



TORNILLO INDEPENDENT SCHOOL DISTRICT

INNOVATING – EMPOWERING – THRIVING

Agenda of Regular Board Meeting During Disaster Due to COVID-19

The Board of Trustees
Tornillo ISD
Wednesday, June 23, 2021

A Regular Board Meeting of the Board of Trustees of the Tornillo ISD will be held Wednesday, June 23, 2021 beginning at 5:30 PM in the Board Room, located at 19210 Cobb Tornillo, Texas. Please note that gatherings in the Board Room will be limited to 10 persons at any given time.

This public notice relies on Governor Abbott’s Order Suspending certain provisions of the Texas Open Meetings Act to protect public health during the Covid-19 pandemic without sacrificing transparency. The board meeting will be conducted in-person in the Board Room at the location provided above, by remote participation, or a combination of both with some board members participating in-person, and others participating remotely either by videoconference or teleconference, as may become necessary due to the pandemic. In either case, the public may access the meeting remotely or by teleconference as provided below. The public may provide public comment remotely as provided below or provide public comment in person at the physical meeting location noted above.

The teleconference audio can be accessed at the following telephone number:

[\(+1\)346-248-7799](tel:+13462487799) using the access code [883 4156 8161](tel:88341568161) and through an audio feed located at <https://us02web.zoom.us/j/88341568161?pwd=cFp5bExCWEdJbVpxamMyOUdtL1p4QT09>

[Meeting ID: 883 4156 8161 Passcode: coyotes](https://meetings.boardbook.org/Public/Organization/2199). Any member of the public wishing to comment on an agenda item (either in person or using the alternate method provided in this notice) can sign-up by sending us an email to the following email address: aguilarr@tisd.us. All backup and materials for the meeting can be accessed at the following link:

<https://meetings.boardbook.org/Public/Organization/2199>

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

1. **(OTHER) First Order of Business**
Ms. Marlene Bullard, Board President
 - A. Establish a quorum and call the meeting to order
 - B. Pledge of Allegiance to the United States
2. **(OTHER) Superintendent's Report**
Mrs. Rosa Vega-Barrio, Superintendent
3. **(OTHER) District Recognitions**
 - A. Summer Graduates
Mr. Marco Tristan, THS Principal

| | | |
|----|---|----|
| 4. | (OTHER) Open Forum | |
| | Ms. Marlene Bullard, Board President | |
| 5. | (OTHER) Information / Reports / Presentations | |
| | A. Financial Reports — Information Only | 4 |
| | Mr. Luis M. Guerra, Director of Finance | |
| | B. School Health Advisory Council (SHAC) Annual Report 2020-2021 | 28 |
| | Ms. Linda Rivero, District Nurse | |
| | C. Annual Report of Student Screenings for the 2020-2021 School Year | 36 |
| | Ms. Linda Rivero, District Nurse | |
| 6. | (STRUCTURE) Board Items | |
| | A. Purchases > \$10,000 threshold - Authorization | |
| | 1. Consider Approval to Purchase AVID Membership and Curriculum | 41 |
| | Mr. Rodrigo Portillo, Assistant Superintendent | |
| | B. Consider the Selection of a Delegate and an Alternate to Represent Tornillo ISD at the TASB Delegate Assembly on September 25, 2021, in Dallas, TX | 44 |
| | Ms. Marlene Bullard, Board President | |
| | C. Consider Approval of Proposed Subcontract with UTEP | 45 |
| | Ms. Linda Rivero, District Nurse | |
| | D. Consider Approval of Cooperative Agreement with Goodside Health | 65 |
| | Ms. Linda Rivero, District Nurse | |
| | E. Discussion and Possible Action Regarding Nomination for TASB Board Region 19 Seat | 67 |
| | Ms. Marlene Bullard, Board President | |
| | F. 2021-2022 Safe School Reopening and ESSER III Public Meeting and Approval | 70 |
| | Mr. Luis M. Guerra, Director of Finance | |
| | G. Consider Approval of New Teacher Mentorship Program MOU | 71 |
| | Mr. Rodrigo Portillo, Assistant Superintendent | |
| | H. Discussion and Possible Action to Approve Return to In-Person TISD School Board Meetings, Absent Extenuating or Emergency Circumstances as Allowed by Law | |
| | Mrs. Rosa Vega-Barrio, Superintendent | |
| 7. | (STRUCTURE) Consent Agenda | |
| | (All items on the Consent Agenda shall be acted upon by one vote without separate discussion, unless a Board Member requests that an item be withdrawn for individual consideration) | |
| | A. Approve minutes from previous meetings: | 80 |
| | 1. Virtual Regular Board Meeting Minutes - 05/26/2021 | |
| | B. Consider Approval of Contract Between Tornillo ISD and Communities in Schools | 84 |
| | Ms. Lizeth Carroll, HR / Compliance Director | |
| | C. Consider Approval of DNA (LOCAL) - 2nd Reading | 91 |
| | Mrs. Rosa Vega-Barrio, Superintendent | |
| | D. Consider Approval of the 2021-2022 Employee Handbook | |
| | Ms. Lizeth Carroll, HR / Compliance Director | |

- E. Consider Approval of the 2021-2022 T-TESS Manual 92
Ms. Lizeth Carroll, HR / Compliance Director
- F. Consider Approval of the 2021-2022 Education Service Center - R19 93
Migrant Education Shared Services Arrangement Agreement
Ms. Lizeth Carroll, HR / Compliance Director
- G. Consider Approval of Disposal of Furniture and Other 116
Mr. Rene Estrada, Maintenance/Transportation Director
- H. Consider Approval of TASB Policy Manual Update 117 (1st Reading) 117
affecting the following (LOCAL) Policies:
1. CH (LOCAL): PURCHASING AND ACQUISITION
2. CV (LOCAL): FACILITIES CONSTRUCTION
3. DEC (LOCAL): COMPENSATION AND BENEFITS - LEAVES
AND ABSENCES
Mrs. Rosa Vega-Barrio, Superintendent
- I. Consider Approval of Board Constraint Progress Monitoring #3: The board shall not
make decisions that will impact student outcomes without being well-trained,
informed, and prepared.
- J. Consider Approval of Budget Amendments 395
Mr. Luis M. Guerra, Director of Finance
- K. Consider Approval of Donations 396
Mr. Luis M. Guerra, Director of Finance
- L. Consider Approval of 2021-2022 Organizational Chart 397
Mrs. Rosa Vega-Barrio, Superintendent
- 8. **Lone Star Governance**
 - A. **Student Outcome Monitoring: Goal 1, Goal 2 & Goal 3**
 - 1. Tornillo Elementary School — GPM 1.1 & GPM 2.1 398
Mrs. Myrna Lopez, TES Principal
 - 2. Tornillo High School — GPM 3.1 & 3.2 406
Mr. Marco Tristan, THS Principal
 - B. (Accountability 1) Review, Discussion, and Possible Action Regarding 413
Board's Time Use Tracker
Ms. Marlene Bullard, Board President
- 9. **(OTHER) Community Engagement on Student Outcome Goals**
Ms. Marlene Bullard, Board President
- 10. **Next Meeting Tentative Date:** July 28, 2021

Adjournment of the Meeting



Rosa Vega-Barrio
Superintendent of Schools



FINANCIAL REPORTS

FOR THE MONTH ENDING May 31, 2021

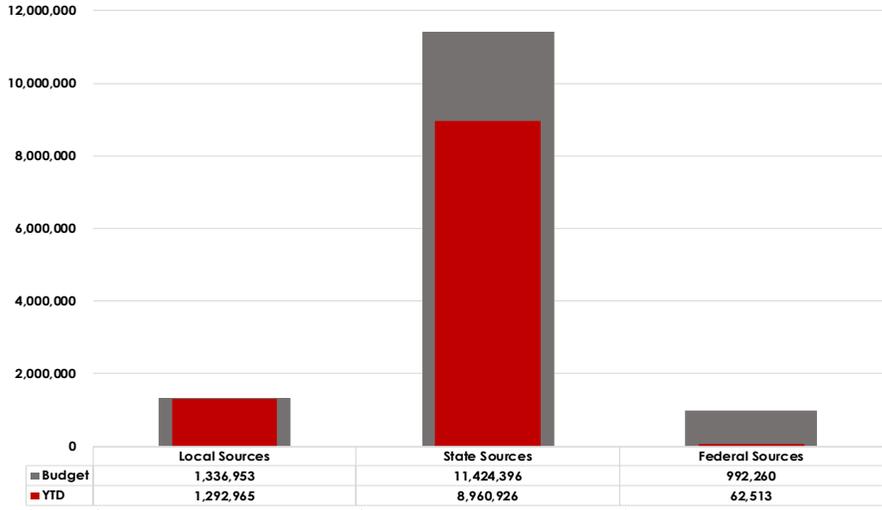
Table of Contents

| | |
|--|-----------|
| Summary Report | 1 |
| Revenues & Expenditures..... | 2 |
| Banking and Investment Pool..... | 3 |
| General Fund Cash Flow..... | 4 |
| Monthly Investment Summary | 5 |
| Investment Trends..... | 6 |
| Lone Star Monthly Statement..... | 7 |
| Utility Usage & Cost | 11 |
| El Paso Electric Transformer Upgrades | 12 |
| \$10K and Above Payments | 13 |
| Check Register | 14 |

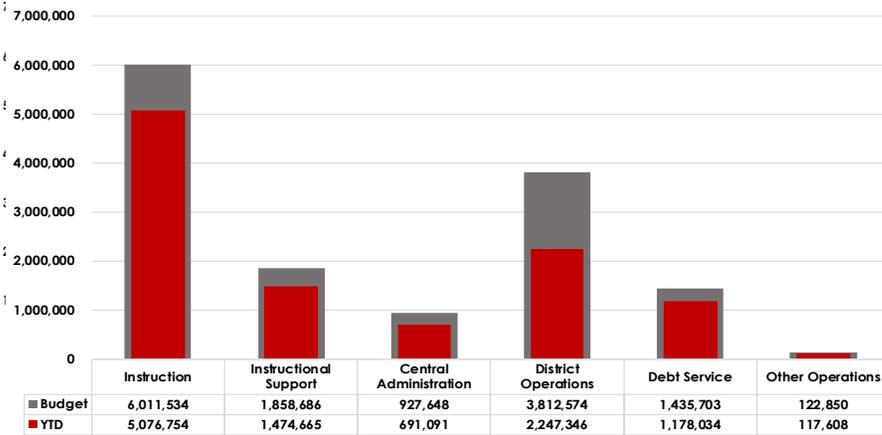
**TORNILLO INDEPENDENT SCHOOL DISTRICT
BOARD FINANCIAL REPORT SUMMARY
As of May 31, 2021**

Board Adopted Revenue and Expenditures

Revenue

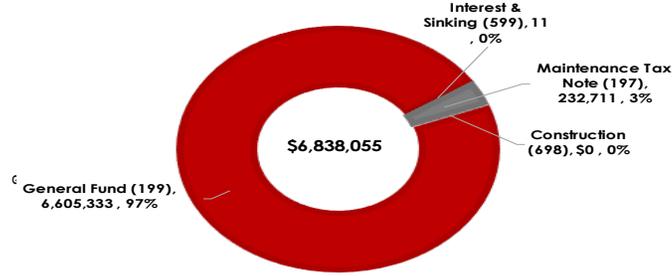


Expenditures

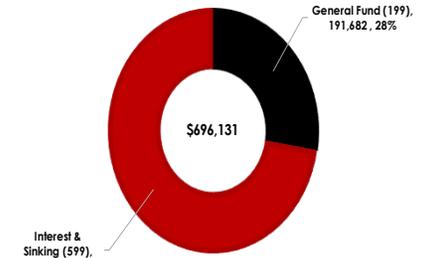


Banking and Investment Pools

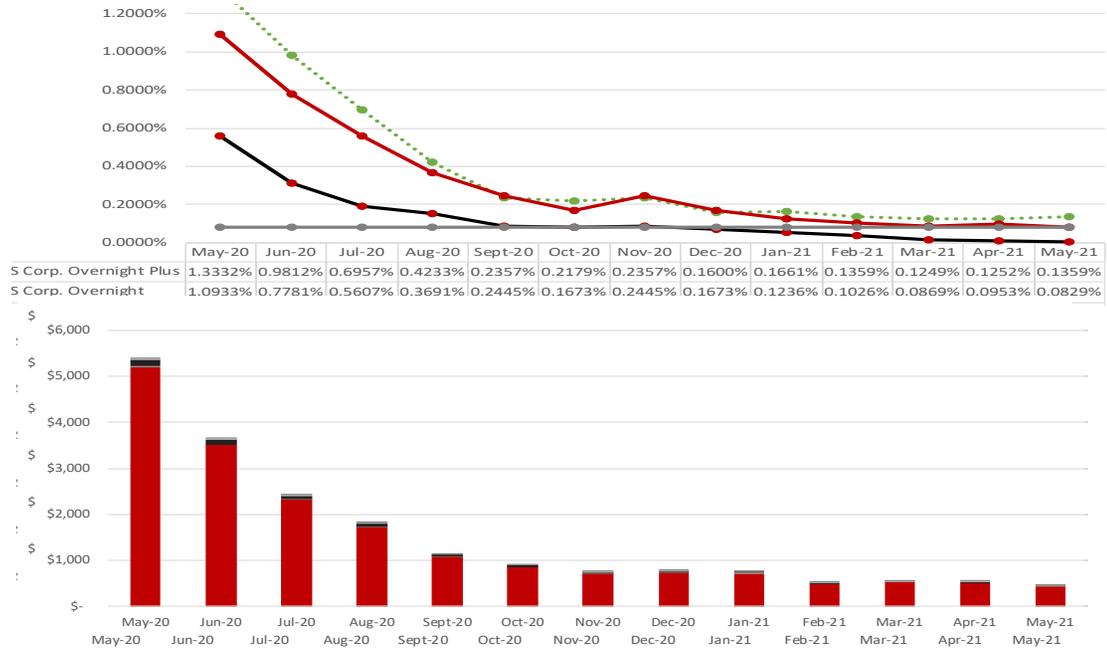
LONE STAR INVESTMENTS



WESTSTAR BANK

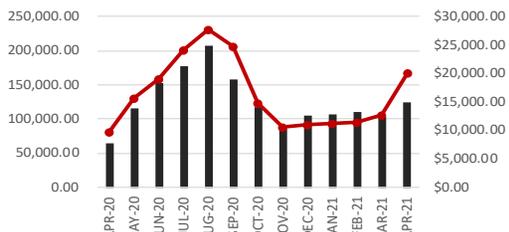


Investment Rate and Interest Revenue Trends

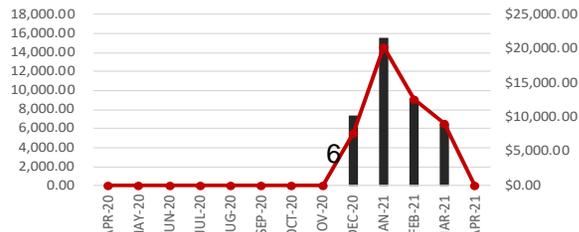


Utilities

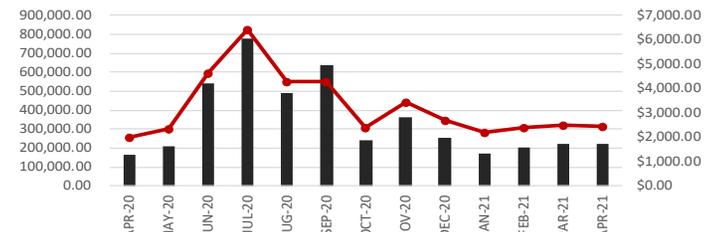
ELECTRICITY



PROPANE



WATER



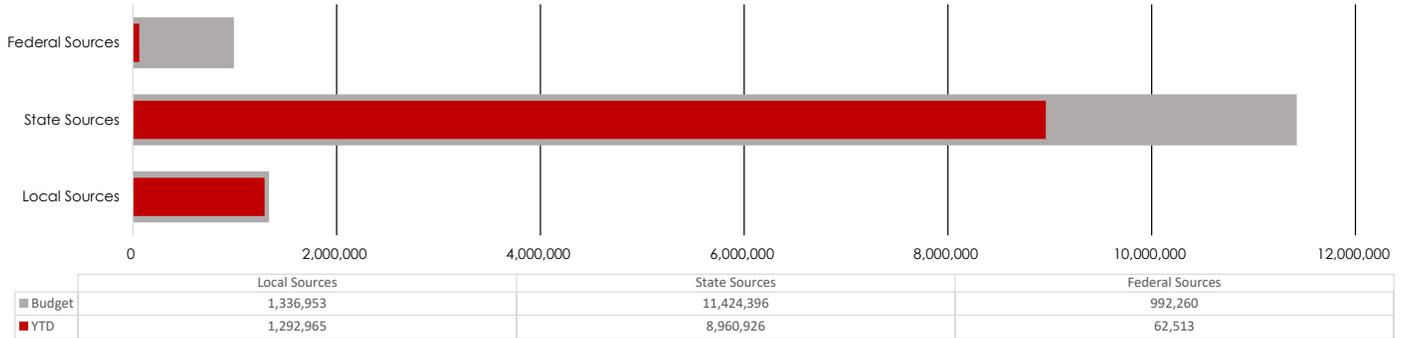
TORNILLO INDEPENDENT SCHOOL DISTRICT

Revenues & Expenditures

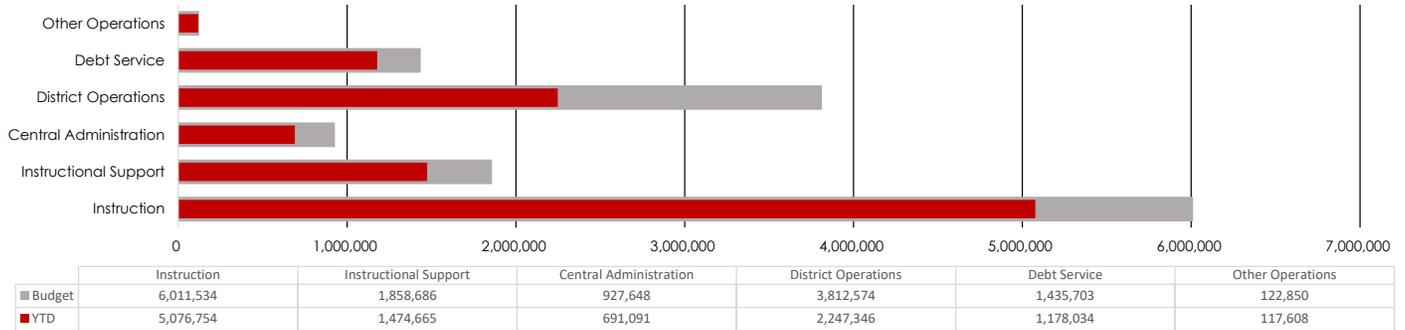
As of May 31, 2021

| REVENUES | Fund 101 - CNS | | | Fund 199 - General Fund | | | Fund 599 - Debt Service | | | Total | | |
|------------------------|----------------|---------------|----------------|-------------------------|------------------|------------------|-------------------------|------------------|----------------|-------------------|-------------------|------------------|
| | Budget | YTD | Remaining | Budget | YTD | Remaining | Budget | YTD | Remaining | Budget | YTD | Remaining |
| Local Sources | 76,000 | 3,004 | 72,996 | 873,518 | 899,246 | (25,728) | 387,435 | 390,715 | (3,280) | 1,336,953 | 1,292,965 | 43,988 |
| State Sources | 5,400 | 0 | 5,400 | 10,539,531 | 8,108,145 | 2,431,386 | 879,465 | 852,781 | 26,684 | 11,424,396 | 8,960,926 | 2,463,470 |
| Federal Sources | 817,260 | 13,781 | 803,479 | 175,000 | 48,732 | 126,268 | 0 | 0 | 0 | 992,260 | 62,513 | 929,747 |
| Total Revenue: | 898,660 | 16,785 | 881,875 | 11,588,049 | 9,056,123 | 2,531,926 | 1,266,900 | 1,243,496 | 23,404 | 13,753,609 | 10,316,404 | 3,437,205 |
| EXPENSES | | | | | | | | | | | | |
| Instruction | 0 | 0 | 0 | 6,011,534 | 5,076,754 | 934,780 | 0 | 0 | 0 | 6,011,534 | 5,076,754 | 934,780 |
| Instructional Support | 0 | 0 | 0 | 1,858,686 | 1,474,665 | 384,021 | 0 | 0 | 0 | 1,858,686 | 1,474,665 | 384,021 |
| Central Administration | 0 | 0 | 0 | 927,648 | 691,091 | 236,557 | 0 | 0 | 0 | 927,648 | 691,091 | 236,557 |
| District Operations | 898,660 | 43,025 | 855,635 | 2,913,914 | 2,204,321 | 709,593 | 0 | 0 | 0 | 3,812,574 | 2,247,346 | 1,565,228 |
| Debt Service | 0 | 0 | 0 | 0 | 0 | 0 | 1,435,703 | 1,178,034 | 257,669 | 1,435,703 | 1,178,034 | 257,669 |
| Other Operations | 0 | 0 | 0 | 122,850 | 117,608 | 5,242 | 0 | 0 | 0 | 122,850 | 117,608 | 5,242 |
| Total Expenses: | 898,660 | 43,025 | 855,635 | 11,834,632 | 9,564,439 | 2,270,193 | 1,435,703 | 1,178,034 | 257,669 | 14,168,995 | 10,785,498 | 3,383,497 |

