychological condition.

Documentation of Services

The District shall maintain full documentation about students receiving homebound services, in accordance with administrative procedures, the *SAAH,* and a student's individualized education program ~~(IEP),~~, as applicable.

Note: For information related to the selection process and accounting of instructional materials, as this term is defined by state law and rule, see CMD and EFA.

The District shall provide a wide range of instructional resources for students and faculty that present varying levels of difficulty, diversity of appeal, and a variety of points of view. Although professional staff members may select instructional resources for their use in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, "instructional resources" may include textbooks, library acquisitions, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional resources are to implement, enrich, and support the District's educational program.

The Board shall rely on District professional staff to select and acquire instructional resources that:

1. Enrich and support the curriculum, taking into consideration students' varied interests, abilities, learning styles, and maturity levels.
2. Stimulate growth in factual knowledge, enjoyment of reading, literary appreciation, aesthetic values, and societal standards.
3. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives.
4. Represent many ethnic, religious, and cultural groups and their contributions to the national heritage and world community.
5. Provide a wide range of background information that will enable students to make intelligent judgments in their daily lives.

Selection Criteria

In the selection of instructional resources, professional staff shall ensure that the resources:

1. Support and are consistent with the general educational goals of the state and District and the aims and objectives of individual schools and specific courses consistent with the District and campus improvement plans.

2. Meet high standards for artistic quality and/or literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.

3. Are appropriate for the subject area and for the age, ability level, learning styles, and social and emotional development of the students for whom they are selected.

4. Are designed to help students gain an awareness of our pluralistic society.

5. Are designed to provide information that will motivate students and staff to examine their own attitudes and behavior; to understand their duties, responsibilities, rights, and privileges as citizens participating in our society; and to make informed choices in their daily lives.

6. For library selections, are integral to the instructional program, are appropriate for the reading levels and understanding of students, reflect the interests and needs of the students and faculty, are included because of their literary or artistic value and merit, and present information with the greatest degree of accuracy and clarity.

Administrators, teachers, library media specialists, other District personnel, parents, and community members, as appropriate, may recommend instructional resources for selection. Gifts of instructional resources shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of resources is an ongoing process that includes the removal of resources no longer appropriate and the periodic replacement or repair of resources that still have educational value.

Controversial Issues

District professional staff shall endeavor to maintain a balanced collection representing various views when selecting instructional resources on controversial issues. Resources shall be chosen to clarify historical and contemporary forces by presenting and analyzing intergroup tension and conflict objectively, placing emphasis on recognizing and understanding social and economic problems. [See also EMB regarding instruction about controversial issues and EHAA regarding human sexuality instruction.]

Challenged Resources

A parent of a District student, any employee, or any District resident may formally challenge an instructional resource used in the District's educational program on the basis of appropriateness.

Informal Reconsideration

The school receiving a complaint about the appropriateness of an instructional resource shall try to resolve the matter informally using the following procedure:

1. The principal or designee shall explain the school's selection process, the criteria for selection, and the qualifications of the professional staff who selected the questioned resource.

2. The principal or designee shall explain the intended educational purpose of the resource and any additional information regarding its use.

3. If appropriate, the principal or designee may offer a concerned parent an alternative instructional resource to be used by that parent's child in place of the challenged resource.

4. If the complainant wishes to make a formal challenge, the principal or designee shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the resource.

Formal Reconsideration

A complainant shall make any formal objection to an instructional resource on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged resource with students or is familiar with the challenged resource's content. Other members of the committee may include District-level staff, library staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged resource in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged resource conforms to the principles of selection set out in this policy. The committee shall prepare a written report of its findings and provide copies to the principal, the Superintendent or designee, and the complainant.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting with the appropriate administrator. [See DGBA, FNG, and GF]

Guiding Principles

The following principles shall guide the Board and staff in responding to challenges of instructional resources:

1. A complainant may raise an objection to an instructional resource used in a school's educational program, despite the fact that the professional staff selecting the resources were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for instructional resources set out in this policy.

2. A parent's ability to exercise control over reading, listening, or viewing matter extends only to his or her own child.

3. Access to a challenged resource shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged resources is the appropriateness of the resource for its intended educational use. No challenged instructional resource shall be removed solely because of the ideas expressed therein.

Note: For information related to the accounting of instructional materials, as this term is defined by state law and rule, see CMD.

For information related to the selection process of library materials, see EFB.

The District shall provide instructional materials designed to teach the Texas Essential Knowledge and Skills and further the District's educational mission. Although the Superintendent shall ensure that professional staff select instructional materials in accordance with District policy and administrative regulations, the ultimate authority for determining and approving the curriculum and instructional program of the District lies with the Board.

Objectives

In this policy, "instructional materials" may include textbooks, supplementary resources for classroom use, and any other instructional resources, including electronic resources, used for formal or informal teaching and learning purposes. The primary objectives of instructional materials are to implement, enrich, and support the District's educational program.