**Total Revenues
Funds 101, 199 & 599**

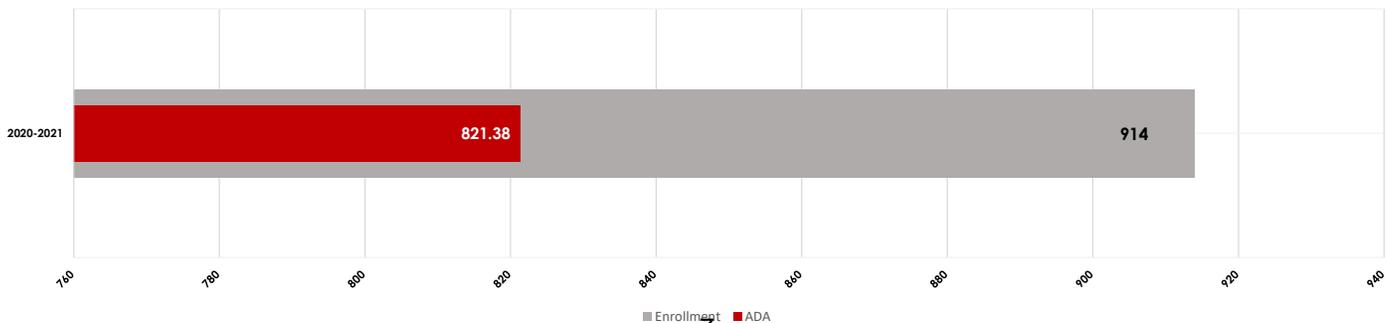


**Total Expenditures
Funds 101, 199 & 599**



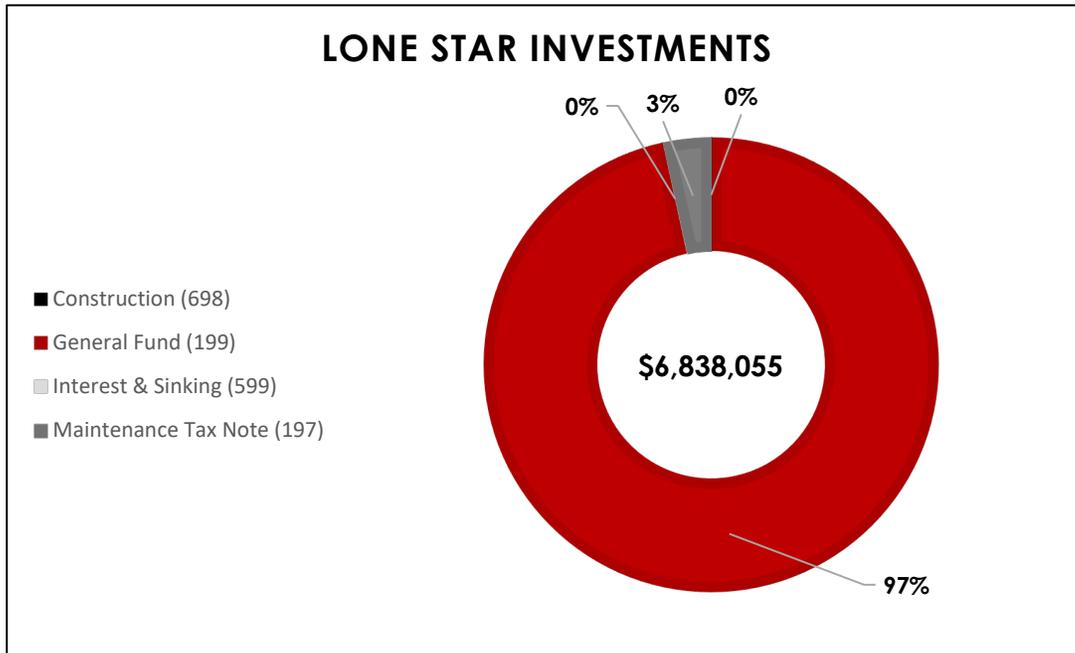
**2020-2021
Enrollment & ADA**

Current ADA % - 91.46%

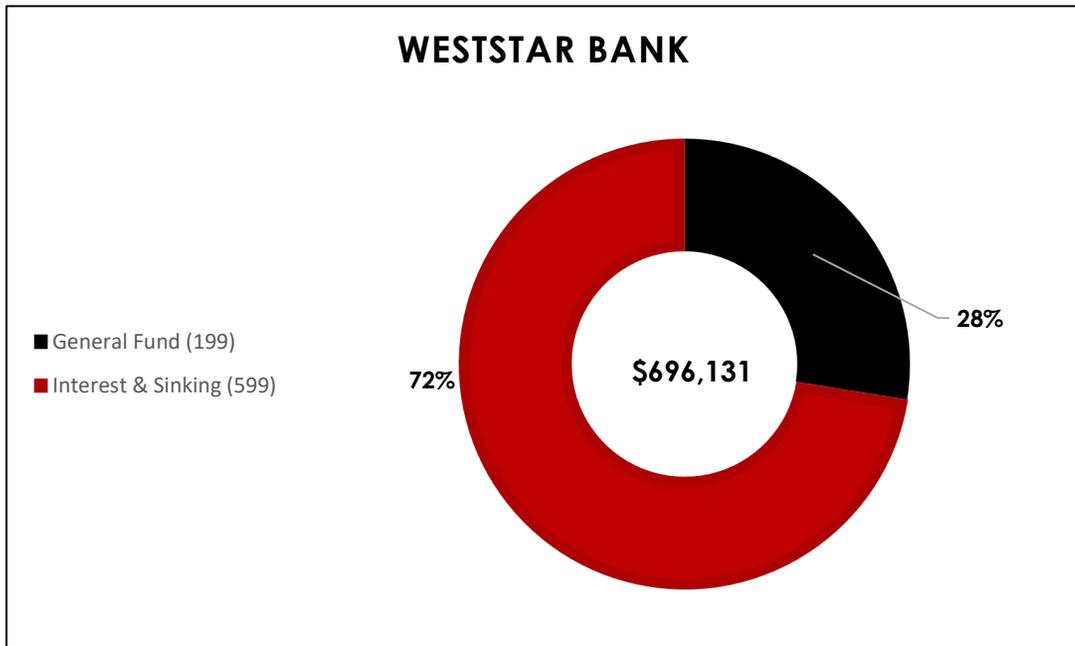


TORNILLO INDEPENDENT SCHOOL DISTRICT

As of May 31, 2021



| Account | Beg. Bal. | End. Bal. | Change |
|----------------------------------|--------------------|--------------------|------------------|
| Construction (698) | \$0 | \$0 | \$0 |
| General Fund (199) | 6,376,233 | 6,605,333 | 229,100 |
| Interest & Sinking (599) | 11 | 11 | 0 |
| Maintenance Tax Note (197) | 232,696 | 232,711 | 15 |
| Lone Star Investment Pool | \$6,608,940 | \$6,838,055 | \$229,115 |



| Account | Beg. Bal. | End. Bal. | Change |
|--------------------------|------------------|------------------|--------------------|
| General Fund (199) | 441,507 | 191,682 | (249,825) |
| Interest & Sinking (599) | 498,874 | 504,449 | 5,575 |
| WestStar Bank | \$940,381 | \$696,131 | (\$244,250) |

TORNILLO INDEPENDENT SCHOOL DISTRICT

GENERAL FUND - CASH FLOW

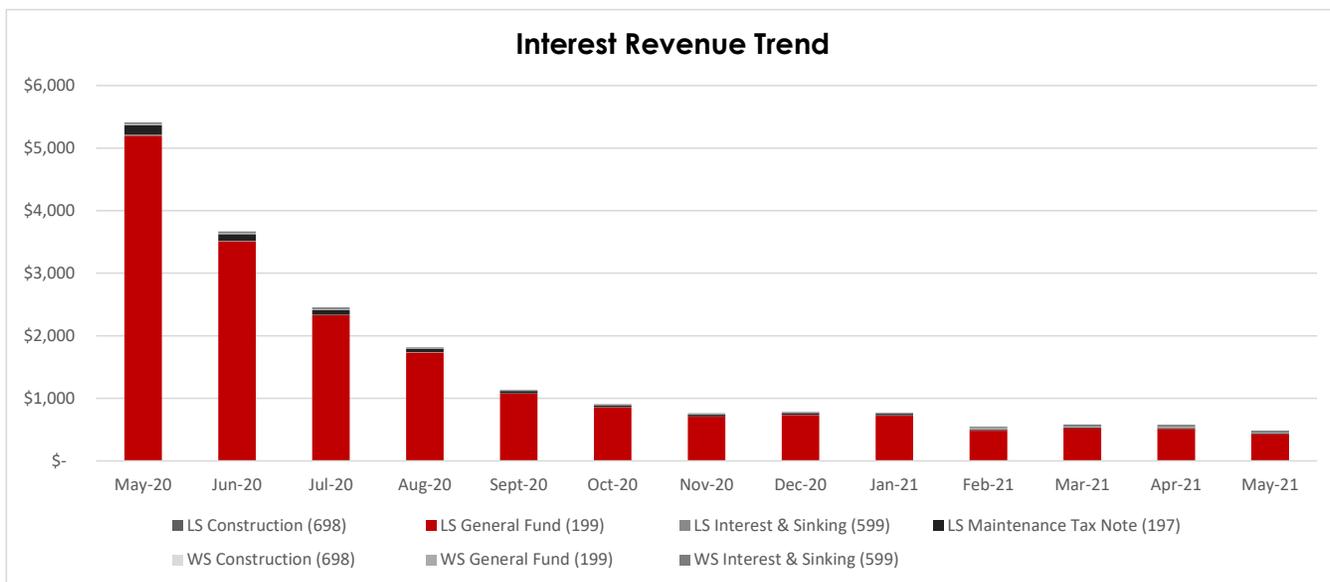
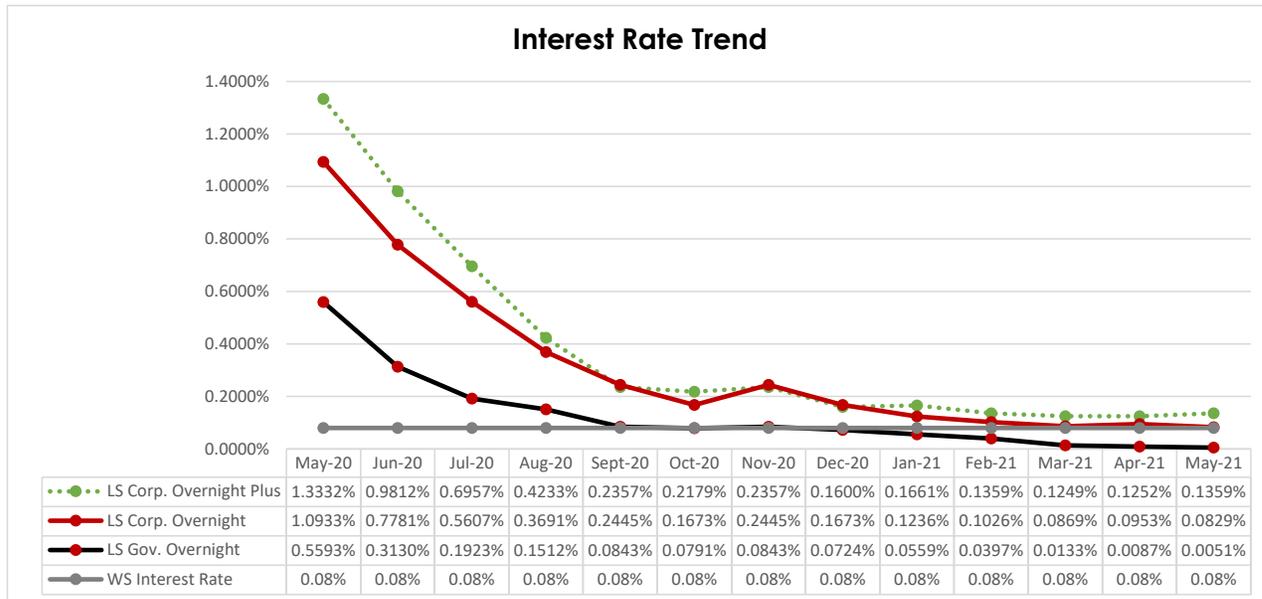
As of May 31, 2021

Beginning Balance \$ 441,507

| Day | Taxes | Deposits | Interest | Transfers | IRS | TRS | Payroll | Checks Cleared | Fees | Balance |
|-----------------------|-------|----------|----------|-----------|----------|----------|-----------|----------------|-------|-------------------|
| 01 | | | | | | | | | | \$ 441,507 |
| 02 | | | 15 | | | | | | | \$ 441,522 |
| 03 | | | | | | | (164,973) | (2,594) | | \$ 273,955 |
| 04 | 4,685 | 2,102 | | | (14,376) | (87,780) | | (7,993) | | \$ 170,595 |
| 05 | | | | | | | | (1,931) | | \$ 168,664 |
| 06 | | 95 | | | | | | (16,030) | | \$ 152,729 |
| 07 | | 340 | | | | | | (26,778) | | \$ 126,291 |
| 08 | | | | | | | | | | \$ 126,291 |
| 09 | | | | | | | | | | \$ 126,291 |
| 10 | | | | | | | | (1,536) | | \$ 124,755 |
| 11 | 2,673 | | | | | | | (16,101) | | \$ 111,327 |
| 12 | | | | 342,000 | | | (264,300) | (3,573) | | \$ 185,455 |
| 13 | | 20,932 | | | | (41,497) | | (7,480) | | \$ 157,411 |
| 14 | | 396 | | | (34,113) | | (1,636) | (15,208) | (403) | \$ 106,446 |
| 15 | | | | | | | | | | \$ 106,446 |
| 16 | | | | | | | | | | \$ 106,446 |
| 17 | | | | | | | | (3,716) | | \$ 102,730 |
| 18 | 3,237 | 403 | | | | | | (31,852) | | \$ 74,517 |
| 19 | | 66 | | | | | | (41,925) | | \$ 32,658 |
| 20 | | 6,321 | | 50,000 | | | | (10,030) | | \$ 78,949 |
| 21 | | 78 | | 100,000 | | | | (43,225) | | \$ 135,803 |
| 22 | | | | | | | | | | \$ 135,803 |
| 23 | | | | | | | | | | \$ 135,803 |
| 24 | | 585 | | | | | | (817) | | \$ 135,571 |
| 25 | 3,432 | | | | | | | (6,742) | | \$ 132,261 |
| 26 | | | | 435,000 | | | (299,864) | (7,267) | | \$ 260,130 |
| 27 | | 115 | | | | | | (384) | | \$ 259,861 |
| 28 | | 177 | | | (43,581) | | (1,636) | (23,132) | | \$ 191,688 |
| 29 | | | | | | | | | | \$ 191,688 |
| 30 | | | | | | | | | | \$ 191,688 |
| 31 | | | 9 | | | | | | | \$ 191,697 |
| Ending Balance | | | | | | | | | | \$ 191,697 |

TORNILLO INDEPENDENT SCHOOL DISTRICT

INTEREST RATE TRENDS



Tornillo Independent School District

Monthly Summary of Investments

As of May 31, 2021

| Fnd-Obj | ACCOUNT NAME | BEGINNING | DEPOSITS | CHECKS | INTEREST | ENDING | INTEREST RATE |
|----------|--------------------------------------|-----------------|--------------|--------------|----------|-----------------|---------------|
| | | BALANCE | | | | BALANCE | |
| | | 5/1/2021 | | | | 5/31/2021 | |
| 199-1110 | General Operating | \$ 441,506.84 | 972,637.21 | 1,222,471.23 | 9.33 | \$ 191,682.15 | 0.08% |
| 197-1107 | Maintenance Tax Note | \$ 232,695.56 | 0.00 | 0.00 | 15.81 | \$ 232,711.37 | 0.1359% |
| 199-1107 | Lone Star Inv. Pool#1 | \$ 6,376,232.70 | 1,155,671.67 | 927,000.00 | 428.33 | \$ 6,605,332.70 | 0.1359% |
| 698-1107 | Lone Star Inv. Pool/Capital Projects | \$ - | 0.00 | 0.00 | 0.00 | \$ - | 0.1359% |
| 599-1110 | Interest and Sinking | \$ 498,874.30 | 5,543.10 | 0.00 | 31.92 | \$ 504,449.32 | 0.08% |
| 599-1107 | Lone Star Inv. Pool/Int.&Sinking | \$ 9.35 | 0.00 | 0.00 | 0.00 | \$ 9.35 | 0.1026% |
| 599-1107 | Lone Star Inv. Pool/I&S Government | \$ 1.68 | 0.00 | 0.00 | 0.00 | \$ 1.68 | 0.0397% |
| 698-1107 | Lone Star Inv. Pool/CP Government | \$ - | 0.00 | 0.00 | 0.00 | \$ - | 0.0397% |
| 698-1110 | Construction Funds | \$ (0.00) | 0.00 | 0.00 | 0.00 | \$ (0.00) | 0.08% |

Statement of Compliance:

The foregoing Investment Report complies with the Investment Policy and District Strategies of the Tornillo ISD.



Luis Guerra, Director of Finance



Participant #: 71908

Lone Star™ May 2021
Investment Pool Monthly Statement

Statement Period: 05/01/2021 to 05/31/2021

Luis M Guerra
Tornillo ISD
PO Box 170
Tornillo, Texas 79853-0170



Summary of Portfolio Holdings

| Account | Fund | Number of Shares | Price Per Share | Account Balance | % Port. |
|----------------|--------------------------|------------------|-----------------|---------------------|---------|
| General Fund | Corporate Overnight Fund | 6,605,332.70 | 1.00 | 6,605,332.70 | 96.60% |
| Totals: | | | | 6,605,332.70 | |

| Account | Fund | Number of Shares | Price Per Share | Account Balance | % Port. |
|----------------------------|---------------------------|------------------|-----------------|-----------------|---------|
| Interest & Sinking Account | Corporate Overnight Fund | 9.35 | 1.00 | 9.35 | 0.00% |
| | Government Overnight Fund | 1.68 | 1.00 | 1.68 | 0.00% |
| Totals: | | | | 11.03 | |

| Account | Fund | Number of Shares | Price Per Share | Account Balance | % Port. |
|--------------------------------------|--------------------------|------------------|-----------------|-------------------|---------|
| Maintenance Tax Note 2008 - Fund 197 | Corporate Overnight Fund | 232,711.37 | 1.00 | 232,711.37 | 3.40% |
| Totals: | | | | 232,711.37 | |

Totals

| Fund | Yield | Share Quantity | Price Per Share | Fund Balance (USD) | % Port. |
|-------------------------------|--------|----------------|-----------------|---------------------|-----------------|
| Corporate Overnight Fund | 0.08 % | 6,838,053.42 | 1.00 | 6,838,053.42 | 100.00 % |
| Government Overnight Fund | 0.00 % | 1.68 | 1.00 | 1.68 | 0.00 % |
| Corporate Overnight Plus Fund | 0.00 % | 0.00 | 1.00 | 0.00 | 0.00 % |
| Total Value: | | | | 6,838,055.10 | 100.00 % |

Portfolio Transactions

General Fund - Corporate Overnight Fund

| Settle Date | Trade Type | Share Balance | Number of Shares | Price/Share | Amount (USD) |
|-------------|------------------|---------------|------------------|-------------|--------------|
| 05/01/2021 | Starting Balance | 6,376,232.70 | | | 6,376,232.70 |
| 05/03/2021 | Deposit | 6,377,658.70 | 1,426.00 | 1.00 | 1,426.00 |
| 05/12/2021 | Withdrawal | 6,035,658.70 | -342,000.00 | 1.00 | -342,000.00 |
| 05/14/2021 | Deposit | 6,098,339.21 | 62,680.51 | 1.00 | 62,680.51 |
| 05/20/2021 | Withdrawal | 6,048,339.21 | -50,000.00 | 1.00 | -50,000.00 |
| 05/21/2021 | Deposit | 6,109,015.88 | 60,676.67 | 1.00 | 60,676.67 |
| 05/21/2021 | Withdrawal | 6,009,015.88 | -100,000.00 | 1.00 | -100,000.00 |

General Fund - Corporate Overnight Fund (Continued)

| Settle Date | Trade Type | Share Balance | Number of Shares | Price/Share | Amount (USD) |
|-------------|----------------|---------------|------------------|-------------|--------------|
| 05/25/2021 | Deposit | 6,026,986.06 | 17,970.18 | 1.00 | 17,970.18 |
| 05/25/2021 | Deposit | 6,027,929.06 | 943.00 | 1.00 | 943.00 |
| 05/25/2021 | Deposit | 6,032,009.06 | 4,080.00 | 1.00 | 4,080.00 |
| 05/25/2021 | Deposit | 6,077,094.31 | 45,085.25 | 1.00 | 45,085.25 |
| 05/25/2021 | Deposit | 6,082,176.63 | 5,082.32 | 1.00 | 5,082.32 |
| 05/25/2021 | Deposit | 6,085,221.37 | 3,044.74 | 1.00 | 3,044.74 |
| 05/25/2021 | Deposit | 7,039,904.37 | 954,683.00 | 1.00 | 954,683.00 |
| 05/26/2021 | Withdrawal | 6,604,904.37 | -435,000.00 | 1.00 | -435,000.00 |
| 05/28/2021 | Interest | 6,605,332.70 | 428.33 | 1.00 | 428.33 |
| 05/31/2021 | Ending Balance | 6,605,332.70 | | | 6,605,332.70 |

Interest & Sinking Account - Corporate Overnight Fund

| Settle Date | Trade Type | Share Balance | Number of Shares | Price/Share | Amount (USD) |
|-------------|------------------|---------------|------------------|-------------|--------------|
| 05/01/2021 | Starting Balance | 9.35 | | | 9.35 |
| 05/31/2021 | Ending Balance | 9.35 | | | 9.35 |

Interest & Sinking Account - Government Overnight Fund

| Settle Date | Trade Type | Share Balance | Number of Shares | Price/Share | Amount (USD) |
|-------------|------------------|---------------|------------------|-------------|--------------|
| 05/01/2021 | Starting Balance | 1.68 | | | 1.68 |
| 05/31/2021 | Ending Balance | 1.68 | | | 1.68 |

Maintenance Tax Note 2008 - Fund 197 - Corporate Overnight Fund

| Settle Date | Trade Type | Share Balance | Number of Shares | Price/Share | Amount (USD) |
|-------------|------------------|---------------|------------------|-------------|--------------|
| 05/01/2021 | Starting Balance | 232,695.56 | | | 232,695.56 |
| 05/28/2021 | Interest | 232,711.37 | 15.81 | 1.00 | 15.81 |
| 05/31/2021 | Ending Balance | 232,711.37 | | | 232,711.37 |

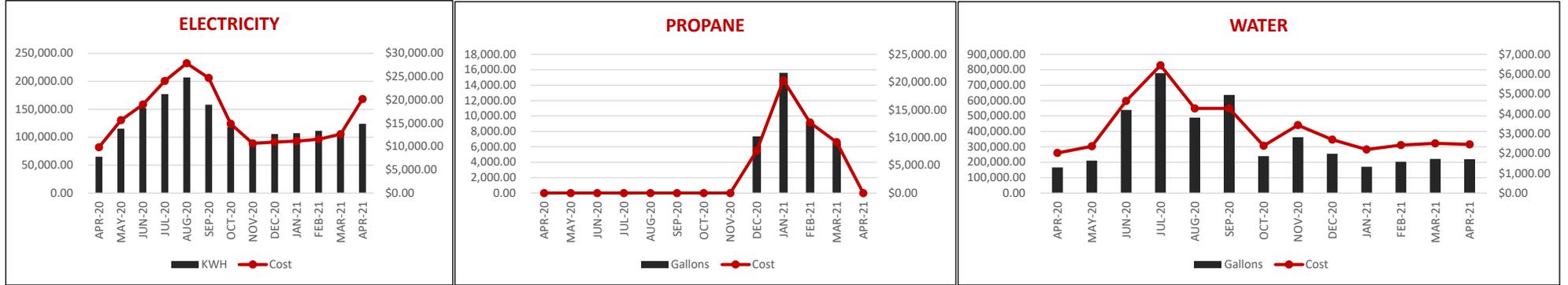
Important Information about this statement

Please review this statement carefully, it is the official record of your account with Lone Star Investment Pool and First Public, LLC. If you disagree with any transaction, or if there are any errors or omissions in this statement please notify us promptly in writing, but no later than 10 business days after receipt of this statement. Trades pending settlement will not appear on this statement. All such trades will appear in the next monthly statement. The yield for the period is an annualized rate that reflects the relationship between the average amount of income earned and the average daily balance for the account. Please notify First Public promptly and in writing of any changes of address or phone number. Times of transactions will be furnished upon written request. The Lone Star Investment Pool Information Statement should be read carefully before investing. Investors should consider the investment objectives, risks, charges and expenses associated with municipal fund securities before investing. All transactions are no load. No remuneration has, or will be, paid to any entity in connection with this transaction. An investor may obtain an Information Statement by contacting First Public at the address and phone number identified above. An investment in Lone Star investment Pool is not insured or guaranteed by the Federal Deposit Insurance Corporation ("FDIC") or any other government agency and although Lone Star Investment Pool seeks to preserve the value of the investment at a fixed share price, it is possible to lose money by investing in municipal fund securities.