Selection

Instructional materials that are textbooks and related supplemental materials, which may include items from the list of resources adopted by the State Board of Education, shall be chosen in accordance with administrative regulations and the objectives above.

The Board shall rely on District professional staff to select and acquire instructional materials that:

1. Enrich and support the curriculum consistent with the general educational goals of the state and District, the aims and objectives of individual schools and specific courses, and the District and campus improvement plans.
2. Are appropriate for the subject area and for the age, ability level, learning styles, interests, and social and emotional development of the students for whom they are selected.
3. Meet high standards for artistic quality, literary style, authenticity, educational significance, factual content, physical format, presentation, readability, and technical quality.
4. Present various sides of controversial issues so that students have an opportunity to develop, under guidance, skills in critical analysis and in making informed judgments in their daily lives. [See also EMB regarding instruction about controversial issues.]
5. Promote literacy.

District professional staff may select additional instructional materials in accordance with administrative regulations and the criteria above.

Administrators, teachers, other District personnel, parents, and community members, as appropriate, may recommend instructional materials for selection. Gifts of instructional materials shall be evaluated according to these criteria and accepted or rejected in accordance with CDC(LOCAL).

Selection of instructional materials is an ongoing process that includes the removal of materials no longer appropriate and the periodic replacement or repair of materials that still have educational value.

Reconsideration of Instructional Materials

A District employee or a parent or guardian of a District student may request reconsideration of instructional material used in the District's educational program on the basis that the instructional material fails to meet the standards set forth in this policy.

Guiding Principles

The following principles shall guide the Board and staff in responding to a request for reconsideration of instructional materials:

1. A complainant may raise an objection to an instructional material used in a school's educational program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives for instructional materials set out in this policy.
2. A parent's ability to exercise control over instruction extends only to his or her own child as set forth in Education Code Chapter 26.
3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a child if requested by the child's parent.

The major criterion for the final decision on challenged instructional materials is the appropriateness of the material for its intended educational use. No challenged instructional material shall be removed solely because of the ideas expressed therein.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of an instructional material, the appropriate administrator shall try to resolve the matter informally. The administrator shall explain the selection process and discuss the intended educational purpose for the instructional material. If appropriate, the adminis-

trator may offer a concerned parent an alternative instructional material to be used by that parent's child in place of the challenged material.

If the complainant wishes to make a formal challenge, the administrator shall provide the complainant a copy of this policy and a form to request a formal reconsideration of the instructional material.

Formal Request for Reconsideration

A complainant shall make any formal request to reconsider an instructional material on the form provided by the District and shall submit the completed and signed form to the principal. Upon receipt of the form, the principal shall appoint a reconsideration committee.

The reconsideration committee shall include at least one member of the instructional staff who has experience using the challenged material with students or is familiar with the challenged material's content. Other members of the committee may include District-level staff, secondary-level students, parents, and any other appropriate individuals.

All members of the committee shall review the challenged instructional material in its entirety. As soon as reasonably possible, the committee shall meet and determine whether the challenged material conforms to the principles of selection set out in this policy and whether the challenged material will continue to be used in the educational program. The committee shall prepare a written report of its findings. The Superintendent, other appropriate administrators, and the complainant shall receive copies of the report.

Frequency of Review

After an instructional material has been reviewed through formal reconsideration, it shall not be reviewed again until it is evaluated in the periodic local selection process.

Appeal

The complainant may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the appropriate level. [See DGBA, FNG, and GF]

Note: For information related to the selection of instructional materials, see EFA.

The purpose of this policy is to ensure that the District provides a wide range of library materials for students and faculty that support student achievement and present varying levels of difficulty, diversity of appeal, and a variety of points of view. This policy also provides standards for collection development and the selection and evaluation of library materials.

Collection Development Policy

In this policy, "library materials" may include printed and electronic library acquisitions, including online catalogs, and other ancillary or supplementary materials maintained in a campus library.

The library collection development standards shall apply to all library materials available for use or display, including material contained in school libraries, classroom libraries, and online catalogs.

In developing library collections, the District shall consider the age groups, grade levels, and access to library material by all students on a campus.

Responsibility

The District shall ensure librarians, professional library staff, and other designated professional staff trained on the proper collection development standards select and acquire library materials in accordance with state law and rules, this collection development policy, and administrative procedures.

The Superintendent shall develop administrative procedures to ensure that library collections comply with applicable law and the District's collection development purpose and goals.

Collection Development Goals

In addition to the requirements in state law and rules, the District's library collections shall:

1. Present multiple viewpoints related to controversial issues [see EMB regarding instruction about controversial issues].
2. Provide a wide range of background information that will enable students to make intelligent decisions in their daily lives.
3. Include accurate and authentic factual content from authoritative sources.
4. Have a high degree of potential user appeal and interest.
5. Offer a global perspective that promotes equity of access, including print and nonprint materials such as electronic and multimedia, to meet the needs of individual learners.

6. Represent diverse viewpoints and cultures appropriate to each campus to ensure the collection embodies the unique background of its student population.

Selection and Evaluation of Materials

Library materials shall be selected and acquired in accordance with guidelines adopted by the Texas State Library and Archives Commission and the District standards and priorities expressed in this policy.

When selecting, acquiring, and evaluating library materials, librarians and other professional staff shall ensure that the materials:

1. Enrich and support the TEKS and the state and local curriculum, taking into consideration students' varied interests, maturity levels, abilities, and learning styles.
2. Foster growth in factual knowledge, literary appreciation, aesthetic values, and societal standards.
3. Encourage the enjoyment of reading, foster high-level thinking skills, support personal learning, and encourage discussion based on rational analysis.
4. Represent ethnic, religious, and cultural groups of the state and their contributions to the state, the nation, and the world.

The Superintendent shall ensure that administrative procedures regarding the selection of library materials consider at least two of the following factors:

1. Recommendations from students, parents or guardians, teachers, and District community members.
2. Consultation with District teachers and library staff.
3. Consultation with library staff from other districts.
4. Extensive review of the library material.
5. Context of the library material, including overall fit within the existing collection and support of District curriculum.
6. Reviews of the library material from sources such as professional journals in library science, recognized professional education or content journals with book reviews, national and state award recognition lists, library science field experts, and highly acclaimed author and literacy expert recommendations.
7. Coverage of topics, authors, series, or genres that fill gaps in the school library collection.

Access Plan

The District shall allow efficient parental access to the District's library and any available online catalogs.

Online catalogs shall be publicly available. The District shall publish information about library material titles, including how and where material can be accessed.

Each campus shall communicate the following to parents and guardians:

- Access to policies relating to school libraries and library materials;
- Consistent access to library materials and resources; and
- Opportunities for students, parents and guardians, educators, and community members to provide feedback on library materials and services.

Parental Involvement

Parents and guardians are the primary decision makers regarding their student's access to library material. In general, a student is afforded the opportunity to self-select library materials as part of literacy development and the library program. District staff may assist a student in selecting library material; however, the ultimate determination of appropriateness remains with the student and parent or guardian. Parents and guardians are encouraged to communicate with the campus librarian and their child's teacher about special considerations regarding library materials self-selected by their student.

In accordance with state law and administrative procedures, parents or guardians may select alternative library materials for their student. [For information on parental rights regarding instructional materials and other instructional resources, see EFA(LEGAL).]

The District shall focus on maximizing transparency with parents while meeting student needs and providing enrichment opportunities with library materials. Parental involvement in library acquisition, maintenance, and campus activities is encouraged.

Access Procedures

School Library

A parent or guardian who wishes to access a school's library shall first submit a request to the principal. The principal or a staff member designated by the principal shall work with the parent or guardian to determine a time to access the library that will not interfere with the delivery of instruction or disrupt student use of library services.

Online Catalog

A parent or guardian who wishes to access an online catalog shall submit a written request to the principal. The principal or a staff member designated by the principal shall respond to the request in accordance with administrative procedures.

Protection from Inappropriate Material

Library materials shall not include “harmful material” as defined by Penal Code 43.24(a)(2); “obscene” material as defined by Penal Code 43.21(a)(1); any library material that is pervasively vulgar or educationally unsuitable as referenced in *Board of Education v. Pico*; or any other material legally prohibited from inclusion in a public school library. [See EFB(LEGAL)]

Obscene material is not protected by the First Amendment to the United States Constitution.

Library materials shall comply with the Children's Internet Protection Act (CIPA), including technology protection measures. [See CQ]

Reconsideration of Library Material

A District employee or a parent or guardian of a District student may request the reconsideration of a library material maintained in the District’s library program.

Guiding Principles

The following principles shall guide the review of a request to reconsider a library material:

1. An individual may raise an objection to a library material used in the District’s library program, despite the fact that the professional staff selecting the materials were qualified to make the selection, followed the proper procedure, and adhered to the objectives and criteria for library materials set out in this policy.
2. A parent’s or guardian’s ability to exercise control over instruction and instructional resources, including library materials, extends only to his or her own child as set forth in Education Code Chapter 26.
3. Access to a challenged material shall not be restricted during the reconsideration process, except the District may deny access to a student if requested by the student’s parent or guardian.

In addition to compliance with state law and this policy, a criterion for the final decision on challenged library materials is the appropriateness of the material for its intended use. No challenged library material shall be removed solely because of the ideas expressed in the library material or the personal background of the library material’s author or the personal background of the characters in the material.

Informal Reconsideration

When the District or a campus receives an objection to the appropriateness of a library material, the appropriate librarian or adminis-

trator shall try to resolve the matter informally. The librarian or administrator shall explain the selection process and discuss the intended purpose for the library material.

The librarian or administrator shall offer a concerned parent or guardian an alternative library material to be used by the child in place of the material and, if requested, shall restrict the child's access to the material objected to by the parent or guardian.

If the individual wishes to make a formal challenge, the administrator shall make available to the individual a copy of this policy and a form to request a formal reconsideration of the library material.

Formal Request for Reconsideration

The District shall make a form to request reconsideration of library material available in the District's administrative office.