TORNILLO INDEPENDENT SCHOOL DISTRICT

UTILITY USAGE AND COST

Rolling 13 Month Comparison



| Utility | APR-20 | MAY-20 | JUN-20 | JUL-20 | AUG-20 | SEP-20 | OCT-20 | NOV-20 | DEC-20 | JAN-21 | FEB-21 | MAR-21 | APR-21 | Totals |
|---------------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|--------------|
| Electricity: | | | | | | | | | | | | | | |
| KWH | 65,144.00 | 115,093.00 | 152,093.00 | 177,066.00 | 207,027.00 | 158,084.00 | 118,211.00 | 86,416.00 | 105,594.00 | 107,231.00 | 111,373.00 | 102,735.00 | 123,851.00 | 1,629,918.00 |
| Cost | \$9,829.46 | \$15,660.05 | \$19,006.00 | \$24,064.57 | \$27,861.26 | \$24,727.17 | \$14,889.00 | \$10,655.35 | \$10,963.95 | \$11,151.09 | \$11,530.35 | \$12,644.13 | \$20,193.20 | \$213,175.58 |
| Unit Cost | \$0.15 | \$0.14 | \$0.12 | \$0.14 | \$0.13 | \$0.16 | \$0.13 | \$0.12 | \$0.10 | \$0.10 | \$0.10 | \$0.12 | \$0.16 | \$0.13 |
| Propane : | | | | | | | | | | | | | | |
| Gallons | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 7,358.10 | 15,612.90 | 9,208.40 | 6,540.20 | 0.00 | 38,719.60 |
| Cost | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$7,671.35 | \$20,325.33 | \$12,700.41 | \$9,178.45 | \$0.00 | \$49,875.54 |
| Unit cost | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$1.04 | \$1.30 | \$1.38 | \$1.40 | \$0.00 | \$1.29 |
| Water: | | | | | | | | | | | | | | |
| Gallons | 166,280.00 | 210,460.00 | 539,340.00 | 778,020.00 | 489,640.00 | 636,480.00 | 239,490.00 | 361,820.00 | 255,200.00 | 170,950.00 | 202,890.00 | 222,080.00 | 219,850.00 | 4,492,500.00 |
| Cost | \$2,022.47 | \$2,362.87 | \$4,645.93 | \$6,448.27 | \$4,266.68 | \$4,273.68 | \$2,384.10 | \$3,431.96 | \$2,699.73 | \$2,197.22 | \$2,417.97 | \$2,507.57 | \$2,457.42 | \$42,115.87 |
| Unit cost | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 | \$0.01 |

Tornillo Independent School District

El Paso Electric Transformer Upgrades

| | High School 430 Oil Mill Lighting & Fire Pump 17121 | Junior High 300 Oil Mill Upgrade 17124 | Intermediate 420-A Oil Mill Upgrade 17123 | Elementary 19200 Gabby Upgrade 17122 | Total |
|--------------------------|---|--|---|--|--------------|
| Paid | \$ 27,545.82 | \$ 20,082.17 | \$ 22,333.48 | \$ 17,853.07 | \$ 87,814.54 |
| Total Reimbursed | 4,313.06 | 1,465.95 | 6,746.58 | 11,613.16 | 24,138.75 |
| Balance | \$ 23,232.76 | \$ 18,616.22 | \$ 15,586.90 | \$ 6,239.91 | \$ 63,675.79 |
| Balance per EP Electric | \$ 23,399.21 | \$ 18,631.89 | \$ 15,712.30 | \$ 6,523.80 | \$ 64,267.20 |
| Additional Reimbursement | \$ 166.45 | \$ 15.67 | \$ 125.40 | \$ 283.89 | \$ 591.41 |

| Date | Reimbursements | | | | Total |
|------------|----------------|-------------|-------------|-------------|--------------|
| 10/3/2018 | \$ 1,444.95 | \$ 1,465.95 | \$ 4,951.78 | \$ 7,552.49 | \$ 15,415.17 |
| 10/15/2019 | \$ 1,565.01 | | \$ 1,794.80 | \$ 2,523.03 | \$ 5,882.84 |
| 10/8/2020 | | | | \$ 1,537.64 | \$ 1,537.64 |
| 11/30/2020 | \$ 1,303.10 | | | | \$ 1,303.10 |
| | | | | | \$ - |

TORNILLO INDEPENDENT SCHOOL DISTRICT

\$10K AND ABOVE PAYMENTS

As per Board policy CH Local, any single payment of ten-thousand dollars and above must be board approved the transactions take place. The following are the (6) payments over the ten-thousand dollar threshold paid to several vendors:

| Check # | Amount | Vendor | Comments |
|----------------|---------------|----------------------------------|-------------------------------|
| 155003 | \$ 13,111.03 | Labatt Food Service | Consisted of Several Invoices |
| 155037 | \$ 10,000.00 | Communities in School | Board Approved |
| 155138 | \$ 29,332.54 | First Financial Group of America | |
| 10001784 | \$ 22,787.54 | Commerce | |
| 10001786 | \$ 29,187.90 | Commerce | |
| 10001787 | \$ 21,775.55 | Commerce | |

deducted from employees of the District. Payments made to Commerce are for vendors that receive payment via credit card (please see attached Xcell spreadsheet for vendor payment details)

Account#: 100003379
 Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
 Time: 08:55 AM
 Page 1 of 9

VendorID : WestStar Bank - 100003379

| | | | | | | | |
|--------|------------|--------|----------------------------------|--------|-------------|--|---|
| 271 | 05/06/2021 | 500783 | Angel Alvarez | Issued | \$100.00 | Employee Reimbursement Direct Deposit |  |
| 272 | 05/06/2021 | 501141 | David Corral | Issued | \$50.00 | Employee Reimbursement Direct Deposit |  |
| 273 | 05/06/2021 | 500832 | Damaris Duran | Issued | \$50.00 | Employee Reimbursement Direct Deposit |  |
| 274 | 05/06/2021 | 501005 | Adriana Gonzales | Issued | \$200.00 | Employee Reimbursement Direct Deposit |  |
| 275 | 05/06/2021 | 500405 | Albert Pinon | Issued | \$100.00 | Employee Reimbursement Direct Deposit |  |
| 276 | 05/20/2021 | 501058 | Martina Collins | Issued | \$60.00 | Employee Reimbursement Direct Deposit |  |
| 277 | 05/20/2021 | 501053 | Michael Ford | Issued | \$60.00 | Employee Reimbursement Direct Deposit |  |
| 278 | 05/20/2021 | 500895 | Adriana Gomez | Issued | \$50.00 | Employee Reimbursement Direct Deposit |  |
| 279 | 05/20/2021 | 500769 | Claudia Herrera-Soto | Issued | \$75.00 | Employee Reimbursement Direct Deposit |  |
| 280 | 05/20/2021 | 500495 | Alicia Reyes | Issued | \$27.98 | Employee Reimbursement Direct Deposit |  |
| 281 | 05/20/2021 | 501131 | Esther Zapata | Issued | \$140.00 | Employee Reimbursement Direct Deposit |  |
| 282 | 05/20/2021 | 501081 | Georgina Miramontes | Issued | \$136.00 | Employee Reimbursement Direct Deposit |  |
| 154999 | 05/06/2021 | 10033 | Apple, Inc. | Issued | \$98.00 | Paper Check | |
| 155000 | 05/06/2021 | 10220 | Flick's | Issued | \$130.39 | Paper Check | |
| 155001 | 05/06/2021 | 10224 | Flowers Baking Co. | Issued | \$190.55 | Paper Check | |
| 155002 | 05/06/2021 | 10475 | Jose Trinidad Vazquez | Issued | \$10.00 | Paper Check | |
| 155003 | 05/06/2021 | 10543 | Labatt Food Service | Issued | \$13,111.03 | Paper Check |  |
| 155004 | 05/06/2021 | 10624 | Dean Foods Company | Issued | \$3,422.56 | Paper Check | |
| 155005 | 05/06/2021 | 10657 | Segovia'S Distributing, Inc. | Issued | \$1,489.40 | Paper Check | |
| 155006 | 05/06/2021 | 10869 | Praxair Dist. Inc. | Issued | \$493.53 | Paper Check | |
| 155007 | 05/06/2021 | 20039 | Riddell | Issued | \$4,893.95 | Paper Check | |
| 155008 | 05/06/2021 | 20215 | Spectrum Paper Co, Inc. | Issued | \$281.69 | Paper Check | |
| 155009 | 05/06/2021 | 20456 | Ann Morales | 17 | Issued | \$500.00 | Paper Check |
| 155010 | 05/06/2021 | 20543 | Prime Irrigation & Landscape, In | Issued | \$1,458.00 | Paper Check | |

Account#: 100003379
Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
Time: 08:55 AM
Page 2 of 9

| | | | | | | |
|--------|------------|-------|--|--------|------------|-------------|
| 155011 | 05/06/2021 | 20572 | Dell Marketing L.P. | Issued | \$3,981.89 | Paper Check |
| 155012 | 05/06/2021 | 20678 | Luis Sepulveda | Issued | \$535.00 | Paper Check |
| 155013 | 05/06/2021 | 20736 | Denver City ISD | Issued | \$192.00 | Paper Check |
| 155014 | 05/06/2021 | 20764 | Brady Industries of Tx, LLC | Issued | \$15.40 | Paper Check |
| 155015 | 05/06/2021 | 20788 | Sandra Mercuri Educational Consultants | Issued | \$4,000.00 | Paper Check |
| 155016 | 05/06/2021 | 10707 | TASBO | Issued | \$135.00 | Paper Check |
| 155017 | 05/06/2021 | 20813 | Tanya Gallegos | Issued | \$750.00 | Paper Check |
| 155018 | 05/06/2021 | 20836 | Naviance Inc | Issued | \$2,902.79 | Paper Check |
| 155019 | 05/06/2021 | 20837 | Victoria Aragon | Issued | \$60.00 | Paper Check |
| 155020 | 05/06/2021 | 20840 | Kathryn Marie Dayao Cailing | Issued | \$135.00 | Paper Check |
| 155021 | 05/06/2021 | 20841 | Isaac chavira | Issued | \$60.00 | Paper Check |
| 155022 | 05/06/2021 | 20842 | Elizabeth Duran | Issued | \$90.00 | Paper Check |
| 155023 | 05/06/2021 | 20843 | Donna M. Faul | Issued | \$90.00 | Paper Check |
| 155024 | 05/06/2021 | 20845 | Jacquelyn Medina | Issued | \$30.00 | Paper Check |
| 155025 | 05/06/2021 | 20601 | Laura Dickerson Price | Issued | \$125.00 | Paper Check |
| 155026 | 05/06/2021 | 20846 | Kyle Marie Peterson | Issued | \$150.00 | Paper Check |
| 155027 | 05/06/2021 | 20848 | Briana Rivera | Issued | \$60.00 | Paper Check |
| 155028 | 05/06/2021 | 20849 | Matthew Gardea | Issued | \$160.00 | Paper Check |
| 155029 | 05/06/2021 | 20838 | Angelina Argumedo | Issued | \$100.00 | Paper Check |
| 155030 | 05/06/2021 | 20839 | Erick M. Balandran | Issued | \$110.00 | Paper Check |
| 155031 | 05/06/2021 | 20810 | T-Mobile USA Inc. | Issued | \$500.00 | Paper Check |
| 155032 | 05/13/2021 | 10013 | Texas Department of Public Safety | Issued | \$4.00 | Paper Check |
| 155033 | 05/13/2021 | 10033 | Apple, Inc. | Issued | \$2,418.00 | Paper Check |
| 155034 | 05/13/2021 | 10054 | Bernie Del Hierro | Issued | \$8,618.00 | Paper Check |
| 155035 | 05/13/2021 | 10079 | CDW-G | Issued | \$221.38 | Paper Check |
| 155036 | 05/13/2021 | 10080 | Ced-Triangle Electric -El Paso | Issued | \$1,666.51 | Paper Check |

Account#: 100003379
 Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
 Time: 08:55 AM
 Page 3 of 9

| | | | | | | | |
|--------|------------|-------|-------------------------------------|---------------------|-------------|-------------|---|
| 155037 | 05/13/2021 | 10097 | Communities In Schools El Paso Inc. | Issued | \$10,000.00 | Paper Check |  |
| 155038 | 05/13/2021 | 10138 | El Paso Disposal, LP | Issued | \$1,922.98 | Paper Check | |
| 155039 | 05/13/2021 | 10190 | Fabens Oil Co. | Issued | \$1,956.29 | Paper Check | |
| 155040 | 05/13/2021 | 10279 | Govconnection, Inc. | Issued | \$2,000.00 | Paper Check | |
| 155041 | 05/13/2021 | 10361 | Home Depot Credit Services | Issued | \$44.92 | Paper Check | |
| 155042 | 05/13/2021 | 10378 | Indian Cliffs Ranch, Inc. | Issued | \$119.76 | Paper Check | |
| 155043 | 05/13/2021 | 10586 | National Assn. Of School Nurses | Issued | \$400.00 | Paper Check | |
| 155044 | 05/13/2021 | 10617 | Pitneybowes | Issued | \$295.14 | Paper Check | |
| 155045 | 05/13/2021 | 10630 | Region 19 Education Service Center | Issued | \$60.00 | Paper Check | |
| 155046 | 05/13/2021 | 10808 | Tornillo I.S.D. Cafeteria | Issued | \$360.00 | Paper Check | |
| 155047 | 05/13/2021 | 20022 | Citibank | Issued | \$53.17 | Paper Check |  |
| 155048 | 05/13/2021 | 20022 | Citibank | Issued | \$135.07 | Paper Check |  |
| 155049 | 05/13/2021 | 20022 | Citibank | Issued | \$155.84 | Paper Check |  |
| 155050 | 05/13/2021 | 20022 | Citibank | Issued | \$55.24 | Paper Check |  |
| 155051 | 05/13/2021 | 20022 | Citibank | Issued | \$149.99 | Paper Check |  |
| 155052 | 05/13/2021 | 20022 | Citibank | Issued | \$15.98 | Paper Check |  |
| 155053 | 05/13/2021 | 20022 | Citibank | Issued | \$83.18 | Paper Check |  |
| 155054 | 05/13/2021 | 20022 | Citibank | Issued | \$1,307.63 | Paper Check |  |
| 155055 | 05/13/2021 | 20022 | Citibank | Issued | \$261.93 | Paper Check |  |
| 155056 | 05/13/2021 | 20022 | Citibank | Issued | \$151.96 | Paper Check |  |
| 155057 | 05/13/2021 | 20038 | wholesale Lumber | Issued | \$245.67 | Paper Check | |
| 155058 | 05/13/2021 | 20215 | Spectrum Paper Co, Inc. | Issued | \$5,611.37 | Paper Check | |
| 155059 | 05/13/2021 | 20301 | El Paso County Tax Assessor-Coll | Issued | \$23.25 | Paper Check | |
| 155060 | 05/13/2021 | 20306 | Perez Propane LLC | Issued | \$243.37 | Paper Check | |
| 155061 | 05/13/2021 | 20572 | Dell Marketing L.P. | Issued | \$1,326.24 | Paper Check | |
| 155062 | 05/13/2021 | 20587 | Bradley's Hardware Inc | Void with Cancel | \$53.13 | Paper Check | |

Account#: 100003379
 Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
 Time: 08:55 AM
 Page 4 of 9

| | | | | | | | |
|--------|------------|-------|------------------------------|---------------------|------------|-------------|---|
| 155063 | 05/13/2021 | 20662 | Citibank | Issued | \$131.28 | Paper Check |  |
| 155064 | 05/13/2021 | 20662 | Citibank | Issued | \$215.73 | Paper Check |  |
| 155065 | 05/13/2021 | 20662 | Citibank | Issued | \$141.08 | Paper Check |  |
| 155066 | 05/13/2021 | 20662 | Citibank | Issued | \$43.38 | Paper Check |  |
| 155067 | 05/13/2021 | 20662 | Citibank | Issued | \$535.24 | Paper Check |  |
| 155068 | 05/13/2021 | 20662 | Citibank | Issued | \$19.42 | Paper Check |  |
| 155069 | 05/13/2021 | 20677 | hand2mind, Inc. | Issued | \$3,839.27 | Paper Check | |
| 155070 | 05/13/2021 | 20706 | Access Communications Group | Issued | \$529.00 | Paper Check | |
| 155071 | 05/13/2021 | 20708 | Global Equipment Company Inc | Issued | \$322.94 | Paper Check | |
| 155072 | 05/13/2021 | 20764 | Brady Industries of Tx, LLC | Issued | \$176.44 | Paper Check | |
| 155073 | 05/13/2021 | 20821 | Winsupply of West El Paso | Issued | \$1,560.39 | Paper Check | |
| 155074 | 05/13/2021 | 10045 | Baker Glass | Issued | \$216.24 | Paper Check | |
| 155075 | 05/13/2021 | 20718 | SHI International | Issued | \$1,902.25 | Paper Check | |
| 155076 | 05/13/2021 | 20022 | Citibank | Issued | \$335.19 | Paper Check |  |
| 155077 | 05/13/2021 | 20022 | Citibank | Issued | \$377.45 | Paper Check |  |
| 155078 | 05/13/2021 | 20022 | Citibank | Issued | \$782.00 | Paper Check |  |
| 155079 | 05/13/2021 | 20022 | Citibank | Issued | \$1,767.84 | Paper Check |  |
| 155080 | 05/13/2021 | 20022 | Citibank | Issued | \$141.93 | Paper Check |  |
| 155081 | 05/13/2021 | 20022 | Citibank | Issued | \$883.20 | Paper Check |  |
| 155082 | 05/13/2021 | 20022 | Citibank | Issued | \$408.64 | Paper Check |  |
| 155083 | 05/13/2021 | 20022 | Citibank | Void with Cancel | \$627.75 | Paper Check | |
| 155084 | 05/13/2021 | 20024 | Responsive Learning | Issued | \$600.00 | Paper Check | |
| 155085 | 05/13/2021 | 10172 | EPCTWID | Issued | \$2,457.42 | Paper Check | |
| 155086 | 05/13/2021 | 10361 | Home Depot Credit Services | Issued | \$464.78 | Paper Check | |
| 155087 | 05/13/2021 | 20297 | The Sherwin Williams Company | Issued | \$278.52 | Paper Check | |
| 155088 | 05/13/2021 | 20662 | Citibank | Issued | \$97.42 | Paper Check | |