If an employee or a parent or guardian of a District student wishes to request reconsideration of a library material, they shall follow the procedures to complete and submit the request for reconsideration form.

After a request for reconsideration form is submitted, the form shall be provided to the Superintendent. Copies of the form shall be provided to the school librarian, the Board, and any other staff designated in administrative procedures.

Reconsideration Committee

For purposes of this policy, "days" shall mean District business days, unless otherwise noted.

The principal shall appoint a reconsideration committee and notify committee members within 10 days of receiving the request for reconsideration form.

The reconsideration committee shall include the librarian and at least one member of the instructional staff who is familiar with the material's content. Other members of the committee may include District-level staff, secondary-level students, parents or guardians, and any other appropriate individuals.

Within 10 days of appointment of the committee the District shall provide members of the committee the relevant materials to review. If additional time is required to obtain and distribute the materials for review, all members of the committee shall be informed that a reasonable extension of time is needed.

All members of the committee shall review the challenged library material in its entirety and determine whether the material conforms to this policy and whether the material will continue to be available in the library. The committee shall prepare a written report of its findings.

Absent extenuating circumstances, the written report shall be provided to the administration within 60 days of the District providing the material to the committee members. In calculating timelines under this policy, the day the committee is provided the materials is "day zero." The following business day is "day one."

Extensions of time due to extenuating circumstances shall take into consideration the time necessary to convene the committee members, the amount of material being reviewed, and any other pending reconsideration requests being handled by the committee.

An extension of any deadline shall be promptly communicated to the individual who submitted the request for reconsideration.

The Superintendent, the school librarian, the individual submitting the request for reconsideration, and any other appropriate administrators shall receive a copy of the committee's report.

Appeal

An individual who submitted a request for reconsideration may appeal the decision of the reconsideration committee in accordance with appropriate complaint policies, starting at the level immediately preceding Board consideration of a complaint. [See DGBA and FNG]

Frequency of Review

After a library material has been reviewed through the reconsideration process, it shall not be reviewed again within two calendar years of the reconsideration committee's final decision.

Maintenance of Library Materials

In accordance with state guidelines and District administrative procedures, collections shall be evaluated and updated regularly based on the collections' age, relevance, diversity, and variety. The Superintendent shall ensure administrative procedures are established for regular maintenance of the library collection on each campus. Standard maintenance procedures for any library collection include repair, replacement, and removal of materials as necessary. Regular maintenance shall also include scheduled inventories of the collection. Disposal of any District-owned library materials shall be in accordance with District policy and procedures. [See CI]

Gifts and Donations

The District shall accept gifts and donations of library materials with the understanding that the use and disposition of the materials and monies will be in accordance with District policy and the selection criteria noted above. [See CDC]

Policy Review

This policy shall be reviewed at least every three years and revised as necessary.

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Student or parent complaints shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with FNG after the relevant complaint process:

1. Complaints alleging discrimination or harassment based on race, color, religion, sex, gender, national origin, age, or disability shall be submitted in accordance with the FFH series.
2. Complaints concerning dating violence shall be submitted in accordance with the FFH series.
3. Complaints concerning retaliation related to discrimination and harassment shall be submitted in accordance with the FFH series.
4. Complaints concerning bullying or retaliation related to bullying shall be submitted in accordance with FFI.
5. Complaints concerning failure to award credit or a final grade on the basis of attendance shall be submitted in accordance with FEC.
6. Complaints concerning expulsion shall be submitted in accordance with FOD and the Student Code of Conduct.
7. Complaints concerning any final decisions of the gifted and talented selection committee regarding selection for or exit from the gifted program shall be submitted in accordance with EHBB.
8. Complaints within the scope of Section 504, including complaints concerning identification, evaluation, or educational placement of a student with a disability, shall be submitted in accordance with FB and the procedural safeguards handbook.
9. Complaints within the scope of the Individuals with Disabilities Education Act, including complaints concerning identification, evaluation, educational placement, or discipline of a student with a disability, shall be submitted in accordance with EHBAE, FOF, and the procedural safeguards handbook provided to parents of all students referred to special education.
10. Complaints concerning instructional resources shall be submitted in accordance with the EF series.

11. Complaints concerning a commissioned peace officer who is an employee of the District shall be submitted in accordance with the CKE series.

12. Complaints concerning intradistrict transfers or campus assignment shall be submitted in accordance with FDB.

13. Complaints concerning admission, placement, or services provided for a homeless student shall be submitted in accordance with FDC.

14. Complaints concerning disputes regarding a student's eligibility for free or reduced-priced meal programs shall be submitted in accordance with COB.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Notice to Students and Parents

The District shall inform students and parents of this policy through appropriate District publications.

Guiding Principles

Informal Process

The Board encourages students and parents to discuss their concerns with the appropriate teacher, principal, or other campus administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

A student or parent may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, students and parents are encouraged to seek informal resolution of their concerns. A student or parent whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any student or parent for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.