05/13/2021

Account#: 100003379
Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
Time: 08:55 AM
Page 5 of 9

| | | | | | | |
|--------|------------|-------|--|--------|------------|-------------|
| 155089 | 05/13/2021 | 20743 | Sprint Solutions, Inc. | Issued | \$9,515.75 | Paper Check |
| 155090 | 05/13/2021 | 20844 | Eric Gardea | Issued | \$160.00 | Paper Check |
| 155091 | 05/13/2021 | 20847 | Carol Margaret Viescas | Issued | \$250.00 | Paper Check |
| 155092 | 05/13/2021 | 20662 | Citibank | Issued | \$80.72 | Paper Check |
| 155093 | 05/13/2021 | 20811 | Brandon Ramos | Issued | \$70.69 | Paper Check |
| 155094 | 05/13/2021 | 20038 | wholesale Lumber | Issued | \$5.38 | Paper Check |
| 155095 | 05/13/2021 | 20587 | Bradley's Hardware Inc | Issued | \$47.75 | Paper Check |
| 155096 | 05/13/2021 | 10190 | Fabens Oil Co. | Issued | \$641.39 | Paper Check |
| 155097 | 05/13/2021 | 20022 | Citibank | Issued | \$537.41 | Paper Check |
| 155098 | 05/13/2021 | 20022 | Citibank | Issued | \$656.17 | Paper Check |
| 155099 | 05/13/2021 | 20811 | Brandon Ramos | Issued | \$21.75 | Paper Check |
| 155100 | 05/20/2021 | 10079 | CDW-G | Issued | \$249.00 | Paper Check |
| 155101 | 05/20/2021 | 10279 | Govconnection, Inc. | Issued | \$5,000.00 | Paper Check |
| 155102 | 05/20/2021 | 10581 | MNJ Technologies Direct Inc. | Issued | \$293.68 | Paper Check |
| 155103 | 05/20/2021 | 10601 | Office Depot | Issued | \$610.13 | Paper Check |
| 155104 | 05/20/2021 | 10630 | Region 19 Education Service Center | Issued | \$897.50 | Paper Check |
| 155105 | 05/20/2021 | 10808 | Tornillo I.S.D. Cafeteria | Issued | \$70.00 | Paper Check |
| 155106 | 05/20/2021 | 20115 | PRO-ACTION INC. | Issued | \$84.00 | Paper Check |
| 155107 | 05/20/2021 | 20339 | RE Medical Associates, PA | Issued | \$300.00 | Paper Check |
| 155108 | 05/20/2021 | 20397 | Scholastic Testing Service, Inc. | Issued | \$142.17 | Paper Check |
| 155109 | 05/20/2021 | 20555 | El Paso Bolt & Screw Co. Inc. | Issued | \$223.50 | Paper Check |
| 155110 | 05/20/2021 | 20763 | Walsh Gallegos Trevino Russo & Kyle P.C. | Issued | \$150.00 | Paper Check |
| 155111 | 05/20/2021 | 20764 | Brady Industries of Tx, LLC | Issued | \$1,231.69 | Paper Check |
| 155112 | 05/20/2021 | 20823 | Entravision Communications Corp | Issued | \$599.00 | Paper Check |
| 155113 | 05/20/2021 | 20022 | Citibank | Issued | \$174.23 | Paper Check |
| 155114 | 05/20/2021 | 10601 | Office Depot | Issued | \$54.44 | Paper Check |

Account#: 100003379
 Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
 Time: 08:55 AM
 Page 6 of 9

| | | | | | | |
|----------|------------|-------|--|--------|-------------|-------------|
| 155115 | 05/20/2021 | 20389 | Mountain Desert Water LLC | Issued | \$197.00 | Paper Check |
| 155116 | 05/20/2021 | 10050 | Barnes & Noble | Issued | \$4,215.75 | Paper Check |
| 155117 | 05/20/2021 | 20471 | Professional Systems, Software & | Issued | \$1,071.00 | Paper Check |
| 155118 | 05/27/2021 | 10033 | Apple, Inc. | Issued | \$49.00 | Paper Check |
| 155119 | 05/27/2021 | 10864 | Walmart Community/Gemb | Issued | \$1,990.39 | Paper Check |
| 155120 | 05/27/2021 | 20215 | Spectrum Paper Co, Inc. | Issued | \$273.60 | Paper Check |
| 155121 | 05/27/2021 | 20219 | Sierra Welding Supply | Issued | \$597.00 | Paper Check |
| 155122 | 05/27/2021 | 20709 | xSPEDite School Services | Issued | \$1,157.50 | Paper Check |
| 155123 | 05/27/2021 | 20710 | Araceli L. Muro | Issued | \$825.00 | Paper Check |
| 155124 | 05/27/2021 | 20758 | FLRA VAZQUEZ, LLC dba DIAMOND CATERING | Issued | \$1,862.00 | Paper Check |
| 155125 | 05/27/2021 | 20856 | Jaime Salas | Issued | \$900.00 | Paper Check |
| 155127 | 05/27/2021 | 20219 | Sierra Welding Supply | Issued | \$350.00 | Paper Check |
| 155128 | 05/27/2021 | 10724 | Texas AFT- Associate Membership Program | Issued | \$210.00 | Paper Check |
| 155129 | 05/27/2021 | 10848 | United Way Of El Paso County | Issued | \$15.00 | Paper Check |
| 155130 | 05/27/2021 | 20007 | Stuart C. Cox | Issued | \$1,379.00 | Paper Check |
| 155131 | 05/27/2021 | 20008 | Texas State Teacher Association | Issued | \$135.51 | Paper Check |
| 155132 | 05/27/2021 | 20009 | Association of Texas Professional Educator | Issued | \$145.24 | Paper Check |
| 155133 | 05/27/2021 | 20009 | Association of Texas Professional Educator | Issued | \$145.24 | Paper Check |
| 155134 | 05/27/2021 | 20010 | LegalShield | Issued | \$187.32 | Paper Check |
| 155135 | 05/27/2021 | 20011 | First Financial Group of America | Issued | \$29,332.54 | Paper Check |
| 155136 | 05/27/2021 | 10139 | El Paso Electric Co. | Issued | \$20,193.20 | Paper Check |
| 155137 | 05/27/2021 | 10864 | Walmart Community/Gemb | Issued | \$503.02 | Paper Check |
| 155138 | 05/27/2021 | 20011 | First Financial Group of America | Issued | \$140.92 | Paper Check |
| 10001784 | 05/06/2021 | 20765 | Commerce Bank | Issued | \$22,787.54 | ACH |
| 10001785 | 05/13/2021 | 20765 | Commerce Bank | Issued | \$5,898.80 | ACH |
| 10001786 | 05/20/2021 | 20765 | Commerce Bank | Issued | \$29,187.90 | ACH |



Account#: 100003379
 Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
 Time: 08:55 AM
 Page 7 of 9

| | | | | | | | |
|-----------|------------|-------|---------------------------------------|--------|-------------|--------------------|---|
| 10001787 | 05/27/2021 | 20765 | Commerce Bank | Issued | \$21,775.55 | ACH |  |
| 10001789 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$265.00 | ACH | |
| 10001790 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001791 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001792 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001793 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$242.00 | ACH | |
| 10001794 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001795 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$512.63 | ACH | |
| 10001796 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$3.00 | ACH | |
| 10001797 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$311.00 | ACH | |
| 10001798 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$242.00 | ACH | |
| 10001799 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$512.63 | ACH | |
| 10001800 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001801 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001802 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001803 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$311.00 | ACH | |
| 10001804 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$1.50 | ACH | |
| 10001805 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$265.00 | ACH | |
| 10001806 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$3.00 | ACH | |
| 10001807 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$296.77 | ACH | |
| 10001808 | 05/27/2021 | 20012 | Texas Child Support Disbursement Unit | Issued | \$296.77 | ACH | |
| 200000305 | 05/06/2021 | 10068 | Bsn Sports Collegiate | Issued | \$1,498.00 | Vendor Credit Card | |
| 200000306 | 05/06/2021 | 10070 | C & M Plaque & Trophy Inc. | Issued | \$195.00 | Vendor Credit Card | |
| 200000307 | 05/06/2021 | 10308 | Guitar Center | Issued | \$249.99 | Vendor Credit Card | |
| 200000308 | 05/06/2021 | 10542 | La Estrella | Issued | \$1,087.50 | Vendor Credit Card | |
| 200000309 | 05/06/2021 | 10601 | Office Depot | Issued | \$410.92 | Vendor Credit Card | |

Account#: 100003379
 Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
 Time: 08:55 AM
 Page 8 of 9

| | | | | | | |
|-----------|------------|-------|--|---------------------|------------|--------------------|
| 200000310 | 05/06/2021 | 10669 | Sonitrol Of El Paso | Issued | \$1,730.00 | Vendor Credit Card |
| 200000311 | 05/06/2021 | 10672 | Southern Computer Warehouse | Issued | \$534.36 | Vendor Credit Card |
| 200000312 | 05/06/2021 | 10687 | Staples Advantage | Issued | \$115.03 | Vendor Credit Card |
| 200000313 | 05/06/2021 | 10859 | Verizon Wireless | Issued | \$406.29 | Vendor Credit Card |
| 200000314 | 05/06/2021 | 20017 | School Specialty Inc. | Issued | \$51.42 | Vendor Credit Card |
| 200000315 | 05/13/2021 | 10068 | Bsn Sports Collegiate | Issued | \$1,500.00 | Vendor Credit Card |
| 200000316 | 05/13/2021 | 10070 | C & M Plaque & Trophy Inc. | Issued | \$108.00 | Vendor Credit Card |
| 200000317 | 05/13/2021 | 10546 | Lakeshore Learning Materials | Issued | \$138.67 | Vendor Credit Card |
| 200000318 | 05/13/2021 | 10601 | Office Depot | Issued | \$828.29 | Vendor Credit Card |
| 200000319 | 05/13/2021 | 10603 | Oriental Trading Co., Inc. | Issued | \$964.25 | Vendor Credit Card |
| 200000320 | 05/13/2021 | 10615 | Perma Bound | Issued | \$6,160.07 | Vendor Credit Card |
| 200000321 | 05/13/2021 | 10793 | The Library Store Inc. | Issued | \$483.14 | Vendor Credit Card |
| 200000322 | 05/13/2021 | 10859 | Verizon Wireless | Issued | \$221.80 | Vendor Credit Card |
| 200000323 | 05/13/2021 | 20017 | School Specialty Inc. | Issued | \$153.39 | Vendor Credit Card |
| 200000324 | 05/13/2021 | 20255 | Mentru Enterprises | Issued | \$260.00 | Vendor Credit Card |
| 200000325 | 05/13/2021 | 20470 | O'Reilly Auto Enterprises LLC | Issued | \$2,842.42 | Vendor Credit Card |
| 200000326 | 05/13/2021 | 20631 | Indoff Incorporated | Issued | \$4,718.96 | Vendor Credit Card |
| 200000327 | 05/13/2021 | 20758 | FLRA VAZQUEZ, LLC dba DIAMOND CATERING | Void with Cancel | \$1,862.00 | Vendor Credit Card |
| 200000328 | 05/13/2021 | 20807 | Savvas Learning Company LLC | Issued | \$299.64 | Vendor Credit Card |
| 200000329 | 05/13/2021 | 10068 | Bsn Sports Collegiate | Issued | \$2,875.01 | Vendor Credit Card |
| 200000330 | 05/20/2021 | 10068 | Bsn Sports Collegiate | Issued | \$6,584.00 | Vendor Credit Card |
| 200000331 | 05/20/2021 | 10105 | Continental Termite & Pest Control, | Issued | \$475.00 | Vendor Credit Card |
| 200000332 | 05/20/2021 | 10603 | Oriental Trading Co., Inc. | Issued | \$7.50 | Vendor Credit Card |
| 200000333 | 05/20/2021 | 10687 | Staples Advantage | Issued | \$69.99 | Vendor Credit Card |
| 200000334 | 05/20/2021 | 10702 | TASA | Issued | \$150.00 | Vendor Credit Card |
| 200000335 | 05/20/2021 | 20036 | Johnstone Supply | Issued | \$791.94 | Vendor Credit Card |

05/25/2021

Account#: 100003379
Date Range: 05-01-2021 to 05-31-2021

Check Register

Date: 06-02-2021
Time: 08:55 AM
Page 9 of 9

| | | | | | | |
|-----------|------------|-------|-------------------------------------|--------|------------|--------------------|
| 200000336 | 05/20/2021 | 20052 | DEMCO, Inc | Issued | \$4,999.58 | Vendor Credit Card |
| 200000337 | 05/20/2021 | 20135 | William V. MacGill & Co | Issued | \$494.53 | Vendor Credit Card |
| 200000338 | 05/20/2021 | 20294 | Gandy Ink | Issued | \$368.99 | Vendor Credit Card |
| 200000339 | 05/20/2021 | 20470 | O'Reilly Auto Enterprises LLC | Issued | \$6.99 | Vendor Credit Card |
| 200000340 | 05/20/2021 | 20551 | Southern Tire Mart, LLC | Issued | \$1,320.00 | Vendor Credit Card |
| 200000341 | 05/20/2021 | 20635 | Stewart & Stevenson LLC | Issued | \$6,034.60 | Vendor Credit Card |
| 200000342 | 05/20/2021 | 20645 | Professional Document Systems, Inc. | Issued | \$1,248.00 | Vendor Credit Card |
| 200000344 | 05/27/2021 | 10070 | C & M Plaque & Trophy Inc. | Issued | \$2,190.00 | Vendor Credit Card |
| 200000345 | 05/27/2021 | 10620 | Positive Promotions | Issued | \$297.25 | Vendor Credit Card |
| 200000346 | 05/27/2021 | 10679 | Spectrum Imaging | Issued | \$5,849.54 | Vendor Credit Card |
| 200000347 | 05/27/2021 | 10706 | TASB, Inc. | Issued | \$1,975.00 | Vendor Credit Card |
| 200000348 | 05/27/2021 | 20101 | Global Payments Inc. | Issued | \$2,600.00 | Vendor Credit Card |
| 200000349 | 05/27/2021 | 20265 | 4imprint, Inc. | Issued | \$3,278.62 | Vendor Credit Card |
| 200000350 | 05/27/2021 | 20551 | Southern Tire Mart, LLC | Issued | \$198.00 | Vendor Credit Card |
| 200000351 | 05/27/2021 | 20490 | Blanco Ordonez Mata & Wallace P. | Issued | \$1,342.50 | Vendor Credit Card |

Total Checks: 221

Total Amount: 340,965.31

| Check Number | Amount | System | Orig Doc. ID | Vendor Name | Paid Date |
|--------------|------------------|------------|--------------|--------------------------------------|-----------|
| 200000330 | -6584 | AP Check | 200000330 | Bsn Sports Collegiate | 5/20/2021 |
| 200000341 | -6034.6 | AP Check | 200000341 | Stewart & Stevenson LLC | 5/20/2021 |
| 200000338 | -368.99 | AP Check | 200000338 | Gandy Ink | 5/20/2021 |
| 200000336 | -4999.58 | AP Check | 200000336 | DEMCO, Inc | 5/20/2021 |
| 200000340 | -1320 | AP Check | 200000340 | Southern Tire Mart, LLC | 5/20/2021 |
| 200000335 | -791.94 | AP Check | 200000335 | Johnstone Supply | 5/20/2021 |
| 200000331 | -475 | AP Check | 200000331 | Continental Termite & Pest Control, | 5/20/2021 |
| 200000334 | -150 | AP Check | 200000334 | TASA | 5/20/2021 |
| 200000333 | -69.99 | AP Check | 200000333 | Staples Advantage | 5/20/2021 |
| 200000332 | -7.5 | AP Check | 200000332 | Oriental Trading Co., Inc. | 5/20/2021 |
| 200000339 | -6.99 | AP Check | 200000339 | O'Reilly Auto Enterprises LLC | 5/20/2021 |
| 200000318 | -828.29 | AP Check | 200000318 | Office Depot | 5/13/2021 |
| 200000317 | -138.67 | AP Check | 200000317 | Lakeshore Learning Materials | 5/13/2021 |
| | -21775.55 | | | | |
| 10001787 | 6952.99 | AP Invoice | 36566 | Commerce Bank | 5/27/2021 |
| 10001787 | 14822.56 | AP Invoice | 36566 | Commerce Bank | 5/27/2021 |
| | 21775.55 | | | | |
| 200000343 | -691.51 | AP Check | 200000343 | Gandy Ink | 5/20/2021 |
| | -691.51 | | | | |
| 10001788 | 691.51 | AP Invoice | 36567 | Commerce Bank | 5/27/2021 |
| | 691.51 | | | | |
| 200000329 | -2875.01 | AP Check | 200000329 | Bsn Sports Collegiate | 5/13/2021 |
| 200000315 | -1500 | AP Check | 200000315 | Bsn Sports Collegiate | 5/13/2021 |
| 200000325 | -2842.42 | AP Check | 200000325 | O'Reilly Auto Enterprises LLC | 5/13/2021 |
| 200000316 | -108 | AP Check | 200000316 | C & M Plaque & Trophy Inc. | 5/13/2021 |
| 200000319 | -543.26 | AP Check | 200000319 | Oriental Trading Co., Inc. | 5/13/2021 |
| 200000321 | -483.14 | AP Check | 200000321 | The Library Store Inc. | 5/13/2021 |
| 200000323 | -153.39 | AP Check | 200000323 | School Specialty | 5/13/2021 |
| 200000320 | -6160.07 | AP Check | 200000320 | Perma Bound | 5/13/2021 |
| 200000319 | -420.99 | AP Check | 200000319 | Oriental Trading Co., Inc. | 5/13/2021 |
| 200000328 | -299.64 | AP Check | 200000328 | Savvas Learning Company LLC | 5/13/2021 |
| 200000322 | -221.8 | AP Check | 200000322 | Verizon Wireless | 5/13/2021 |
| 200000313 | -406.29 | AP Check | 200000313 | Verizon Wireless | 5/6/2021 |
| 200000309 | -410.92 | AP Check | 200000309 | Office Depot | 5/6/2021 |
| 200000302 | -3453.22 | AP Check | 200000302 | Stewart & Stevenson LLC | 4/29/2021 |
| 200000295 | -1051.28 | AP Check | 200000295 | Office Depot | 4/29/2021 |
| 200000292 | -4035.31 | AP Check | 200000292 | Professional Document Systems, Inc. | 4/22/2021 |
| 200000276 | -169.75 | AP Check | 200000276 | C & M Plaque & Trophy Inc. | 4/22/2021 |
| 200000271 | -4053.41 | AP Check | 200000271 | Stewart & Stevenson LLC | 4/15/2021 |
| | -29187.9 | | | | |
| 10001786 | 4375.01 | AP Invoice | 36455 | Commerce Bank | 5/20/2021 |
| 10001786 | 18010.03 | AP Invoice | 36455 | Commerce Bank | 5/20/2021 |
| 10001786 | 6581.06 | AP Invoice | 36455 | Commerce Bank | 5/20/2021 |
| 10001786 | 221.8 | AP Invoice | 36455 | Commerce Bank | 5/20/2021 |
| | 29187.9 | | | | |
| 200000305 | -1498 | AP Check | 200000305 | Bsn Sports Collegiate | 5/6/2021 |
| 200000306 | -195 | AP Check | 200000306 | C & M Plaque & Trophy Inc. | 5/6/2021 |
| 200000310 | -1730 | AP Check | 200000310 | Sonitol Of El Paso | 5/6/2021 |
| 200000308 | -600 | AP Check | 200000308 | La Estrella | 5/6/2021 |
| 200000311 | -534.36 | AP Check | 200000311 | Southern Computer Warehouse | 5/6/2021 |
| 200000307 | -249.99 | AP Check | 200000307 | Guitar Center | 5/6/2021 |
| 200000312 | -115.03 | AP Check | 200000312 | Staples Advantage | 5/6/2021 |
| 200000314 | -51.42 | AP Check | 200000314 | School Specialty | 5/6/2021 |
| 200000308 | -487.5 | AP Check | 200000308 | La Estrella | 5/6/2021 |
| 200000301 | -437.5 | AP Check | 200000301 | Blanco Ordonez Mata & Wallace P.C. | 4/29/2021 |
| | -5898.8 | | | | |
| 10001785 | 1693 | AP Invoice | 36367 | Commerce Bank | 5/13/2021 |
| 10001785 | 3718.3 | AP Invoice | 36367 | Commerce Bank | 5/13/2021 |
| 10001785 | 487.5 | AP Invoice | 36367 | Commerce Bank | 5/13/2021 |
| | 5898.8 | | | | |
| 200000293 | -500 | AP Check | 200000293 | Bsn Sports Collegiate | 4/29/2021 |
| 200000298 | -6008.16 | AP Check | 200000298 | Spectrum Imaging | 4/29/2021 |
| 200000304 | -2225.79 | AP Check | 200000304 | American Refrigeration Supplies, Inc | 4/29/2021 |
| 200000299 | -1214.7 | AP Check | 200000299 | Johnstone Supply | 4/29/2021 |
| 200000294 | -600 | AP Check | 200000294 | La Estrella | 4/29/2021 |
| 200000303 | -466.6 | AP Check | 200000303 | Really Good Stuff, LLC | 4/29/2021 |
| 200000296 | -341.06 | AP Check | 200000296 | Oriental Trading Co., Inc. | 4/29/2021 |
| 200000297 | -163.12 | AP Check | 200000297 | Southern Computer Warehouse | 4/29/2021 |
| 200000298 | -246.38 | AP Check | 200000298 | Spectrum Imaging | 4/29/2021 |
| 200000274 | -9178.45 | AP Check | 200000274 | Amerigas Propane, L.P. | 4/22/2021 |
| 200000280 | -1344.27 | AP Check | 200000280 | Office Depot | 4/22/2021 |
| 200000284 | -250 | AP Check | 200000284 | TASA | 4/22/2021 |
| 200000280 | -249.01 | AP Check | 200000280 | Office Depot | 4/22/2021 |
| | -22787.54 | | | | |
| 10001784 | 500 | AP Invoice | 36270 | Commerce Bank | 5/6/2021 |
| 10001784 | 21792.15 | AP Invoice | 36270 | Commerce Bank | 5/6/2021 |
| 10001784 | 495.39 | AP Invoice | 36270 | Commerce Bank | 5/6/2021 |
| | 22787.54 | | | | |

| Check Number | Vendor | Long Description | Total Price |
|----------------|--------------------|---|-------------|
| 155047 | Citibank | Meal request, HS Tennis meet @ fort Stockton, April 14, 2021 | 53.17 |
| 155048 | Citibank | HS Softball meal request/Alpine, April 10 | 135.07 |
| 155049 | Citibank | Chocolate Treats & Brownie Platter - Edible Arrangements | 155.84 |
| 155050 | Citibank | Monthly fee for Zoom Subscription for Superintendent | 55.24 |
| 155051 | Citibank | Z-Shade Everest 8 ft x 16 ft Instant Canopy | 149.99 |
| 155052 | Citibank | 60-Pack 12-Inch Paper Doilies, Round Paper Lace Placemats for Cakes, Desserts, Baked Treat Display, Ideal for Weddings, Tableware Decor, GoldEro sellerSold by eForCity, fulfilled by Walmart | 15.98 |
| 155053 | Citibank | Russell Stover Pecan Delight Gusset Bag, 16.1 OzGift eligible | 83.18 |
| 155054 | Citibank | Supplies for Gala | 1307.63 |
| 155055 | Citibank | Metallic Tissue Paper by Celebrate It™ | 30.00 |
| 155055 | Citibank | 12 Packs: 6 ct. (72 total) 8oz. Glass Milk Bottles with Lids by Ashland@Item #: MP362528 | 231.93 |
| 155056 | Citibank | Edible Arrangement | 135.96 |
| 155056 | Citibank | Chocolate Dipped Strawberries | 16.00 |
| 155076 | Citibank | HS Tennis, meal request, April 25-27, 2021 @ Abilene tx | 335.19 |
| 155077 | Citibank | Track Area Meet, April 14-15,2021/Hotel,1 night | 377.45 |
| 155078 | Citibank | HS Regional Track meet at Abilene Tx, April 22-24/Hotel | 782.00 |
| 155079 | Citibank | HS Track, Southwest travel, May 4-7 @ Austin Tx | 1767.84 |
| 155080 | Citibank | Student Meal Request/27-Apr-21 | 141.93 |
| 155081 | Citibank | HS Tennis, Hotel,@ Abilene tx, April 25-27 | 883.20 |
| 155082 | Citibank | HS Track meal request/April 14-15, Denver city | 408.64 |
| 155083, 155097 | Citibank | Student Meal Request @ Alpine, April 22-24, 2021 | 627.75 |
| 155088 | Citibank Sams Club | hefty Plates | 25.76 |
| 155088 | Citibank Sams Club | Nestle Creamer Hazelnut | 25.96 |
| 155088 | Citibank Sams Club | Nestle Creamer French Vanilla | 23.24 |
| 155088 | Citibank Sams Club | O-cedar Sponge | 11.18 |
| 155092 | Citibank Sams Club | Squirt Citrus Soda | 11.28 |
| 155083, 155097 | Citibank | Student Meal Request @ Alpine, April 22-24, 2021 | 537.41 |
| 155098 | Citibank | **03-1341 Tennis | 213.92 |
| 155098 | Citibank | **03-0747 Track | 338.18 |
| 155098 | Citibank | **03-1689 Track | 104.07 |
| 155113 | Citibank | Meal Request, HS @ Pecos, 4/30/2021 | 174.23 |
| 155063 | Citibank Sams Club | Snickers, Twix and More Chocolate Candy Variety Pack (240 pc., 74.1 oz.)Item 980037526 | 32.84 |
| 155063 | Citibank Sams Club | M&M'S, Twix and More Chocolate Candy Variety Pack (155 pc., 81.7 oz.)Item 980037523 | 32.84 |
| 155063 | Citibank Sams Club | M&M'S Chocolate Candy Fun Size Bulk Variety Pack (115 pc., 65.5 oz.)Item 980080433 | 32.84 |
| 155063 | Citibank Sams Club | Starburst and Skittles Chewy Candy Bulk Variety Pack (240 pc., 104.4 oz.)Item 50150 | 32.76 |
| 155064 | Citibank Sams Club | Chocolate chip cookies/Goal 2, obj 1, strag 10 | 38.01 |
| 155064 | Citibank Sams Club | Strawberry Shortbread Cookies/Goal 2, obj 1, strag 10 | 58.92 |
| 155064 | Citibank Sams Club | Berry Shortbread Cookies/Goal 2, obj 1, strag 10 | 58.92 |
| 155064 | Citibank Sams Club | Belvita Biscuit Bites/Goal 2, obj 1, strag 10 | 32.94 |
| 155064 | Citibank Sams Club | Chech Mix/Goal 2, obj 1, strag 10 | 26.94 |
| 155065 | Citibank Sams Club | Sprite/Goal 2, obj 2, strag 1 | 24.64 |
| 155065 | Citibank Sams Club | Frito Lay Classic/Goal 2, obj 2, strag 1 | 25.96 |
| 155065 | Citibank Sams Club | Nabisco Classic Mix/Goal 2, obj 2, strag 1 | 29.88 |
| 155065 | Citibank Sams Club | Otter Pops Juice Bars/Goal 2, obj 2, strag 1 | 10.00 |
| 155065 | Citibank Sams Club | Frito Lay Doritos/Goal 2, obj 2, strag 1 | 12.98 |
| 155065 | Citibank Sams Club | Frito Lay Bold Mix/Goal 2, obj 2, strag 1 | 12.98 |
| 155065 | Citibank Sams Club | Coca Cola/Goal 2, obj 2, strag 1 | 24.64 |
| 155066 | Citibank Sams Club | Nabisco Classic Mix Variety Pack (40 pk.) | 9.96 |
| 155066 | Citibank Sams Club | Nature Valley Oats 'n Honey Crunchy Granola | 12.48 |
| 155066 | Citibank Sams Club | Nestle Pure Life Purified Water (16.9 oz / 40pk.) | 7.96 |
| 155066 | Citibank Sams Club | Frito-Lay Bold Mix Variety Pack (50 pk.) | 12.98 |
| 155067 | Citibank Sams Club | Famous Amos Chocolate Chip Cookies (2 oz., 42 ct.) | 66.40 |
| 155067 | Citibank Sams Club | Lifesavers Hard Candy (1.14 oz., 20 ct.) | 99.80 |
| 155067 | Citibank Sams Club | Chinet Cut Crystal Clear Plastic 10" Dinner Plates Case (100 ct.) | 52.96 |
| 155067 | Citibank Sams Club | Member's Mark Clear Plastic Plates, 6.25" (110 ct.) | 23.96 |
| 155067 | Citibank Sams Club | Party Essentials Napkin Roll Bag Set with Black Cutlery (4 - 25 ct. packs, 100 total) | 157.44 |
| 155067 | Citibank Sams Club | Chinet Cut Crystal 14 oz. Cup (3 sets of 60 ct., total of 180 ct.) | 39.88 |
| 155067 | Citibank Sams Club | Werther's Original Hard Caramel Candies (39.75 oz.) | 94.8 |
| 155068 | Citibank Sams Club | Bottle Water/Goal 2, obj 2, strag 1 | 13.44 |
| 155068 | Citibank Sams Club | Paper Bag/Goal 2, obj 2, strag 1 | 5.98 |



Wellness Department
430-D Oil Mill Road
Tornillo, TX 79853
Phone 915.765.3565
Fax 915.765.3599

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:



School Health Advisory Council (SHAC)

Annual Report, 2020-2021

Linda Rivero RN, Chair

Rosie Erives, Parent Co-Chair

"Students must be healthy to be educated and educated to be healthy."

Accomplishments/Recommendations

What we have done

Recommended and implemented El Paso Healthy Schools Project :

- Partnered with Action for Health Kids to complete the WellSAT analysis of District Wellness Policy and associated administrative policies including regulation, rules, procedures, or administrative guidelines to implement infrastructure and policy changes designed to improve the health of student, family and the community.

"Students must be healthy to be educated and educated to be healthy."



Accomplishments/Recommendations

What we have done

WellSAT tool covered 78 policies and 6 focus areas:

- Nutrition Education
- Child Nutrition Program & School Meals
- Competitive Food/Beverage Standards
- Physical Education & Physical Activity
- Wellness Promotion
- Marketing and Implementation

"Students must be healthy to be educated and educated to be healthy."



2021-2022 SHAC Goals

What we intend to do

Nutrition:

- Support promotion of TISD Nutrition and Food Services.
- Reduce health disparities and childhood obesity by implementing the recommended cooking/nutrition education program.
- Review and assess efficacy of nutrition promotion and education goals in the Wellness Policy.

"Students must be healthy to be educated and educated to be healthy."



2020-2022 SHAC Goals

What we intend to do

Sex Education and Reproductive Health:

- Support promotion of District sexual health education program

Physical Activity/Education:

- Support promotion of District PE and health programs.
- Review PE/Wellness indicators and results from HB 5 measures and determine any needed campus adjustments.

"Students must be healthy to be educated and educated to be healthy."



2020-2021 SHAC Goals

What we intend to do

Social, Emotional and Behavioral Health:

Promote positive mental health and increase awareness of mental health and other support services among students and families by:

- Providing information on campus website, newsletters, and other outreach activities to increase parent access.
- Implementing the recommended prevention education programs.
- Promoting campaigns and events to increase student access and reduce stigma.

"Students must be healthy to be educated and educated to be healthy."



Tornillo ISD SHAC Information

What do you need to know?

- ✓ Minutes and agendas for all meetings can be found at:

<https://www.tisd.us/Page/1365>

"Students must be healthy to be educated and educated to be healthy."





Wellness Department
430-D Oil Mill Road
Tornillo, TX 79853
Phone 915.765.3565
Fax 915.765.3599

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:

Texas Department of State Health Services
 Annual Spinal Screening Report - Facility Summary by Grade
TORNILLO ISD
 for school year 2020 - 2021, submitted on 6/1/2021

***** Results of Referrals *****

| Group | Under Prior Treatment | | Screened | | Rescreened | | Referred | | Normal | | Scoliosis | | Kyphosis | | Other | | Observation | | Orthosis Bracing | | Operation Surgery | | Treatment Other | | Results Unavailable | | |
|--------------|-----------------------|-----|-----------|----------|------------|----------|----------|----------|--------|----------|-----------|----------|----------|----------|-------|----------|-------------|----------|------------------|----------|-------------------|----------|-----------------|----------|---------------------|----------|-----|
| | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | |
| G5F | 0 | 0.0 | 12 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| G7F | 0 | 0.0 | 15 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| G8M | 0 | 0.0 | 14 | 5 | 35.7 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| A10F | 0 | | 0 | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| A12F | 0 | | 0 | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| A13M | 0 | | 0 | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| A14M | 0 | | 0 | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| Total | 0 | | 41 | 5 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |

Texas Department of State Health Services
 Annual Spinal Screening Report - Facility Summary by Grade
TORNILLO ISD
 for school year 2020 - 2021, submitted on 6/1/2021

***** Late Exam Results *****

| Normal | | Scoliosis | | Kyphosis | | Other | | Observation | | Orthosis Bracing | | Operation Surgery | | Treatment Other | |
|--------|-----|-----------|-----|----------|-----|-------|-----|-------------|-----|------------------|-----|-------------------|-----|-----------------|-----|
| Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % | Count | % |
| 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 | 0 | 0.0 |
| 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |
| 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | | 0 | |

Texas Department of State Health Services
 Annual Vision Screening Report - Facility Summary by Grade
 TORNILLO ISD
 for school year 2020 - 2021, submitted on 6/1/2021

| Grade | Number Screened | Screened With Glass | Screened With AD | Number Passed | ***** FAILED ***** | | | | | ***** EXAMINED BY PHYSICIAN ***** | | | | | | | | | | | | |
|--------------|-----------------|---------------------|------------------|---------------|--------------------|----------|-----------------------|-----------------|-------------------------|-----------------------------------|----------------------------|-----------------|------------|---------------------|-----------------------------|------------------|-----------|--------------------------|---------------------|----------------------|-----------------------|-----------------------------------|
| | | | | | Number Failed | % Failed | Number Failed With AD | Number Referred | Number Referred With AD | Number Transferred | Number Transferred With AD | Number Examined | % Examined | Examined No Problem | Examined No Problem With AD | Examined Treated | % Treated | Examined Treated With AD | Number Not Examined | Not Examined With AD | Late Examined Problem | Late Examined No Examined Treated |
| PK | 1 | 1 | 10 | 1 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| K | 7 | 5 | 24 | 7 | 0 | 0.0 | 5 | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 5 | 0 | 0 |
| 01 | 16 | 0 | 0 | 16 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02 | 2 | 0 | 0 | 1 | 1 | 50.0 | 0 | 1 | 0 | 0 | 0 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| 03 | 21 | 5 | 0 | 20 | 1 | 4.8 | 0 | 1 | 0 | 0 | 0 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |
| 04 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 05 | 19 | 9 | 0 | 17 | 2 | 10.5 | 0 | 2 | 0 | 0 | 0 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 2 | 0 | 0 | 0 |
| 06 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 07 | 19 | 6 | 0 | 19 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 08 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 09 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 10 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 12 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 85 | 26 | 34 | 81 | 4 | | 5 | 4 | 5 | 0 | 5 | | | 0 | 0 | 0 | 0 | 0 | 4 | 5 | 0 | 0 |

Texas Department of State Health Services
 Annual Hearing Screening Report - Facility Summary by Grade
 TORNILLO ISD
 for school year 2020 - 2021, submitted on 6/1/2021

6/1/2021
 Page: 1

| Grade | Number Screened | Number Passed | FAILED | | EXAMINED BY PHYSICIAN | | | | | | Number Not Examined | Late Exam No Problem | Late Exam Treated | |
|--------------|-----------------|---------------|---------------|----------|-----------------------|--------------------|-----------------|------------|-----------------|------------------|---------------------|----------------------|-------------------|-----------|
| | | | Number Failed | % Failed | Number Referred | Number Transferred | Number Examined | % Examined | Exam No Problem | Examined Treated | | | | % Treated |
| PK | 11 | 11 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| K | 30 | 30 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 01 | 18 | 18 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 02 | 1 | 1 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 03 | 21 | 21 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 04 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 05 | 22 | 22 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 06 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |
| 07 | 22 | 22 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 08 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 09 | 1 | 1 | 0 | 0.0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 10 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 11 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 12 | 0 | 0 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 126 | 126 | 0 | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 0 |



Office of the Superintendent
19200 Cobb Ave. /PO Box 170
Tornillo, TX 79853
Phone 915.765.3005
Fax 915.765.3099

MEMORANDUM

To: Members of the Board of Trustees
From: Mr. Rodrigo Portillo, Assistant Superintendent
Subject: Advance Via Individual Determination (AVID)
Date: June 23, 2021

HISTORY:

College readiness refers to the level of preparation a student needs in order to enroll and succeed without remediation in credit-bearing general education coursework at a college or university. Too many students fail to meet the requisite credentials—and lack the ongoing academic and social support—to enroll in and successfully complete college-level work. Although high school graduation rates reached an all-time high, college preparedness and enrollment has been on the decline nationally. Graduating from high school is simply no longer enough to ensure success in college or life.

RATIONALE:

AVID is a nonprofit academic-support system that helps students who are traditionally underrepresented in higher education succeed in challenging college-preparatory courses and prepare for college. AVID is based on the philosophy that if students are held accountable to the highest standards and are provided academic and social support, they will rise to the challenge.

AVID's goal is to close the achievement gap by preparing all students for college readiness and success in a global society. AVID transforms the instruction, systems, leadership and culture of an entire school by having students enroll in the AVID Elective class taught by trained AVID teachers. To ensure college readiness and improved academic performance, AVID Elective teachers provide academic training, manage tutorials, work with faculty and parents, and assist students in developing long-range academic and personal plans. Subject-area teachers, counselors, administrators and district administrators experience professional learning and help create a college-going culture through the use of Schoolwide AVID.

BUDGET IMPACT:

Year 3 \$22,953

Vision: *Believe we can succeed, with pride we will achieve.*

Mission: *The mission of the District is to educate and inspire students in a safe and supportive environment which will result in closing the achievement gap by preparing all students for college readiness and success in a global society.*



ADMINISTRATIVE RECOMMENDATION:

Tornillo ISD would like to recommend the approval of AVID in grades Pk-12 for the amount of \$22,953.

Vision: Believe we can succeed, with pride we will achieve.

Mission: The mission of the District is to educate and inspire students in a safe and supportive environment which will result in closing the achievement gap by preparing all students for college readiness and success in a global society.



AVID Center
 Federal Tax ID# 33-0522594
9797 Aero Drive, Suite 100
San Diego CA 92123
(858) 380-4800

Document# 18883
 Page 1

SALES ORDER

Please remit payment to:
 Dept 270, P.O. Box 509015
 San Diego, CA 92150-9015

Bill To:

Tornillo Ind School District
 P.O. Box 170
 Tornillo TX 79853

Ship To:

| | | | | |
|--------------------------------|--|-------------------------|-------------------------|---------------------------|
| Customer ID: 1016260 | Purchase Order #: CONTRACT Q-81209 | Shipping Method: | Terms: Net 30 | Date: 6/11/2021 |
|--------------------------------|--|-------------------------|-------------------------|---------------------------|

| Qty | Description | Unit Price | Ext. Price |
|-----|---|------------|------------|
| 1 | AVID Excel Coaching Sessions and Professional Learning District Products | \$5,500.00 | \$5,500.00 |
| 1 | AVID Excel Curriculum Library Set District Products | \$390.00 | \$390.00 |
| 1 | AVID Membership Fees Elementary School Tornillo Elementary School | \$3,125.00 | \$3,125.00 |
| 1 | AVID Weekly Elementary Tornillo Elementary School | \$0.00 | \$0.00 |
| 1 | Secondary Digital Library Set - 8 Licenses - Year 2 Tornillo High School | \$0.00 | \$0.00 |
| 1 | AVID Membership Fees Secondary Tornillo High School | \$4,099.00 | \$4,099.00 |
| 1 | AVID Weekly Secondary Tornillo High School | \$580.00 | \$580.00 |
| 1 | AVID Membership Fees Elementary School Tornillo Intermediate School | \$3,125.00 | \$3,125.00 |
| 1 | AVID Weekly Elementary Tornillo Intermediate School | \$0.00 | \$0.00 |
| 1 | AVID EXCEL Benefit Package Tornillo Junior High School | \$995.00 | \$995.00 |
| 1 | AVID Membership Fees Secondary Tornillo Junior High School | \$4,099.00 | \$4,099.00 |
| 1 | AVID Weekly Secondary Tornillo Junior High School | \$580.00 | \$580.00 |
| 1 | AVID Excel Curriculum Library Set Tornillo Junior High School | \$390.00 | \$390.00 |

| | |
|-----------------|-------------|
| Subtotal | \$22,883.00 |
| Discount | \$0.00 |
| Tax | \$0.00 |
| Freight | \$70.00 |
| Total | \$22,953.00 |

AVID accepts Visa, Mastercard, Discover, and ACH
Registrations can be paid online at my.avid.org
For billing inquiries, please email business@avid.org

Official Delegate Designation Form

Please note:

- Only board members of TASB Active Members (public school districts and ESCs) may serve as delegates or alternates.
- TASB Directors and the four Legislative Advisory Council (LAC) members serving on the TASB Legislative Committee are delegates by virtue of their positions. If one of your board members is also a TASB Director or one of the four LAC representatives, do not designate this member; he or she will already be participating as a voting delegate in the Assembly.
- If you are designating an individual newly elected to your board, please update your district's membership information in myTASB. The update form is available under the Member Profile link (<https://www.tasb.org/apps/memberprofile/index.aspx>). If you have any questions about updating your membership information, contact Michael Pennant (contact information located at bottom of page).
- The Delegate Assembly Handbook will be distributed electronically at least 20 days prior to Delegate Assembly. Hard copies of the Handbook will be available on site. (Mailed copies will be available by request.)
- You also may submit your designation online. The online form is available in myTASB under the Member Profile link (<https://www.tasb.org/apps/memberprofile/index.aspx>).

Credentials (ribbon and button) will be mailed to delegates and alternates who are registered by August 26. After that date, credentials must be picked up on site at Delegate Assembly.

Delegate: _____

Board position: _____ E-mail: _____

Mailing address (if NOT the district address) for Delegate Assembly materials:

Alternate: _____

Board position: _____ E-mail: _____

Mailing address (if NOT the district address) for Delegate Assembly materials:

Name of school district: _____

County-district number: _____ **TASB (ESC) region number:** _____

I hereby certify that the above persons were chosen by our board as our official voting delegate and alternate to the 2021 TASB Delegate Assembly scheduled for September 25 (as provided by the TASB Bylaws).

Board president: _____ Date: _____

Please return your board's designations online or to the address below by August 26, 2021, to receive Delegate Assembly credentials by mail. Delegates submitted after August 26 will need to pick up credentials (button and ribbon) on site.

Texas Association of School Boards
Attn: Michael Pennant
Email: membercommunications@tasb.org
Fax: 512.467.3554





Wellness Department
430-D Oil Mill Road
Tornillo, TX 79853
Phone 915.765.3565
Fax 915.765.3599

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:



June 1, 2021

RE: HRSA GRANT LETTER OF COMMITMENT

Maria O. Duarte, PhD, RDN
Chair, Department of Public Health Sciences
College of Health Sciences
The University of Texas at El Paso
500 W. University Ave.
El Paso, TX 79968

Dear Dr. Duarte:

I am pleased to provide this Letter of Commitment form the Tornillo Independent School District (TISD) to work in collaboration with the proposed grant project. TISD is committed to facilitating the recruitment of 10 student peer educators to increase COVID vaccination for the population between 12-18 years of age. It is my understanding that these 10 peer educators will receive training on education and outreach strategies from Familias Triunfadoras in our neighboring community of San Elizario, Texas. Furthermore, I understand that Familias Triunfadoras will also be recruiting and training 10 student peer educators from the San Elizario Independent School District.

The student peer educators will be responsible for identifying a minimum of 300 students in the above noted age group to receive COVID vaccine in collaboration and coordination with our District Nurse Coordinator, Ms. Linda Rivero.

With an extensive and long history of collaboration with The University of Texas at El Paso (UTEP), College of Health Sciences, IISD is proud to be included in the grant activities as proposed in this funding application.

In accordance with our scope as proposed in this funding application, please count on our complete commitment toward the accomplishments of all grant goals and objectives.

Please do not hesitate to reach out to us should we be able to provide additional assistance, support, and commitment to this jointly developed grant initiative.

Best wishes for a positive review of this application.

Sincerely:

Rosie Vega-Barrio
Superintendent

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES



Local Community-Based Workforce to Increase COVID-19 Vaccine Access

Funding Opportunity Number: HRSA-21-140

Funding Opportunity Type(s): New

Assistance Listings (CFDA) Number: 93.011

NOTICE OF FUNDING OPPORTUNITY

Fiscal Year 2021

Application Due Date: June 09, 2021

*SAM.gov and Grants.gov administrative flexibilities have been implemented.
Please see Section IV.2.3 for more information.*

Issuance Date: May 20, 2021

Fraser Byrne, MPA

Public Health Analyst

Telephone: 240-472-0297 (Note: For fastest response, please use email)

Email: CBOVaccineOutreach@hrsa.gov

Authority: Section 2501 of Public Law 117-2 (American Rescue Plan Act of 2021); Section 311(a) of the Public Health Service (PHS) Act (42 USC §243).