Scheduling Conferences

The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If a student or parent fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the student's or parent's absence.

Response

At Levels One and Two, "response" shall mean a written communication to the student or parent from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the student's or parent's email address of record, or sent by U.S. Mail to the student's or parent's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.

Days

"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."

Representative

"Representative" shall mean any person who or organization that is designated by the student or parent to represent the student or parent in the complaint process. A student may be represented by an adult at any level of the complaint.

The student or parent may designate a representative through written notice to the District at any level of this process. If the student or parent designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.

Consolidating Complaints

Complaints arising out of an event or a series of related events shall be addressed in one complaint. A student or parent shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.

Untimely Filings

All time limits shall be strictly followed unless modified by mutual written consent.

If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the student or parent, at any point during the complaint process. The student or parent may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the student or parent does not have copies of these documents, copies may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the student or parent unless the student or parent did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the student or parent first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   In most circumstances, students and parents shall file Level One complaints with the campus principal.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the student or parent within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the student or parent a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the student or parent did not receive the relief requested at Level One or if the time for a response has expired, the student or parent may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The student or parent may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the student or parent at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the student or parent may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the student or parent a written response within ten days following the conference. The

written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the student or parent did not receive the relief requested at Level Two or if the time for a response has expired, the student or parent may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the student or parent of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The student or parent may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the student or parent notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the student or par-

ent and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the student or parent or the student's representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Complaints

In this policy, the terms “complaint” and “grievance” shall have the same meaning.

Other Complaint Processes

Complaints by members of the public shall be filed in accordance with this policy, except as required by the policies listed below. Some of these policies require appeals to be submitted in accordance with GF after the relevant complaint process:

1. Complaints concerning instructional resources shall be filed in accordance with the EF series.
2. Complaints concerning a commissioned peace officer who is an employee of the District shall be filed in accordance with the CKE series.

Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]

Guiding Principles

Informal Process

The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.

Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.

Formal Process

An individual may initiate the formal process described below by timely filing a written complaint form.

Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.

The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or “mini-trial” at any level.

Freedom from Retaliation

Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.

General Provisions

Filing

Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on

	the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are postmarked by U.S. Mail on or before the deadline and received by the appropriate administrator or designated representative no more than three days after the deadline.
Scheduling Conferences	The District shall make reasonable attempts to schedule conferences at a mutually agreeable time. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.
Response	At Levels One and Two, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.
Days	"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."
Representative	"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process. The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.
Consolidating Complaints	Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.
Untimely Filings	All time limits shall be strictly followed unless modified by mutual written consent. If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date

of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.

Costs Incurred

Each party shall pay its own costs incurred in the course of the complaint.

Complaint and Appeal Forms

Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

Level One

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and

2. With the lowest level administrator who has the authority to remedy the alleged problem.

   If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Two following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other

relevant documents or information the administrator believes will help resolve the complaint.

Level Two

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Superintendent or designee shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Superintendent or designee may set reasonable time limits for the conference.

The Superintendent or designee shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Superintendent or designee may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Superintendent or designee believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

Level Three

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.

The Superintendent or designee shall provide the Board the record of the Level Two appeal. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the administration in reaching the Level Two decision.

The appeal shall be limited to the issues and documents considered at Level Two, except that if at the Level Three hearing the administration intends to rely on evidence not included in the Level Two record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Three presentation. The Level Three presentation, including the presentation by the individual or his or her representative, any presentation

from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Two.

Waco Independent School District

Board of Trustee Meeting

Date: October 24, 2024 **Contact Person: Dr. Daniel Lopez**

RE: Administrator Contract Approval for 2024-2025
==========

Background Information:

Supervisors have made a contract recommendation for an employee whose contract is governed by Chapter 21 of the Texas Education Code. Included is an administrator who is currently serving on a term contract.

Administrator Contract Renewal and/or Extension for 2024-2025
Annual administrative contract recommendations are based on the following criteria:

- Probationary contracts are provided to new administrators who are required to maintain SBEC certification. New administrators must complete three full years on a probationary contract.
- After completing three full years on an administrator contract, one-year term contracts are offered.

Fiscal Implications:

None

Administrative Recommendation(s):
The Administration recommends approval of the contract recommendation for an administrator for the 2024-2025 school year.

Waco Independent School District

Board of Trustee Workshop Agenda Item

Date: October 24, 2024 **Contact Person**: Dr. Daniel Lopez

RE: T-TESS Appraisers for 2024-2025 School Year

==========

Background Information:

Per DNA (Local), the Board shall approve a list of certified appraisers who can appraise a teacher in place of the teacher's supervisor.

Attached is the 2024-2025 T-TESS Appraiser list for Board consideration. T-TESS Administrators who may serve as Second Appraisers for 2024-2025 are designated in the attached list with an asterisk (*).

Fiscal Implications:

None

Administrative Recommendation(s):

The administration recommends approval of the 2024-2025 T-TESS Appraisers list as presented.