EXECUTIVE SUMMARY

The Health Resources and Services Administration (HRSA) is accepting applications for the fiscal year (FY) 2021 Local Community-Based Workforce to Increase COVID-19 Vaccine Access. The purpose of this program is to address COVID-19 related health disparities and advance health equity by mobilizing community outreach workers to educate and assist individuals in getting the COVID-19 vaccination.

| | |
|---|---|
| Funding Opportunity Title: | Local Community-Based Workforce to Increase COVID-19 Vaccine Access |
| Funding Opportunity Number: | HRSA-21-140 |
| Due Date for Applications: | June 9, 2021 |
| Anticipated Total Annual Available FY 2021 Funding: | \$121,000,000 |
| Estimated Number and Type of Award(s): | Approximately 121 grant awards |
| Estimated Award Amount | \$1,000,000 per awardee |
| Cost Sharing/Match Required: | No |
| Period of Performance: | July 1, 2021 – June 30, 2022 (12-months) |
| Eligible Applicants: | Eligible applicants include nonprofit private or public organizations, including local and/or regional community-based organizations, with demonstrated experience in implementing public health programs, particularly in medically underserved areas. See Section III.1 of this notice of funding opportunity (NOFO) for complete eligibility information. |

Application Guide

You (the applicant organization/agency) are responsible for reading and complying with the instructions included in HRSA's *SF-424 Application Guide*, available online at <http://www.hrsa.gov/grants/apply/applicationguide/sf424guide.pdf>, except where instructed in this NOFO to do otherwise.

Table of Contents

| | |
|--|-----------|
| EXECUTIVE SUMMARY | I |
| I. PROGRAM FUNDING OPPORTUNITY DESCRIPTION | 1 |
| 1. PURPOSE | 1 |
| 2. BACKGROUND | 2 |
| II. AWARD INFORMATION | 3 |
| 1. TYPE OF APPLICATION AND AWARD | 3 |
| 2. SUMMARY OF FUNDING | 3 |
| III. ELIGIBILITY INFORMATION | 3 |
| 1. ELIGIBLE APPLICANTS | 3 |
| 2. COST SHARING/MATCHING | 3 |
| 3. OTHER | 4 |
| IV. APPLICATION AND SUBMISSION INFORMATION | 4 |
| 1. ADDRESS TO REQUEST APPLICATION PACKAGE | 4 |
| 2. CONTENT AND FORM OF APPLICATION SUBMISSION | 4 |
| i. <i>Project Abstract</i> | 5 |
| ii. <i>Project Narrative</i> | 5 |
| iii. <i>Budget Narrative</i> | 7 |
| iv. <i>Application Components</i> | 7 |
| v. <i>Additional Budget Information</i> | 7 |
| 3. DUN AND BRADSTREET DATA UNIVERSAL NUMBERING SYSTEM (DUNS) NUMBER TRANSITION TO THE UNIQUE ENTITY IDENTIFIER (UEI) AND SYSTEM FOR AWARD MANAGEMENT (SAM) | 8 |
| 4. SUBMISSION DATES AND TIMES | 9 |
| 5. INTERGOVERNMENTAL REVIEW | 9 |
| 6. FUNDING RESTRICTIONS | 9 |
| 7. DATA SOURCES AND RESOURCES FOR YOUR APPLICATION | 10 |
| V. APPLICATION REVIEW INFORMATION | 11 |
| 1. REVIEW CRITERIA | 11 |
| 2. REVIEW AND SELECTION PROCESS | 12 |
| 3. ASSESSMENT OF RISK | 12 |
| VI. AWARD ADMINISTRATION INFORMATION | 13 |
| 2. AWARD NOTICES | 13 |
| 3. ADMINISTRATIVE AND NATIONAL POLICY REQUIREMENTS | 13 |
| 4. REPORTING | 14 |
| VII. AGENCY CONTACTS | 14 |
| VIII. OTHER INFORMATION | 15 |

I. Program Funding Opportunity Description

1. Purpose

The purpose of the program is to establish, expand, and sustain a public health workforce to prevent, prepare for, and respond to COVID-19. This includes mobilizing community outreach workers, which includes community health workers, patient navigators, and social support specialists, to educate and assist individuals in accessing and receiving COVID-19 vaccinations. This includes activities such as conducting face-to-face outreach and reaching out directly to community members to educate them about the vaccine, assisting individuals in making a vaccine appointment, providing resources to find convenient vaccine locations, assisting individuals with transportation or other needs to get to a vaccination site. The program intends to address persistent health disparities by offering support and resources to vulnerable and medically underserved communities, including racial and ethnic minority groups and individuals living in areas of high social vulnerability.

HRSA will fund recipients that have demonstrated experience and expertise in implementing public health programs, particularly in medically underserved areas. Award recipients will need to clearly describe how the funding will directly serve and impact vulnerable communities; and demonstrate how they will prioritize hiring individuals from the communities they will serve by providing outreach, education and assistance related to the COVID-19 vaccine.

This program will focus on providing resources to local and/or regional community-based organizations (CBOs). CBO applicants may engage as individual organizations or create a network of multiple eligible organizations partnering together to complete program activities (i.e. one award recipient with multiple subrecipient organizations). Partnering organizations may include entities such as:

- Community-based organizations (including faith-based organizations, social service organizations)
- Local chapters of national associations
- Local health departments
- Health centers and other community-based health providers
- Minority-serving organizations or institutions
- Tribes and Tribal organizations
- Philanthropic organizations
- Local municipal entities, such as fire and EMS departments
- Social service providers (e.g. food banks, community transportation, childcare)
- Community Action Coalitions, Chambers of Commerce, Health Equity Councils, and other community groups

Grant recipients and subrecipients must comply with HHS grant regulations and HHS and HRSA policies as well as the terms and conditions of the award.

2. Background

This program is authorized by Section 311(a) of the Public Health Service (PHS) Act (42 USC §243) and Section 2501 of Public Law 117-2 (American Rescue Plan Act of 2021).

COVID-19 has disproportionately affected racial/ethnic minority groups and individuals living in areas of high social vulnerability, including those who are socioeconomically disadvantaged. A January 2021 study confirmed that a wide range of sociodemographic risk factors, including socioeconomic status, racial/ethnic minority status, income, household composition, and environmental factors, were significantly associated with COVID-19 incidence and mortality.¹ Another large study analyzing electronic health records data for patients from 53 health systems across 21 states found Black, Hispanic, and Asian patients had significantly higher rates of infection, hospitalization, and death compared to their White counterparts, even after controlling for sociodemographic characteristics and underlying health conditions.²

Given the existing inequities in COVID-19 morbidity and mortality burden, it is critical to improve the vaccination coverage in communities with high proportions of racial/ethnic minority groups and individuals who are economically and socially marginalized. On March 26, 2021, the Centers for Disease Control and Prevention (CDC) released a Morbidity and Mortality Weekly Report (MMWR) that discusses the County-Level COVID-19 Vaccination Coverage and Social Vulnerability.³ Since the U.S. COVID-19 vaccination program began, vaccination coverage has been lower in counties of high social vulnerability nationwide, demonstrating that targeted efforts are needed to achieve health equity for those most affected by COVID-19. Early studies also show that there are significant differences in vaccination rates among different racial and ethnic groups. While information on race and ethnicity was available for approximately half of the COVID-19 vaccine recipients in reports, data shows that the percentage of vaccine recipients who are Hispanic and Black are lower than expected based on the proportions of the total U.S. population.⁴ Ensuring equitable access to vaccines remains a national priority, and this program will be critical in achieving that goal.

This program will target resources to the most vulnerable and medically underserved communities within counties to ensure that challenges such as vaccine confidence and assisting with vaccine accessibility are addressed. This program will build upon national vaccine education and outreach efforts (including the HHS-funded programs listed in [Section IV.7](#)), while tailoring approaches to meet the unique needs of the community. Further, this funding will directly support a community outreach workforce to serve as trusted messengers to build vaccine confidence and address any barriers to vaccination for vulnerable individuals and communities.

¹ Karmakar M, Lantz PM, Tipirneni R. Association of Social and Demographic Factors With COVID-19 Incidence and Death Rates in the US. *JAMA Netw Open*. 2021;4(1):e2036462. doi:10.1001/jamanetworkopen.2020.36462. <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2775732>.

² Ruben-Miller L et al. COVID-19 Racial Disparities in Testing, Infection, Hospitalization, and Death: Analysis of Epic Patient Data. <https://www.ehrn.org/articles/covid-19-racial-disparities-in-testinginfection-hospitalization-death/>.

³ CDC MMWR Series. March, 2021. [County-Level COVID-19 Vaccination Coverage and Social Vulnerability](#).

⁴ ASPE Issue Brief. March, 2021. [Health Disparities by Race and Ethnicity During the COVID-19 Pandemic](#).

II. Award Information

1. Type of Application and Award

Type(s) of applications sought: New

HRSA will provide funding in the form of a grant.

2. Summary of Funding

HRSA estimates \$121,000,000 to be available to fund approximately 121 recipients expected to complete their activities within a 12-month period of performance. You may apply for a ceiling amount of up to \$1,000,000 total cost (includes both direct and indirect, facilities and administrative costs). The period of performance is July 1, 2021 through June 30, 2022 (12-months). This is a one-time funding opportunity with no expectation of additional Federal funds after the performance period ends.

All HRSA awards are subject to the Uniform Administrative Requirements, Cost Principles, and Audit Requirements at [45 CFR part 75](#) and other applicable federal law and HHS policies.

III. Eligibility Information

1. Eligible Applicants

Eligible applicants include nonprofit private or public organizations, including local and/or regional community-based organizations (CBOs), with demonstrated experience in implementing public health programs, particularly in medically underserved areas. This includes Tribes and Tribal organizations.

Applicants may engage as individual organizations or create a partnership of organizations with the capacity to complete program activities (i.e. one award recipient with one or multiple subrecipient organizations). Program activities include hiring community outreach workers from the vulnerable and medically underserved communities they will serve and reaching out to these communities; specifically the areas or populations with low vaccination rates to date. Applicants should use recent, relevant data sources to identify counties and target populations of need (see [Section IV.7](#)).

2. Cost Sharing/Matching

Cost sharing/matching is not required for this program.

3. Other

NOTE: Multiple applications from an organization are not allowable.

HRSA will only accept your **last** validated electronic submission, under the correct funding opportunity number, prior to the Grants.gov application due date as the final and only acceptable application.

HRSA will consider any application that exceeds the ceiling amount non-responsive and will not consider it for funding under this notice.

HRSA will consider any application that fails to satisfy the deadline requirements referenced in Section IV.4 non-responsive and will not consider it for funding under this notice.

IV. Application and Submission Information

1. Address to Request Application Package

HRSA **requires** you to apply electronically. HRSA encourages you to apply through Grants.gov using the SF-424 workspace application package associated with this notice of funding opportunity announcement (NOFO) following the directions provided at <http://www.grants.gov/applicants/apply-for-grants.html>. If you have questions or concerns regarding the electronic submission process, please email CBOVaccineOutreach@hrsa.gov.

The NOFO is also known as “Instructions” on Grants.gov. You must select “Subscribe” and provide your email address for each NOFO you are reviewing or preparing in the workspace application package in order to receive notifications including modifications, clarifications, and/or republications of the NOFO on Grants.gov. You will also receive notifications of documents placed in the RELATED DOCUMENTS tab on Grants.gov that may affect the NOFO and your application. *You are ultimately responsible for reviewing the [For Applicants](#) page for all information relevant to this NOFO.*

2. Content and Form of Application Submission

Section 4 of HRSA’s [SF-424 Application Guide](#) provides instructions for the budget, budget narrative, staffing plan and personnel requirements, assurances, certifications, and abstract. You must submit the information outlined in the Application Guide in addition to the program-specific information below. You are responsible for reading and complying with the instructions included in HRSA’s [SF-424 Application Guide](#) except where instructed in the NOFO to do otherwise. You must submit the application in the English language and in the terms of U.S. dollars (45 CFR § 75.111(a)).

See Section 8.5 of the *Application Guide* for the Application Completeness Checklist.

Application Page Limit

HRSA anticipates that an application package may range between 10 to 15 pages. This is a suggested range of page numbers, however, what is most important is that you provide the information requested. If you are able to succinctly convey required information and request for funding in fewer than 10 pages, you may do so knowing that this gives the application neither a competitive advantage nor disadvantage. Similarly, you are not at a competitive advantage or disadvantage if you go over the suggested 15 pages so long as the information you are providing is relevant to this funding opportunity.

Applications must be complete and validated by Grants.gov under the correct funding opportunity number prior to the deadline.

Debarment, Suspension, Ineligibility, and Voluntary Exclusion Certification

- 1) You certify on behalf of the applicant organization, by submission of your proposal, that neither you nor your principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency.
- 2) Failure to make required disclosures can result in any of the remedies described in 45 CFR § 75.371, including suspension or debarment. (See also 2 CFR parts 180 and 376, and 31 U.S.C. § 3321).
- 3) Where you are unable to attest to the statements in this certification, an explanation shall be included in *Attachments 4 - 15: Other Relevant Documents*.

See Section 4.1 viii of HRSA's [SF-424 Application Guide](#) for additional information on all certifications.

Program-Specific Instructions

Your application will include the following elements:

i. Project Abstract

A table format is recommended. Place the table in the Standard OMB-approved Project Abstract Summary Form 2.0 that is included in the workspace application package. Include the following information:

- Project title
- Applicant organization name and website, if applicable
- Target population(s) and service area(s)
- List of proposed subrecipient organizations and point of contact, if applicable
- Requested award amount

ii. Project Narrative

HRSA understands the challenges communities are currently facing as they work to respond to COVID-19 and also recognizes the need to allow for flexibility so that award recipients are able to respond to the unique needs of their communities. As such, your project narrative should provide a clear description of how you propose to meet the

needs of the most vulnerable and medically underserved communities and populations as you directly engage with them to educate and assist them in getting the COVID-19 vaccine. In your project narrative, please specify the proposed target population, project activities, and describe your project approach.

Your proposed target population may be selected by geographic location (e.g. residents of specific counties or state) and/or specific subpopulations (e.g. individuals living in rural areas, adolescents, specific racial/ethnic or other minority groups, faith-based communities, specific occupation types, etc.). Use reliable data sources (see [Section IV.7](#)) to demonstrate need for vaccine outreach efforts in your proposed target population and demonstrate your capacity and plan to reach this population in the project narrative.

Project activities may include, but are not limited to, the development and sharing of vaccine related outreach and education materials that are culturally competent, conducting face-to-face outreach as appropriate and making phone calls or other virtual outreach to community members for education and assistance; providing information on the closest vaccine locations, organizing pop-up vaccination sites, making vaccine appointments for individuals, making vaccine reminder calls/texts, and arranging for transportation and childcare assistance to vaccine appointments, as needed.

Your proposal must include the following information and section headers for the narrative:

- Overview of the service area and target population to be served
 - Specifically outline the States/regions/counties and specific target populations you will serve. Describe how you identified the needs of the proposed target population(s) and area(s) that are the most vulnerable and medically underserved and your capacity to reach this population.
 - Provide a demographic overview of the population to be served, including racial and ethnicity data, as available. Include information on any impacted subpopulations who have historically experienced poorer health outcomes, health disparities, and other inequities.
 - Provide data and statistics from appropriate, reliable sources for your proposed service area or population that reflect the most recent timeframe available (see [Section IV.7](#)).
- Project approach to address identified needs
 - Provide details of how you propose to serve your target population/ service area based on the needs identified. Include how you will monitor your progress and make adjustments as needed to ensure target population(s) are served.
 - Provide a clear overview of the partnerships or collaborative organizations you propose as part of this project, if any. NOTE: A partnership is not required, but may be helpful to accomplish the program activities and meet the needs of your selected target population. Letters of Intent from these organizations may be included to

demonstrate support in the application but are not required. Please outline the names and point of contact of the organizations involved in the project and a brief overview of their responsibilities in this project. Please provide any related experience these organizations have in public health projects or outreach to your proposed target populations.

- Include specific activities you propose to engage in. Include your proposed staffing approach (e.g., the workforce roles you will employ) and vaccine-related activities to meet the identified needs of your target population(s). Note that activities and approaches may be tailored to best fit the needs of individual target population(s).
- Describe your ability to quickly hire or otherwise engage and train community outreach workers and other staff, specific activities of the staff, and demonstrate a commitment to diversity, equity and inclusion, and hiring staff from the communities they serve.
- Include a high-level timeline for completing activities after award, including specifying which activities will be completed in each quarter of the 12-month period of performance.

iii. Budget Narrative

In addition to the information provided in the project narrative, you will need to submit a budget narrative. You must **submit a budget and budget narrative for the 12-month period of performance**. The budget can vary based on your community needs and your proposed approach. The information provided should include the following:

- A clear justification on how you will use the program funds over the 12-month period of performance to increase access to vaccinations and increase vaccination rates in socioeconomically vulnerable communities. The funding request should align with the needs and activities you identified in the project narrative portion of your application.
- A clear indication of how funds will be distributed across partner organizations, if proposed.

You must also include the required SF-424 application and budget forms.

iv. Application Components

For this funding opportunity, there may be components that must be included in your submission to have a complete application package:

Attachment 1: Project Narrative

Attachment 2: Budget Narrative

Attachment 3: Any additional supporting documentation (Optional)

Attachments 4 – 15: Other Relevant Documents

SF-424 Application Form

SF-424A Budget Form

v. Additional Budget Information

The directions offered in the SF-424 Application Guide may differ from those offered by Grants.gov. Follow the instructions in Section 4.1.iv of HRSA's [SF-424 Application Guide](#) and the additional budget instructions provided below. A budget that follows the Guide will ensure that, if HRSA selects the application for funding, you will have a well-

organized plan and, by carefully following the approved plan, may avoid audit issues during the implementation phase.

Salary Limitations

HRSA's Standard Terms apply to this program. Please see Section 4.1 of HRSA's [SF-424 Application Guide](#) for additional information. None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II. The current Executive Level II salary is \$199,300. See Section 5.1.iv Budget – Salary Limitation of HRSA's [SF-424 Application Guide](#) for additional information.

An individual's institutional base salary is the annual compensation that the recipient organization pays an individual and excludes any income an individual may earn outside the applicant organization duties. You may not use HRSA funds to pay a salary in excess of this rate. This salary limitation also applies to subrecipients under a HRSA grant or cooperative agreement. The salary limitation does not apply to payments made to consultants under this award; although, as with all costs, those payments must meet the test of reasonableness and be consistent with the recipient's institutional policy.

Note: an individual's base salary, per se, is not constrained by the statutory provision for a limitation of salary. The rate limitation simply limits the amount that may be awarded and charged to HRSA grants and cooperative agreements.

For individuals whose salary rates are in excess of Executive Level II, the non-federal entity may pay the excess from non-federal funds.

3. Dun and Bradstreet Data Universal Numbering System (DUNS) Number Transition to the Unique Entity Identifier (UEI) and System for Award Management (SAM)

The requirements for SAM (System of Award Management) registration have temporarily changed due to the federal government's response to the COVID-19 pandemic. To support entities impacted by COVID-19, applicants are not required to have an active SAM registration at the time of submission of the application under this Notice of Funding Opportunity (NOFO). If not registered at time of award, HRSA requires the recipient to obtain a unique entity identifier (i.e., DUNS) and complete SAM registration within 30 days of the Federal award date.

If you have already completed Grants.gov registration for HRSA or another federal agency, confirm that the registration is still active and that the Authorized Organization Representative (AOR) has been approved.

Grants.gov registration process requires information in three separate systems:

- Dun and Bradstreet (<http://www.dnb.com/duns-number.html>)
- System for Award Management (SAM) (<https://www.sam.gov>)
- Grants.gov (<http://www.grants.gov/>)

For further details, see Section 3.1 of HRSA's [SF-424 Application Guide](#).

In accordance with the Federal Government's efforts to reduce reporting burden for recipients of federal financial assistance, the general certification and representation requirements contained in the Standard Form 424B (SF-424B) – Assurances – Non-Construction Programs, and the Standard Form 424D (SF-424D) – Assurances – Construction Programs, have been standardized federal-wide. Effective January 1, 2020, the forms themselves are no longer part of HRSA's application packages and the updated common certification and representation requirements will be stored and maintained within SAM. Organizations or individuals applying for federal financial assistance as of January 1, 2020, must validate the federally required common certifications and representations annually through SAM located at [SAM.gov](https://sam.gov).

4. Submission Dates and Times

Application Due Date

The due date for applications under this NOFO is *June 9, 2021 at 11:59 p.m. ET*. HRSA suggests submitting applications to Grants.gov at least **3 calendar days before the deadline** to allow for any unforeseen circumstances. See Section 8.2.5 – Summary of emails from Grants.gov of HRSA's [SF-424 Application Guide](#) for additional information.

5. Intergovernmental Review

This program is not subject to the provisions of Executive Order 12372, as implemented by 45 CFR part 100.

See Section 4.1 ii of HRSA's [SF-424 Application Guide](#) for additional information.

6. Funding Restrictions

You may request funding for a period of performance of 12-months, up to \$1,000,000 total cost requested (inclusive of direct **and** indirect costs).

[HRSA's Standard Terms](#) apply to this program. Please see Section 4.1 of HRSA's [SF-424 Application Guide](#) for additional information.

You cannot use funds under this notice for the following purposes:

- To acquire real property
- For construction
- To pay for any equipment costs not directly related to the purposes of this award

You are required to have the necessary policies, procedures, and financial controls in place to ensure that your organization complies with all legal requirements and restrictions applicable to the receipt of federal funding including statutory restrictions on use of funds for lobbying, executive salaries, gun control, abortion, etc. Like those for all

other applicable grants requirements, the effectiveness of these policies, procedures, and controls is subject to audit.

Funding restrictions for HRSA recipients and subrecipients regarding prohibition on certain telecommunications and video surveillance services or equipment are located at 2 CFR § 200.216. For details, see the [HRSA Grants Policy Bulletin Number: 2021-01E](#).

All program income generated as a result of awarded funds must be used for approved project-related activities. The program income alternative applied to the award(s) under the program will be the addition/additive alternative. You can find post-award requirements for program income at [45 CFR § 75.307](#).

7. Data Sources and Resources for your Application

- 1) Recommended data sources for identifying your proposed target population(s) and service area(s):
 - i. [Centers for Disease Control and Prevention \(CDC\) Social Vulnerability Index](#)
 - ii. [Vaccine Hesitancy for COVID-19: State, County, and Local Estimates \(HHS/ASPE March 2021\)](#)
 - iii. Reliable, recent County or State data for your proposed area(s) or target population(s), as appropriate.

- 2) Other HHS-Funded COVID-19 Vaccine Outreach Programs & Resources:
 - i. Community-Based Workforce for COVID-19 Vaccine Outreach Notice of Funding Opportunity ([HRSA-21-136](#))
 - ii. [COVID-19 Public Education Campaign](#)
 - iii. [COVID-19 Community Corps](#)
 - iv. [Find a Health Center](#)
 - v. [Health Center Vaccine Program](#)
 - vi. [Health Center Program Look-Alikes](#)
 - vii. [CDC COVID-19 Vaccination Resources](#)
 - viii. [CDC Community-Based Organizations COVID-19 Vaccine Toolkit](#)

- 3) Tips for writing a strong application are available in Section 4.7 of HRSA's [SF-424 Application Guide](#).

V. Application Review Information

1. Review Criteria

HRSA has procedures for assessing the technical merit of applications to provide for an objective review. HRSA will use the following criteria in order to complete the review and score applications. HRSA will conduct reviews for completeness, eligibility, and allowable costs. HRSA reserves the right to request budget modifications, scope changes, and/or narrative revisions if an application is not fully responsive to the instructions or if ineligible activities or purchases are proposed.

Service Area/target population (35 total points)

1. To what extent does the application clearly identify vulnerable target population(s) using data from a reliable and recent data source such as the [CDC Social Vulnerability Index](#)? (20 points)
2. To what extent does the application outline the needs of the population to be served? (10 points)
3. To what extent does the application provide a demographic overview of the service area and target population to be served? (5 points)

Project Approach (45 total points)

4. To what extent does the application describe a plan to address the identified needs of the population as related to COVID-19 vaccinations along with a timeline for completion of these activities? (10 points)
5. To what extent does the application propose organization(s) with capacity/experience engaging the identified target population(s) to address the identified needs of the service area/target community? (10 points)
6. To what extent does the application propose regional and local organization(s) capable of quickly hiring community outreach workers, engaging the target population(s), and assisting people in getting the COVID-19 vaccination? (15 points)
7. To what extent does the application describe the applicant's ability to quickly hire, train, and deploy outreach staff with a commitment to diversity, equity and inclusion, and hiring from the communities they serve? (10 points)

Budget (20 total points)

8. To what extent does the application provide a 12-month budget and budget narrative that explains how the requested budget aligns with the activities and project timeline being proposed? (10 points)
9. To what extent does the budget reflect the proposed approach and size of the service area? (10 points)

2. Review and Selection Process

HRSA will conduct an objective review committee (ORC) consisting of external reviewers to review, score and rank the applications. The objective review process provides an objective evaluation to the individuals responsible for making award decisions. The highest ranked applications receive consideration for award within available funding ranges. To ensure national impact coverage of services consistent with the program purposes, and to prevent duplication, HRSA reserves the right to fund applicants out of rank order when making final award determinations. HRSA may also consider assessment of risk and the other pre-award activities described in Section 3 below. See Section 5.3 of HRSA's [SF-424 Application Guide](#) for more details.

3. Assessment of Risk

HRSA may elect not to fund applicants with management or financial instability that directly relates to the organization's ability to implement statutory, regulatory, or other requirements ([45 CFR § 75.205](#)).

HRSA reviews applications receiving a favorable objective review for other considerations that include past performance, as applicable, cost analysis of the project/program budget, assessment of your management systems, ensuring continued applicant eligibility, and compliance with any public policy requirements, including those requiring just-in-time submissions. HRSA may ask you to submit additional programmatic or administrative information (such as an updated budget or "other support" information) or to undertake certain activities (such as negotiation of an indirect cost rate) in anticipation of an award. However, even at this point in the process, such requests do not guarantee that HRSA will make an award. Following review of all applicable information, HRSA's approving and business management officials will determine whether HRSA can make an award, if special conditions are required, and what level of funding is appropriate.

Award decisions are discretionary and are not subject to appeal to any HRSA or HHS official or board.

HRSA is required to review and consider any information about your organization that is in the [Federal Awardee Performance and Integrity Information System \(FAPIIS\)](#). You may review and comment on any information about your organization that a federal awarding agency previously entered. HRSA will consider your comments, in addition to other information in [FAPIIS](#) in making a judgment about your organization's integrity, business ethics, and record of performance under federal awards when completing the review of risk posed as described in 45 CFR § 75.205 HHS Awarding Agency Review of Risk Posed by Applicants.

HRSA will report to FAPIIS a determination that an applicant is not qualified ([45 CFR § 75.212](#)).

VI. Award Administration Information

2. Award Notices

HRSA will issue the Notice of Award (NOA) prior to the start date of July 1, 2021. See Section 5.4 of HRSA's [SF-424 Application Guide](#) for additional information.

3. Administrative and National Policy Requirements

See Section 2.1 of HRSA's [SF-424 Application Guide](#).

If you are successful and receive a Notice of Award, in accepting the award, you agree that the award and any activities thereunder are subject to all provisions of 45 CFR part 75, currently in effect or implemented during the period of the award, other Department regulations and policies in effect at the time of the award, and applicable statutory provisions.

Accessibility Provisions and Non-Discrimination Requirements

Federal funding recipients must comply with applicable federal civil rights laws. HRSA supports its recipients in preventing discrimination, reducing barriers to care, and promoting health equity. For more information on recipient civil rights obligations, visit the HRSA Office of Civil Rights, Diversity, and Inclusion [website](#).

Requirements of Subawards

The terms and conditions in the NOA apply directly to the recipient of HRSA funds. The recipient is accountable for the performance of the project, program, or activity; the appropriate expenditure of funds under the award by all parties; and all other obligations of the recipient, as cited in the NOA. In general, the requirements that apply to the recipient, including public policy requirements, also apply to subrecipients under awards, and it is the recipient's responsibility to monitor the compliance of all funded subrecipients. See [45 CFR § 75.101 Applicability](#) for more details.

Data Rights

All publications developed or purchased with funds awarded under this notice must be consistent with the requirements of the program. Pursuant to 45 CFR § 75.322(b), the recipient owns the copyright for materials that it develops under an award issued pursuant to this notice, and HHS reserves a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use those materials for federal purposes, and to authorize others to do so. In addition, pursuant to 45 CFR § 75.322(d), the Federal Government has the right to obtain, reproduce, publish, or otherwise use data produced under this award and has the right to authorize others to receive, reproduce, publish, or otherwise use such data for federal purposes, e.g., to make it available in government-sponsored databases for use by others. If applicable, the specific scope of HRSA rights with respect to a particular grant-supported effort will be addressed in the NOA. Data and copyright-protected works developed by a subrecipient also are subject to the Federal Government's copyright license and data rights.

Human Subjects Protection

Federal regulations ([45 CFR part 46](#)) require that applications and proposals involving human subjects must be evaluated with reference to the risks to the subjects, the adequacy of protection against these risks, the potential benefits of the research to the subjects and others, and the importance of the knowledge gained or to be gained. If you anticipate research involving human subjects, you must meet the requirements of the HHS regulations to protect human subjects from research risks.

4. Reporting

Award recipients must comply with Section 6 of HRSA's [SF-424 Application Guide](#) and the following reporting and review activities:

- 1) **Progress Reports.** The recipient must submit a progress report to HRSA on monthly basis, including both quantitative data and brief narratives to capture project progress to date. For example, to capture progress on the hiring process, award recipients will be asked to provide the number of community outreach workers hired to date, including the number of individuals hired from the communities served by this funding. Similarly, award recipients will be asked to provide the number of individuals directly assisted, and/or number of individuals that received vaccine outreach and education. Further information will be available in the notice of award, if funded.

Please note that the OMB revisions to Guidance for Grants and Agreements termination provisions located at [2 CFR § 200.340 - Termination](#) apply to all federal awards effective August 13, 2020.

VII. Agency Contacts

You may request additional information and/or technical assistance regarding business, administrative, or fiscal issues related to this NOFO by contacting:

Devon Cumberbatch
Grants Management Specialist
Division of Grants Management Operations, OFAM
Health Resources and Services Administration
5600 Fishers Lane, Mailstop 10SWH03
Rockville, MD 20857
Telephone: (301) 443-7532
Email: dcumberbatch@hrsa.gov

You may request additional information regarding the overall program issues and/or technical assistance related to this NOFO by contacting:

Fraser Byrne, MPA
Public Health Analyst
Health Resources and Services Administration
5600 Fishers Lane

Rockville, MD 20857

Telephone: 240-472-0297 (Note: For fastest response, please use email)

Email: CBOVaccineOutreach@hrsa.gov

You may need assistance when working online to submit your application forms electronically. Always obtain a case number when calling for support. For assistance with submitting the application in Grants.gov, contact Grants.gov 24 hours a day, 7 days a week, excluding federal holidays at:

Grants.gov Contact Center

Telephone: 1-800-518-4726 (International Callers, please dial 606-545-5035)

Email: support@grants.gov

Self-Service Knowledge Base: <https://grants-portal.psc.gov/Welcome.aspx?pt=Grants>

Successful applicants/recipients may need assistance when working online to submit information and reports electronically through [HRSA's Electronic Handbooks \(EHBs\)](#). For assistance with submitting information in the EHBs, contact the HRSA Contact Center, Monday–Friday, 8 a.m. to 8 p.m. ET, excluding federal holidays at:

HRSA Contact Center

Telephone: (877) 464-4772

TTY: (877) 897-9910

Web: <http://www.hrsa.gov/about/contact/ehbhelp.aspx>

VIII. Other Information

508 Compliance Disclaimer

Note: Persons using assistive technology may not be able to fully access information in this file. For assistance, please email or call one of the HRSA staff above in Section VII. Agency Contacts.

Technical Assistance Webinar for Applicants

HRSA has scheduled a technical assistance webinar for applicants. The webinar will also be recorded and a link to the recording will be posted on Grants.gov in the “Related Documents” tab for this funding opportunity a few days after the live webinar.

Technical Assistance Webinar: May 25, 2021 from 4:00 – 5:00pm EST

Weblink: <https://hrsa-gov.zoomgov.com/j/1610863080?pwd=aGxnVVlmYVNVb2R3VU82ZEQ5ampqQT09>

Call-In Number: 833-568-8864

Meeting ID: 161 086 3080

Participant Code: 82672230



Wellness Department
430-D Oil Mill Road
Tornillo, TX 79853
Phone 915.765.3565
Fax 915.765.3599

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:

What we treat through School Med?

- When your students come into the campus health room and aren't feeling well, and the child needs further medical care, they can now speak to one of our pediatricians via two-way video chat. During that visit, the doctor can treat students for basic ailments within the guidelines of AAP and ATA. We treat:

What We Treat?



How does SchoolMed benefit your campus?

- Increasing access to care for all students, especially those who are medically underserved.
- Empowering you to treat more common illnesses that students face every day.
- Decreasing spread of contagious ailments, therefore, increasing attendance.
- Caring for students efficiently to reduce repeat visits.
- Early identifying mental health issues, referring to a mental health provider through virtual care eliminates barriers to care (transportation, time off of work, capacity in the community)

What we provide for every school and school nurse?

- We provide all supplies, medications, basic wound care, and technology for you to successfully implement telehealth in your health room.
- Point of care testing; rapid COVID, rapid strep, rapid flu.
- In addition to clinical supplies, we provide digital training materials, videos, virtual training, and in person set up and custom implementation for each health room across your district.

Who is the School Med Team?

- Our President and co-founder, our Executive Director of School Med, and the entire team have school program and healthcare experience and are passionate about the care of students and supporting you in your valuable role in school health.
- In addition, we provide a local engagement coordinator who will work with the district and school administration to ensure that each site is successful.

Aguilar, Rachel

From: Vega-Barrio, Rosa
Sent: Tuesday, June 8, 2021 1:17 PM
To: Aguilar, Rachel
Subject: FW: REMINDER: Nominations for TASB Board Position-Region 19
Attachments: 01) Form A Nomination Form.docx; 02) FORM B Biographical Sketch Form.docx; 03) FORM C Director Candidate Questionnaire Form.docx; 04) Regional Position Nominations Instructions Sheet.pdf; 05) 2021 Nomination QA.pdf; Excerpt-VI-from-Bylaws.pdf

From: Board Communications <BoardCommunications@tasb.org>
Sent: Tuesday, June 8, 2021 8:42 AM
To: Board Communications <BoardCommunications@tasb.org>
Subject: REMINDER: Nominations for TASB Board Position-Region 19

CAUTION: This email originated from outside TISD organization. Do not click on links or open attachments unless you recognize the sender and know the content is safe.



Texas Association of School Boards
P.O. Box 400 • Austin, Texas 78767-0400 • 512.467.0222 • 800.580.8272

Serving Texas Schools Since 1949

Dear Board Presidents, Superintendents, and Superintendent Secretaries for Region 19,

You are invited to nominate a trustee from your board for the Region 19 seat on the TASB Board.

The position is currently held by **Armando Rodriguez** (Canutillo ISD). **Rodriguez has indicated that he will be seeking reelection.** The term of this position is for three years beginning at the close of the 2021 Annual TASA/TASB Convention and expiring after Convention 2024.

A TASB Director represents his or her region on the Board, guiding the organization to ensure that the Association fulfills its mission to provide advocacy, visionary leadership, and high-quality services to you, our members.

If your local school board would like to nominate a candidate, please follow the attached instructions, and complete and return the attached forms. **Nominations must be received by TASB no later than Wednesday, June 30, 2021.** If you have questions, please contact Lysa Hoelscher at **800.580.8272, extension 2976.** More information is available on the [TASB Nominations](#) website.

Please note: This is the call for nominations. The endorsement period, during which your district may support nominated candidates, will be open July 3–August 31, 2021.

We appreciate your participation in TASB’s governance process and your ongoing commitment to Texas public schools.

Sincerely,

A handwritten signature in black ink that reads "Lee Lentz-Edwards". The signature is written in a cursive style with a large initial "L" and "E".

Lee Lentz-Edwards
Immediate Past President
TASB Nominations Committee Chair

Attachments



TASB NOMINATION FORM

This is to serve as the nomination of a member of our local board to fill a position on the TASB Board of Directors.

CANDIDATE INFORMATION

NAME: _____

SCHOOL DISTRICT: _____

CANDIDATE MAILING ADDRESS: _____

CITY: _____ ZIP: _____

Our school district's board of trustees understands:

1. *Expenses incurred for the candidate to attend the Nominations Committee interview will be the responsibility of the candidate's local school district.*
2. *The local board's nomination of one of its trustees shall be considered the district's endorsement for that Director position.*
3. *A TASB Director's attendance at regular TASB Board meetings is important.*
4. *Lodging and transportation expenses incurred by TASB Directors attending regular spring, summer and December Board meetings are reimbursed by the Association and transportation expenses and three nights' lodging incurred attending the Convention Board meeting are reimbursed by the Association.*

This nomination was approved by our board of trustees at a duly called meeting on _____.
(Date)

Signature of board president or officer *(If candidate is the board president or officer, must be signed by another officer)*

PRINTED NAME: _____

TITLE: _____

WILLINGNESS TO SERVE (To Be Completed By the Candidate)

I, _____, confirm my willingness to serve, if elected, as a member of the TASB Board of Directors for Region _____, Position _____.

Signature of candidate

This form is to be used to nominate a member of your Local Board as a candidate to fill a position on the TASB Board of Directors.

Must be received by TASB on or before June 30, 2021.

Interviews will be held at TASB Headquarters in Austin on September 10-11, 2021.

**RETURN TO: E-mail: boardcommunications@tasb.org
FAX: 512.467.3554**



Financial Services Department

19200 Cobb Street
Tornillo, TX 79853
Phone 915.765.3050

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:



Office of the Superintendent
19200 Cobb Ave. /PO Box 170
Tornillo, TX 79853
Phone 915.765.3005
Fax 915.765.3099

MEMORANDUM

To: Members of the Board of Trustees
From: Mr. Rodrigo Portillo, Assistant Superintendent
Subject: New Teacher Mentorship Program MOU
Date: June 16th, 2021

HISTORY:

This Agreement sets forth the expectations and commitments of UTEP and the sponsor to implement a New Teacher Mentorship Pilot Program (hereafter referred to the “Program”) under the direction of Dr. Clifton Tanabe, Dean, College of Education, that will strengthen early career teachers, increase teacher retention rates, and improve student outcomes.

The Program description and roles and responsibilities for each partner are detailed in Attachment A. The Parties agree to the terms spelled out in this Agreement and any add-on or amendments as the work progressed and will obtain the signed endorsement of authorizing officials of the Parties.

RATIONALE:

The purpose of the New Teacher Center partnership is to accelerate the effective practice of new teachers, and thus narrow the achievement gap, through its proven results of exceptional instructional coaching. Across the region, NTC will provide professional support and development to a cohort of up to 20 teachers and 4 centrally-deployed instructional coaches (hereinafter referred to collectively as “coaches”), 5 school leaders, spanning 10-12 El Paso County schools across the county for the 2021-2022 school year. This work will cultivate, sustain, and retain early career educators in El Paso County; develop the leadership capacity of instructional coaches as part of a school-based leadership team; and strengthen instructional leadership across schools to create multiple generations of educators who understand how to leverage their respective ELA curricula and the TEKS as a tool for educational equity

Tornillo ISD, through this MOU, commits to fully-scaled transformation of a new teacher mentorship program within the district, sharing and transparency of data, and rigorously objective “critical friend” feedback / accountability. TISD is expected to fully scale and fully sustain the transformation goals post-grant funding. To foster the achievement of these outcomes, UTEP and NTC will support districts to implement proven strategies, specifically: a) piloting, b) scale-up and c) post-grant or no-grant cost internalization

BUDGET IMPACT:

\$6000

ADMINISTRATIVE RECOMMENDATION:

Vision: Believe we can succeed, with pride we will achieve.

Mission: The mission of the District is to educate and inspire students in a safe and supportive environment which will result in closing the achievement gap by preparing all students for college readiness and success in a global society.

TORNILLO INDEPENDENT

SCHOOL DISTRICT

Educating children today to be the leaders of tomorrow.



In order to provide the support and accelerate the effective practice of our novice teachers, it is our recommendation that the board approves the MOU.

Vision: Believe we can succeed, with pride we will achieve.

Mission: The mission of the District is to educate and inspire students in a safe and supportive environment which will result in closing the achievement gap by preparing all students for college readiness and success in a global society.

AGREEMENT OF COOPERATION BETWEEN

Tornillo Independent School District AND

The University of Texas at El Paso

The University of Texas at El Paso (hereinafter referred to as UTEP), located at 500 West University Avenue, El Paso, TX 79968 and Tornillo Independent School District (TISD), located at 19200 Cobb Ave., Tornillo, TX 79853, enter into an agreement of cooperation to establish a program of exchange and collaboration in areas of interest and benefit to both institutions.

I.

The purposes of the cooperation between UTEP and TISD are as follows:

- This Agreement sets forth the expectations and commitments of UTEP and the sponsor to implement a New Teacher Mentorship Pilot Program (hereafter referred to the “Program”) under the direction of Dr. Clifton Tanabe, Dean, College of Education, that will strengthen early career teachers, increase teacher retention rates, and improve student outcomes.
- The Program description and roles and responsibilities for each partner are detailed in Attachment A. The Parties agree to the terms spelled out in this Agreement and any add-on or amendments as the work progressed, and will obtain the signed endorsement of authorizing officials of the Parties.
- **PARTICIPATING PARTIES**
 - The University of Texas at El Paso (Lead and Advisory Board Member)
 - El Paso Community Foundation (Sponsor and Advisory Board Member)
 - CREEED (Advisory Board Member)
 - Fabens ISD (Pilot Program Site)
 - Canutillo ISD (Pilot Program Site)
 - Tornillo ISD (Pilot Program Site)

II.

To achieve these goals, UTEP and TISD will, insofar as the means of each allow:

- work collaboratively with the New Teacher Center to direct support to new teachers and instructional coaches.
- actively participate to ensure that new teachers are positively impacted by their participation, instructional coaching and leadership capacity within the district is strengthened.

III.

Each institution shall designate a coordinator to oversee and facilitate the implementation of this Agreement. The coordinators, working with other appropriate administrators at the respective institution, shall have the following responsibilities:

- to act as principal contacts for individual and group activities and to plan and coordinate all activities within their institutions as well as with the partner institution;
- to meet periodically to review and evaluate past activities and to work out new ideas for future cooperative agreements.

IV.

This general Agreement of Understanding shall be identified as the parent document of any program agreement executed between the parties. Further agreements concerning any program shall provide details concerning the specific commitments made by each party and shall not become effective until they have been reduced to writing and executed by the duly authorized representatives of the parties. The scope of the activities under this agreement shall be determined by the funds regularly available at both institutions for the types of collaboration undertaken and by financial assistance as may be obtained by either institution from external sources.

V.

Except as may stipulated in any specific program agreement, each institution shall be responsible for expenses incurred by its employees under this agreement. Except as may be stipulated in any specific program agreement.

VI.

Upon approval by each institution, this agreement shall remain in effect for a period of ten (10) years unless terminated earlier by either institution. Such termination by one institution shall be effected by giving the other institution at least ninety (90) days advance written notice of its intention to terminate. If such notice is given, this agreement shall terminate: (a) at the end of such ninety (90) days; or (b) when all students enrolled in a course of study under the agreement at the time such notice is given have completed their respective courses of study under the agreement, whichever event occurs last. Termination shall be without penalty. If this agreement is terminated, neither UTEP nor shall be liable to the other for any monetary or other losses which may result.

EXECUTED by The University of Texas at El Paso and Tornillo Independent School District in duplicate copies, each of which shall be deemed an original.