2024-2025 T-TESS Appraisers
October 24, 2024

Last Name	First Name	Role
Collier	Krystal	Principal°
Cornblum	Deena	District Administrator
Goldberg	Michael	Assistant Principal
Linton	Lear	Principal
Logan*	Karmen	District Administrator
Reasor	Lauren	Assistant Principal
Wooden	Dennise	Principal°

*Second Appraisers
°Title Corrections

Additions/Corrections October 2024

WACO INDEPENDENT SCHOOL DISTRICT

Board Meeting Minutes

Special Meeting, Thursday, September 12, 2024 - 6:00pm
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

None

CONSIDER, DISCUSS, AND TAKE APPROPRIATE ACTION REGARDING THE SELECTION OF THE LONE FINALIST FOR SUPERINTENDENT

Keith Guillory made a motion, seconded by Jeremy Davis to name Dr. Tiffany Spicer as the Superintendent Lone Finalist. The motion was passed unanimously (7-0).

The board convened into closed session at 6:06 p.m.

The board reconvened at 7:23 p.m.

CONSIDERATION OF PERSONNEL

- Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
- Hear a Complaint or Charge Against an Officer or Employee

ADJOURNMENT

The meeting adjourned at 7:23 p.m.

_____
Board of President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Regular Meeting, Thursday, September 19, 2024 - 6:00pm
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

None

MOMENT OF SILENCE AND PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

J'Lee Taylor and Miguel Depaz Flores, students from Provident Heights Elementary, led the Pledge of Allegiance.

Scholastic Art and Writing Awards

Waco High School student, Isabella Ganske, was honored by the Board for receiving the prestigious Gold Key award through the Scholastic Art & Writing Awards.

TEA Teacher Leader Fellowship

Lake Air Montessori PDS teacher, Allison Davis, was honored for being selected for the Texas Education Agency Teacher Leadership Fellowship.

Teach Plus Texas Teaching Policy Fellow

Alta Vista Elementary School teacher, Jo Spark, was recognized for being chosen as a 2024-2025 Teach Plus Texas Teaching Policy Fellow.

Community Partner Award

The Board honored the City of Waco Fire Department with the September Community Partner Award.

SUPERINTENDENT'S REPORT

Hispanic Heritage Month

Dr. Kincannon shared the importance of honoring Hispanic Heritage Month in Waco ISD. She shared various events happening in the District including special classroom lessons, festivals, performances, and cultural celebrations.

Tennyson Middle School Dedication - September 23, 2024

Dr. Kincannon invited the community to celebrate the Tennyson Middle School dedication event on September 23, 2024, at 11:00 AM.

High School Musical Productions

Dr. Kincannon expressed excitement for the upcoming musical productions. Waco High School is showcasing "Ruthless," University High School is showcasing "Little Shop of Horrors," and G.W. Carver Middle School is presenting "Moana Jr."

Attendance Boundaries Planning

Dr. Kincannon shared a brief overview of the attendance boundaries planning process. The Attendance Boundaries Committee (ABC) will meet from November to March. Public hearings will be held in March with the Board voting on new boundaries in April 2025.

INFORMATION ITEMS/REPORTS

- Cooperative Fees Paid by Waco ISD for Fiscal Year 2023-2024
- Reports on Gifts to Waco ISD
- Update on Class Size Waiver

CONSENT AGENDA: CONSIDER AND TAKE APPROPRIATE ACTION

- Amendments to the 2024-2025 Budget
- Bid Award for Educational Consultants, Professional Development, and Other Student-Based Contracted Services
- Bid Award for Local Retailers' General Merchandise
- Bid Award for Maintenance Supplies, Equipment, and Services
- Purchases in Excess of $50,000 under Pre-Existing Bid, Purchasing Cooperative, or Allowed Professional Service
- Second Reading of Board Policy DFE (LOCAL)
- Second Reading of Board Policy FFAC (LOCAL)
- Second Reading of Board Policy Update 123
- Approve Change Order #2 for TEA Safety and Security Upgrades at Waco High School
- Approve Change Order #3 to CORE Construction for a Time Extension for Tennyson Middle School
- T-TESS Appraisers for 2024-2025 School Year
- Action Regarding the Superintendent's Resignation and Emeritus Contract
- School District Teaching Permit for Selected Teacher Candidates to Teach a Non-Core Academic CTE Course
- Board of Trustees Meeting Minutes
    - Special Meeting - August 15, 2024
    - Regular Meeting - August 22, 2024

President Korteweg entertained a motion to approve the consent agenda as presented except for items *7.F Second Reading of Board Policy DFE (LOCAL), 7.G Second Reading of Board Policy FFAC (LOCAL), and 7.H Second Reading of Board Policy Update 123.* Jeremy Davis made a motion, seconded by Angelo Ochoa. The motion passed unanimously (7-0).

Mr. Guillory indicated that he wished to recuse himself from voting on item *7.D Bid Award for Maintenance Supplies, Equipment, and Services.* Jeremy Davis made a motion, seconded by Jonathan Grant. The motion passed (6-0).

President Kortweg entertained a motion to table items *7.F Second Reading of Board Policy DFE (LOCAL), 7.G Second Reading of Board Policy FFAC (LOCAL), and 7.H Second Reading of Board Policy Update 123.* Jim Patton made a motion, seconded by Jeremy Davis. The motion passed unanimously (7-0).

After discussion, Jeremy Davis made a motion to approve item *7.I Approve Change Order #2 for TEA Safety and Security Upgrades at Waco High School,* seconded by Jose Vidana. The motion passed unanimously (7-0).

REVIEW AND DISCUSS THE SOUTH WACO ELEMENTARY SCHOOL CONSTRUCTION PROJECT

Representatives from Mazanec Construction, O'Connell Robertson, and Waco ISD presented a status report on the South Waco Elementary construction process.

REVIEW AND DISCUSS THE EMERGENT BILINGUALS ANNUAL EVALUATION AND PROGRAM REPORT

Grace Benson provided an annual update on the Bilingual and ESL programs within Waco ISD for the 2023-2024 school year. The report included a detailed overview of the Bilingual/ESL program including student demographics, Language Acquisition Summer School, staffing and professional development.

REVIEW, DISCUSS AND TAKE APPROPRIATE ACTION REGARDING RETENTION BONUSES FOR PARAPROFESSIONALS AND AUXILIARY PERSONNEL

The Administration recommended a one-time bonus for paraprofessional and auxiliary staff hired on or before August 14, 2024, excluding temporary employees. The proposed bonuses are $700 for regularly employed paraprofessional staff (paygrades 201-209) and auxiliary staff (paygrades 302-311).

President Korteweg entertained a motion to approve the retention bonuses for paraprofessional and auxiliary personnel. Jim Patton made a motion, seconded by Jeremy Davis. The motion was approved and passed unanimously (7-0).

REVIEW, DISCUSS, AND TAKE APPROPRIATE ACTION REGARDING A RESOLUTION TO NOMINATE CANDIDATE FOR THE MCLENNAN CENTRAL APPRAISAL DISTRICT BOARD OF DIRECTORS

Every two years, in odd-numbered years, taxing entities in McLennan County elect five directors to the McLennan County Appraisal District Board. Each taxing entity can nominate one candidate for each of the five positions through a resolution.

President Korteweg entertained a motion to nominate Jim Patton as the candidate for the McLennan Central Appraisal District Board of Directors. Angelo Ochoa made a motion, seconded by Jonathan Grant. The motion was approved and passed unanimously (7-0).

ANNOUNCEMENTS

- 9/20 and 9/23 - Student Holiday/Staff Development
- 9/26 - UHS Homecoming
- 10/18 - WHS Homecoming
- 9/23 - Tennyson Middle School Dedication

REVIEW AND DISCUSS POTENTIAL CONTRACTS ON REAL PROPERTY

The Board convened into closed session at 7:54 p.m.

The Board reconvened at 9:23 p.m.

CONSIDERATION OF PERSONNEL

- Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
- Hear a Complaint or Charge Against an Officer or Employee

ADJOURNMENT

_____
Board of President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Special Meeting, Thursday, October 3, 2024 - 6:00pm
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.

The Board convened into closed session at 6:00 p.m.

The Board reconvened at 7:23 p.m.

CONSIDERATION OF PERSONNEL

- Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
- Hear a Complaint or Charge Against an Officer or Employee

ADJOURNMENT

_____
Board of President

_____
Board Secretary

WACO INDEPENDENT SCHOOL DISTRICT
Board Meeting Minutes

Special Meeting, Thursday, October 4, 2024 - 12:00pm
WISD Administration Offices Board Room

BOARD MEMBERS PRESENT
Stephanie Korteweg
Jeremy Davis
Keith Guillory
Angelo Ochoa
Jonathan Grant
Jim Patton

BOARD MEMBERS ABSENT
Jose Vidana

CALL TO ORDER
Stephanie Korteweg, Board President, called the meeting of the Waco Independent School District Board of Trustees to order at 12:00 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
None

CONSIDER, DISCUSS, AND TAKE APPROPRIATE ACTION REGARDING THE VOTE TO HIRE THE LONE FINALIST FOR SUPERINTENDENT
President Korteweg entertained a motion. Jeremy Davis, made a motion to vote to hire Dr. Tiffany Spicer as the Superintendent of Schools for Waco ISD, seconded by Jim Patton. The motion was approved and passed unanimously (6-0).

CONSIDERATION OF PERSONNEL
- Deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee
- Hear a Complaint or Charge Against an Officer or Employee

ADJOURNMENT
The meeting adjourned at 12:05 p.m.

_____
Board of President

_____
Board Secretary

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Dr. Deena Cornblum

RE: Review and Discuss Required Annual Review of College, Career and Military Readiness (CCMR) Board-Adopted Goals

==========

Background Information

Under House Bill 3 (HB 3), boards must adopt goals in College, Career, and Military Readiness (CCMR). The goals should be specific and quantifiable and cover a five-year period. They must be reviewed annually at a public meeting, and an annual report should be posted on district and campus websites.

Annual goals are presented in two areas: (1) aggregate student growth on CCMR readiness indicators measured by Domain I for Student Achievement and (2) annual targets for students in each group evaluated under Domain 3 for Closing the Gaps. Due to recent accountability changes, board-adopted goals were re-established during the 2023-2024 school year.

Proposed yearly targets for Domain I and Domain III (attached) are based on the Class of 2023. The recommended goals ensure that the district meets state targets for 2027.

Fiscal Implications

House Bill 3 provides districts with a CCMR bonus based on performance data reported on the TAPR. For 2023, Waco ISD received $154,000 in outcome bonus funding. Bonuses for 2024 totaled $68,000. The CCMR outcome bonus early counts for the class of 2023 are projected to total $216,000.

Administrative Recommendation(s):

Review and approve College, Career and Military Readiness (CCMR) board-adopted goals as presented.

CCMR Board-Adopted Goals

The percentage of graduates that meet the criteria for CCMR will increase from 55% to 78% by August 2026 (Class of 2025).

Yearly Target Goals

2022 (Class of 2021)	2023 (Class of 2022)	2024 (Class of 2023)	2025 (Class of 2024)	2026 (Class of 2025)
47%	55%	63%	71%	78%

Closing the Gaps Student Groups Yearly Targets

	African American	Hispanic	White	American Indian	Asian	Pacific Islander	Two or More Races	Special Ed	Eco. Disadv.	English Learners
2022 (actual)	32%	46%	56%	NA	NA	NA	60%	43%	41%	32%
2023 (actual)	42%	58%	64%	NA	NA	NA	71%	64%	52%	47%
2024	47%	60%	71%	NA	NA	NA	73%	64%	56%	51%
2024 (actual)	47%	63%	74%	NA	NA	NA	60%	73%	58%	46%
2025	52%	65%	75%	NA	NA	NA	76%	69%	61%	56%
2026	57%	70%	79%	NA	NA	NA	80%	74%	66%	61%
2027 (TEA goal)	57%	70%	79%	NA	NA	NA	73%	74%	66%	61%
Current TEA goal until 2026	**47**	**60**	**71**				**63**	**64**	**56**	**51**

Waco Independent School District

Board of Trustee Meeting Agenda Item

Date: October 24, 2024 **Contact Person**: Dr. Deena Cornblum

RE: Review and Discuss Required Annual Review of Early Childhood Literacy and Mathematics Board-Adopted Goals

==========

Background Information:

Under House Bill 3 (HB 3), school boards are required to adopt goals in early childhood literacy and math. Guidance from the Texas Education Agency (TEA) requires that the goals be reviewed annually at a public meeting and an annual report be posted on the district and campus websites. Goals should be specific and quantifiable, covering a five-year period.

Annual goals are required in the following two areas: (1) aggregate student growth on third-grade math and reading STAAR assessments and (2) closing the gaps in each group evaluated under Domain III where there are 25 or more students in a group. In 2023, the entire STAAR accountability system and the STAAR assessments went through a refresh. These changes made it necessary to revise all goals to meet new accountability standards in Domain III.

The proposed new goals for the school years 2024-2027 are listed on the attached chart. Progress for 2023 can also be found on the charts and served as a starting point to calculate and set new goals. The top of each chart shows the goals for Domain I at the Meets level of mastery for third-grade students only. The bottom portion of the chart reflects student growth goals for Domain III, Closing the Gaps. Domain III goals were set to meet the state's targets for each subpopulation. The goals were created to meet the current targets and to also ensure we are on track to meet the changes to the targets that will go into effect for the 2027 school year. Targets for Domain I and III were created using a system of equal distribution to meet TEA goals for 2026 and the changes for the 2027 school year.

The board goals are included on the following pages for review.

Fiscal Implications:

None

Administrative Recommendation(s):

Review and approve the new proposed board goals for math and literacy as presented.

Early Childhood Literacy Board Outcome Goal

The percent of 3rd grade students that score meets grade level or above on STAAR Reading will increase from 26% to 45% by June 2026.

Yearly Target Goals

2022	2023	2024	2025	2026
26%	27%	33%	39%	45%

Closing the Gaps Student Groups Yearly Targets

	African American	Hispanic	White	Asian	Pacific Islander	Two or More Races	Special Ed	Eco. Disadv.	Emergent Bilingual
2022 (actual)	14%	35%	47%	76%	NA	19%	17%	30%	27%
2023 (actual)	21%	28%	39%	NA	NA	40%	5%	24%	21%
2024	34%	39%	59%	NA	NA	55%	26%	35%	37%
2024 (actual)	17%	23%	49%	NA	NA	23%	10%	21%	24%
2025	39%	54%	62%	NA	NA	59%	32%	40%	46%
2026	44%	69%	65%	NA	NA	63%	38%	45%	55%
2027 (TEA goal)	45%	70%	66%	78%	NA	63%	38%	46%	56%
Current TEA goal until 2026	**34**	**39**	**59**	**73**		**55**	**26**	**35**	**37**