THE UNIVERSITY OF TEXAS AT EL PASO

TORNILLO INDPENDENT SCHOOL DISTRICT

By: Roberto Osegueda

By: _____

Title: Vice President for Research

Title: _____

Date: _____

Date: _____

Attachment A

The purpose of the New Teacher Center partnership is to accelerate the effective practice of new teachers, and thus narrow the achievement gap, through its proven results of exceptional instructional coaching. Across the region, NTC will provide professional support and development to a cohort of up to 60 teachers and 4-8 centrally-deployed instructional coaches (hereinafter referred to collectively as “coaches”), 10-12 school leaders, spanning 10-12 El Paso County schools across the county for the 2020-2021 school year. This work will cultivate, sustain, and retain early career educators in El Paso County; develop the leadership capacity of instructional coaches as part of a school-based leadership team; and strengthen instructional leadership across schools to create multiple generations of educators who understand how to leverage their respective ELA curricula and the TEKS as a tool for educational equity

District partners, through this MOU, commit to fully-scaled transformation of a new teacher mentorship program within the district, sharing and transparency of data, and rigorously objective “critical friend” feedback / accountability. Districts are expected to fully scale and fully sustain the transformation goals post-grant funding. To foster the achievement of these outcomes, UTEP and NTC will support districts to implement proven strategies, specifically: a) piloting, b) scale-up and c) post-grant or no-grant cost internalization.

Core New Teacher Mentorship Pilot Goals

The New Teacher Mentorship Pilot described below are expected areas of transformation for districts within the 3-year timeline of the grant.

Goal One: Build new teacher competency to meet the needs of students in the El Paso region.

A highly skilled instructional coach is key to providing new teachers with support that will advance their instructional practice. Coaches practice using multiple data points to assess teacher practice and student learning, and provide meaningful feedback to teachers to support their instruction of the curriculum. The goal is to provide curriculum-aligned support to teachers as they create and sustain optimal learning environments in which the diverse needs of every learner are addressed with an unwavering attention to equity and continuous academic, social, and emotional growth.

- Districts will identify first and second year teachers who will participate in the New Teacher Mentorship Pilot.
- The coaches from the New Teacher Mentorship Pilot will have scheduled access to the participating teachers’ classrooms and planning time.
- New teachers will receive one hour of coaching weekly/biweekly.

Goal Two: Build district capacity to provide effective instructional coaching to new teachers.

Through one year of comprehensive professional learning and on-the-job coaching, district instructional coaches learn the critical knowledge, skills, and tools to initiate and maintain effective mentoring relationships with new teachers that result in substantial learning gains for every student in the classroom. Instructional coaches will understand the learning needs specific to the new teachers and curriculum implementation in their buildings, and establish a vision for how new teachers will use the curriculum and effective teaching practice as tools for academic rigor and educational equity. NTC will work with each district to customize professional learning so that the content aligns to their respective approaches to instructional coaching.

District instructional coaches/mentors will participate in:

- o 4 days of Advanced Professional Learning focused on, during which they will develop the instructional leadership skills (e.g., foster collaborative professional cultures; use data to improve

teaching and learning; collaborate with stakeholders; advocate for the profession and student learning) to support teachers in creating optimal learning environments in which they:

- Create emotionally, intellectually, and physically safe environments
- Implement equitable, culturally responsive, and standards-aligned curriculum and instruction to meet the diverse needs of every learner
- Learn to employ strategic instructional coaching cycles (e.g., Plan/Prepare, Teach/Assess, and Analyze/Reflect) focused on standards, pedagogy, and research to advance teaching practice and student learning aligned to the TEKS
- Create and maintain collaborative, mutually-accountable professional relationships (e.g., communicate effectively; build effective relationships with stakeholders and colleagues; demonstrate and maintain coach responsibilities, integrity, and ethical conduct) to advance teaching and learning focused on student outcomes with standards-aligned content
- Advance teaching practice through establishing collaborative, professional relationships that build trust, meet teachers' needs through the use of coaching language and stances, and provide actionable feedback.

○ **8+0** Mentor Forums over the course of the year to support the year-long application of the professional learning described above. Forums are a mix of online and in-person **2 to 3-hour** sessions where NTC staff **and UTEP's Lead Coaches** supports and extends coaches'/mentors' professional learning and helps them sustain their community of practice.

○ In-Field Coaching over the course of the year during which NTC staff **and UTEP Lead Coaches** will provide highly customized, differentiated supports to coaches and their school leaders via **45** infield coaching days.

- In-field coaching visits provide an opportunity for NTC **and UTEP Lead Coaches** to both formatively assess and develop coaches' practice in the schools, and to inform programmatic components in real time as a result of our learnings.
- Visits provide an opportunity to coach and consult with school leaders about their implementation of the model, the ways in which they support and develop teacher leaders and new teachers, and to support their reflection, problem solving and practice.
- In-field coaching is also an opportunity for intensive capacity building at the district-level, with the purpose of building leadership capacity and sustainability within each respective district's professional development program.
- In future years, as a result of explicit capacity building we will provide, we envision each centrally-deployed coach as providing school- based coaches with high-quality professional learning and on-the-job support, in collaboration with school leaders.

Goal Three: Develop committed school leaders who have a deep understanding and working knowledge of the new teacher mentorship pillars and approach.

Coaches and the early career teachers they support do not exist in isolation. Each coach and teacher belongs to a school community, and they are deeply influenced by the quality of instructional leadership in their buildings/districts. Thus, it is critical that school-level leaders at each mentor's school site are instructionally-focused and have the tools to create the conditions for mentor and teacher success.

- School leaders will participate in school leadership development that include:
 - **4 days of Advanced Professional Learning provided by NTC over the course of the academic year**
 - **In-Field Coaching over the course of the year during which NTC staff and UTEP Lead Coaches will provide highly customized, differentiated supports to coaches and their school leaders**
 - **3 days of school leadership development for two cohorts of Quarterly governance meetings with UTEP Lead Coaches to share information regarding progress of program for participating school leaders (Principals and Assistant Principals) where participants:**
 - Establish a clear vision of what ~~ex~~cellent, standards-aligned instruction looks like in each grade level.

- Develop the school leadership and coaching capacity to know what to look for in standards-aligned literacy instruction and provide teachers with meaningful feedback to improve their practice using the curriculum as a tool.
 - Utilize existing coaching structures to support teachers through a cycle of observation, feedback and targeted support.
 - Shape productive and professional cultures for adult learners school-wide
 - Learn to maximize the mentoring program in their schools.
- School leaders will ensure that the identified district coaches/mentors are allocated the needed time for trainings and coaching from NTC and UTEP's COE Lead Coaches.

Goal Four: Create sustainable high quality new teacher mentorship in the district

Research and experience make clear that effective school systems engage in a set of deliberate actions that are aligned to the needs of the students they serve. Each action acts like a puzzle piece that collectively creates a clear picture of how the people, activities, and resources within a school system must work together to provide all students the opportunity to engage with rigorous, standards-aligned instruction.

- UTEP and NTC will work with district system level leaders over 5 days to develop strategic plan to sustain the high quality new teacher mentorship that includes the following components:
 - Vision and Expectations
 - Curriculum
 - Assessment
 - Educator Capacity
 - Student Support
 - Accountability
 - Family and Community Partnership
 - Stakeholder Investment

Goal Five: Demonstrate commitment to using data for continuous improvement.

- Districts will be expected to document all new teacher coaching interactions using the Kiano platform, an online instructional coaching toolkit. Kiano will be accessible to district instructional coaches, administration, and UTEP's New Teacher Mentorship Pilot staff.
- District will participate in an annual formative program site-review visit, which will examine the program implementation and outcomes (e.g., quality of teaching by new teachers, quality of instructional coaching by coaches). Results from the site visit will be considered as “critical friend” external review results and will only be reported internally.
- Districts will provide new teacher effectiveness data, including: To ensure and demonstrate the pilot's progress, the district will share the data below in accordance with the applicable federal, state, and local laws, including, but not limited to, the Family Educational Rights and Privacy Act (FERPA).
 - Number of new teachers coached by the pilot program
 - New teacher demographics
 - Enrollment demographics of students taught by new teachers in the pilot
 - Evidence of new teacher proficiency in content knowledge
 - Evidence of new teacher proficiency in disposition/professionalism
 - Evidence of new teacher proficiency in pedagogy
 - New Teacher feedback surveys (BOY, EOY)
 - Campus/district instructional coach & Principal surveys (BOY, EOY)
 - New teacher retention rates
 - Masked K-12 student achievement data linked to new teachers within the district to compare the value-added impact of new teachers in the pilot
 - Historic performance of districts' new teachers

- Other data points determined by the advisory board

UTEP College of Education Roles and Responsibilities

College of Education Role. COE will manage the New Teacher Mentorship Pilot and will work collaboratively with NTC and districts to implement the direct support to new teachers and instructional coaches as well as the yearlong training to build capacity within the district to sustain new teacher mentorship.

COE Responsibilities.

- Hire and supervise the New Teacher Mentorship Pilot Director and Lead Coaches.
- Manage the New Teacher Mentorship Pilot.
- Serve as the direct point of contact for NTC and the districts to schedule trainings.
- Assign the placement of COE Lead Coaches to district/schools to provide direct coaching to new teachers/priority second year teachers and district instructional coaches.
- Provide/coordinate meeting space for the trainings
- Administer the twice-yearly administration of a survey about the effectiveness of the pilot.
- Analyze data from the pilot to document effectiveness.

District Roles and Responsibilities

District Role. The district will be an active participant in the pilot to ensure that new teachers are positively impacted by their participation, instructional coaching and leadership capacity within the district is strengthened, and the district strategically plans to sustain strong mentorship for new teachers in future years.

- Identify first year teachers and priority second year teachers that will participate in the pilot cohort.
- Identified school leaders, district/campus instructional coaches, and new teachers will participate in all aforementioned trainings and coaching sessions.
- Develop a sustainability plan to ensure high quality new teacher mentorship continues after the grant period concludes.
- Commit designated funding outlined below in cash and/or in-kind resources to further the objectives of the program.
- Certify and provide backup documentation for the committed resource expenditures.

Funding

The El Paso Community Foundation and CREEED jointly applied for grant funding from the Prentice Farrar Brown and Aline Ford Brown Foundation within Bank of America to initiate the New Teacher Mentorship Pilot. Funding from this grant has been allocated to UTEP's College of Education for the management of the pilot and the services provided by the New Teacher Center. Each participating district will pay a range of \$500-700 per teacher receiving support during the pilot year to the El Paso Community Foundation's Teacher Pipeline Fund, and each district will work with UTEP and NTC to develop a sustainability plan to continue the work after the grant funding has expired. The specific funding amount per teacher is dependent on his/her designated pathway (number of coaching sessions per month). If the district is awarded funding under TEA's HB3 New Teacher Mentorship Allotment, the district commits to pay 80% of any funding over \$500 per teacher to cover the additional training costs associated with the New Teacher Center.



TORNILLO INDEPENDENT SCHOOL DISTRICT

INNOVATING – EMPOWERING – THRIVING

MINUTES OF REGULAR BOARD MEETING

Videoconference

Wednesday, May 26, 2021

- 5:30PM – 1. **(OTHER) First Order of Business**
 5:32PM A. Establish a quorum and call the meeting to order
 The meeting was called to order at 5:30 PM by Board President, Marlene Bullard, and it was established that a quorum was present.

MEMBERS PRESENT:
 Marlene Bullard, President
 Ofelia Bosquez, Secretary
 Ida Estrada, Vice President
 Maria Saldana
 Enrique Vega

MEMBERS ABSENT:
 Daniel Dozal
 Hector Lopez

SUPERINTENDENT
 Rosa Isela Vega-Barrio, Superintendent

- 5:32PM – B. Pledge of Allegiance to the United States
 5:33PM Marlene Bullard, Board President, led the Board of Trustees in the Pledge of Allegiance to the United States of America.

- 5:33PM - 2. **(OTHER) Superintendent’s Report**
 5:41PM Mrs. Rosa Vega-Barrio, Superintendent, provided the Board of Trustees with the Superintendent’s report.

- 5:41PM- 3. **(OTHER) District Recognitions**
 5:50PM A. **Athletic Recognitions**
 1. High School Track
 2. High School Tennis
 3. High School Softball
 4. High School Baseball
 LSG students recognized the High School Track, Tennis, Softball and Baseball Teams.

- 5:50PM – B. Employee Retirements
 5:58PM LSG students presented employee retirees to the Board of Trustees.

- 5:58PM – C. Introduction of New Tornillo ISD Staff
 5:59PM LSG students presented new employees to the Board of Trustees.

- 5:59PM – D. Employee Recognition
 6:04PM LSG students recognized employees who assisted with the Coyote Games.

- 6:05PM – 4. **(OTHER) Open Forum – None**
 6:05PM

5. (VISION Y) Information / Reports / Presentations

6:05PM –
6:10PM

- A. Financial Reports-Information Only
Mr. Luis M. Guerra, Director of Finance, presented the Board of Trustees with the Financial Reports for the month of April 2021.
No Action Necessary.

6:10PM –
6:11PM

- B. GT Certification Update
Mrs. Loretta Aguilar, TJH Assistant Principal presented the GT Certification Update to Board of Trustees.
No Action Necessary.

6. (VISION Y) Board Items

A. Purchases > \$10,000 threshold – Authorization

6:11PM –
6:15PM

1. Consider Approval to Purchase and Install Bus Cameras
Mr. Rene Estrada, Maintenance/Transportation Director presented the Board of Trustees with information regarding the purchase and installation of bus cameras.
Maria Saldaña made the motion and Ofelia Bosquez seconded the motion to approve the purchase and installation of bus cameras, as presented.
Motion Passed Unanimously.

6:15PM –
6:36PM

- B. 2021-2022 Budget Workshop
Mr. Luis M. Guerra, Director of Finance presented the Board of Trustees with the 2021-2022 Budget Workshop.
Ofelia Bosquez made the motion and Ida Estrada seconded the motion to approve the 2021-2022 Budget Workshop, as presented.
Motion Passed Unanimously.

6:36PM –
6:42 PM

- C. Discussion and Possible Action Regarding 2021-2022 Proposed Teacher Salary
Ms. Lizeth Carroll, HR / Compliance Director, presented the Board of Trustees with the 2021-2022 Proposed Teacher Salary.
Ofelia Bosquez made the motion and Ida Estrada seconded the motion to approve the 2021-2022 Proposed Teacher Salary, as presented.
Motion Passed Unanimously.

6:42PM –
6:45PM

- D. Discussion and Possible Action Regarding 2021-2022 Proposed Pay Structure
Ms. Lizeth Carroll, HR / Compliance Director, presented the Board of Trustees with the 2021-2022 Proposed Pay Structure.
Ofelia Bosquez made the motion and Ida Estrada seconded the motion to approve the 2021-2022 Proposed Pay Structure, as presented.
Motion Passed Unanimously.

6:45PM –
7:00PM

- E. Discussion and Possible Action Regarding 2021-2022 Stipends
Ms. Lizeth Carroll, HR / Compliance Director, presented the Board of Trustees with the 2021-2022 Stipends.
Ofelia Bosquez made the motion and Enrique Vega seconded the motion to approve the 2021-2022 Stipends, as presented.
Motion Passed Unanimously.

7:00PM –
7:04PM

- F. Consider Approval of New Full Time Equivalent Positions and Job Descriptions
Ms. Lizeth Carroll, HR / Compliance Director, presented the Board of Trustees with the New Full Time Equivalent Positions and Job Descriptions.
Ofelia Bosquez made the motion and Enrique Vega seconded the motion to approve the New Full Time Equivalent Positions and Job Descriptions, as presented.
Motion Passed Unanimously.

7:04PM –
7:15PM

- G. Consider Approval of Staffing Guidelines for School Year 2021-2022
Ms. Lizeth Carroll, HR / Compliance Director, presented the Board of Trustees with the Staffing Guidelines for School Year 2021-2022.
Ofelia Bosquez made the motion and Ida Estrada seconded the motion to approve the Staffing Guidelines for School Year 2021-2022, as presented.
Motion Passed Unanimously.

7:15PM –
7:16 PM

- H. Consider the Submission of a Resolution to be included in the 2020-22 TASB Advocacy Agenda
Mrs. Rosa Vega-Barrio, Superintendent, suggested to table item to be able to prepare the resolution with Cabinet.
Marlene Bullard made the motion and Ofelia Bosquez seconded the motion to table item.
Motion to Table Item Passed Unanimously.

7:16PM –
7:17PM

- I. Consider Approval of Region 12 Interlocal Agreement
Ms. Lizeth Carroll, HR / Compliance Director, presented the Board of Trustees with the Region 12 Interlocal Agreement.
Ofelia Bosquez made the motion and Maria Saldaña seconded the motion to approve the Region 12 Interlocal Agreement, as presented.
Motion Passed Unanimously.

7. (STRUCTURE) Consent Agenda

7:17PM –
7:18PM

- A. **Approve minutes from previous meetings:**
1.Regular Virtual Board Meeting Minutes – 04/28/2021
B. Consider Approval to change June Regular Board Meeting to June 23, 2021
C. Consider Approval of Donations
D. Consider Approval of Engagement Letter with Gibson, Ruddock Patterson LLC
E. Consider Approval of Disposal of Equipment
Ofelia Bosquez made the motion and Ida Estrada seconded the motion to approve ALL consent agenda items, as presented.
Motion Passed Unanimously.

8. Lone Star Governance

7:18PM –
7:21PM

- A. (Accountability 1) Review, Discussion, and Possible Action Regarding Board's Time Use Tracker
Ms. Marlene Bullard, Board President, facilitated the review of the Board's Time Use Tracker.
Ofelia Bosquez made the motion and Ida Estrada seconded the motion to approve the Board's Time Use Tracker, as presented.
Motion Passed Unanimously.

7:21PM – B. (Accountability 2) Discussion, Review, and Possible Action Regarding Board's Quarterly
7:34PM Progress Tracker from February 1, 2021 through April 30, 2021.
Ms. Marlene Bullard, Board President, facilitated the review of the Board's Quarterly Progress Tracker from February 1, 2021 through April 30, 2021.
Ofelia Bosquez made the motion and Ida Estrada seconded the motion to approve the Board's Quarterly Progress Tracher from February 1, 2021 through April 30, 2021, as presented.
Motion Passed Unanimously.

7:34PM – **9. (ADVOCACY) Community Engagement on Student Outcome Goals**
7:42 PM

- Mr. Martin Hinski, CTE Coordinator, participtaed in the Community Engagement on Student Outcome Goals. Mr. Hinski recognized 2021 seniors who will be graduating with industry based certifications.
- Mrs. Irene Luna, THS Counselor, participated in the Community Engagement on Sstudent Outcome Goals. Mrs. Luna recognized 2021 seniors who will be graduating with dual credit hours.

7:42PM **10. Next Meeting Tentative Date:** Regular Board Meeting – June 30, 2021
There being no further business, Maria Saldaña made the motion and Ofelia Bosquez seconded the motion to adjourn meeting. Motion passed unanimously. Meeting adjourned at 7:42 PM.

Marlene Bullard _____ Date
President, Board of Trustees

Ofelia Bosquez _____ Date
Secretary, Board of Trustees



Human Resources Department

19200 Cobb Street
Tornillo, TX 79853
Phone 915.765.3050
Fax 915.765.3099

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:

**CONTRACT BETWEEN
TORNILLO INDEPENDENT SCHOOL DISTRICT
AND
COMMUNITIES IN SCHOOLS OF EL PASO, INC.**

This Agreement, made this 1st day of September 2021, hereinafter, the "Contract" or "Agreement"), defines the Tornillo Independent School District (TISD), 19200 Cobb Street, Tornillo, Texas, 79853 and Communities In Schools of El Paso, Inc., a non-profit organization, organized under the laws of the State of Texas with offices at 1401 Pendale, Suite #300, El Paso, Texas, 79936 (CIS, or CIS of El Paso, or Contractor).

THE ABOVE-MENTIONED PARTIES AGREE TO:

1. The Tornillo Independent School District desires to contract with Communities in Schools of El Paso for the implementation of the CIS program at the following campuses:

Tornillo Middle School, 300 Oil Mill Road, Tornillo, TX 79853
Tornillo Elementary School, 19200 Gaby Road, Tornillo, TX 79853
Tornillo High School, 430-D Oil Mill, Tornillo, TX 79853

CIS of El Paso will provide a total of three (3) Program Coordinators for these campuses.

2. WHEREAS, CIS has established a comprehensive program that includes development of working relationships with community agencies in order to coordinate the delivery of needed services to at-risk students and their families; and

WHEREAS, the TISD desires to implement the CIS Program which consists of various services designed to increase student achievement through student improvement, student promotion, student graduation, and reduction of the dropout rate by keeping students in school at the campus sites identified in this Agreement; and

WHEREAS, the TISD shall have access to all CIS program materials, communications with community agencies, and all related written materials prepared or produced by CIS under this Agreement; and

WHEREAS, the parties desire to work together to maximize the benefit of the CIS program to students by maintaining the quality standards and practices necessary to ensure the efficient and effective delivery of the CIS services.

NOW, THEREFORE, the parties agree as follows:

I. Scope of Service:

CIS will provide to the TISD the following services during the term of this agreement:

1. Develop an annual CIS campus agreement at each school site with school administrators.

2. Develop an annual CIS Campus Plan in collaboration with campus administrators and other school personnel to integrate a customized CIS program for the benefit of campus students and their families.
3. Professional staff member assigned to implement the CIS program.
4. Development of working relationships with service agencies and business organizations in order to provide vital resources and support to youth at risk who need extra support to stay on the path to graduation.
5. Establishment of services designed to increase student achievement through student improvement, student promotion, student graduation and reduction of the dropout rate by keeping students in school.
6. Provide effective assistance to students at risk of dropping out through the following six CIS Components: Supportive Guidance, Health and Human Services, Parental and Family Engagement, College and Career Awareness, Enrichment Activities, and Academic Enhancement & Support.
7. Encourage parental involvement to help students succeed in their academic endeavors.
8. Compile CIS information required for district reports

CIS personnel will provide services to TISD on a 12-month, 40-hour work week schedule reporting to assigned campuses with time off provided for sick leave, family leave, personal leave, and vacation leave, as stipulated by CIS of El Paso, Inc. The 40 hours per week can be adjusted only during the same work week. However, CIS Coordinators cannot work more than 40 hours per week to include Saturdays.

Employee Personnel Policies which are as follows:

Sick Days;

1 sick day per month for a total of 12 days per fiscal year
(Sick days are accrued)

Personal Days;

3 personal days per fiscal year (September – August)

Vacation Days;

| | |
|-----------------------------|---------------------|
| 0 years-less than 1 year | = no vacation |
| 1 year-less than 2 years | = 1 week vacation |
| 2 years-less than 3 years | = 2 weeks' vacation |
| 3 years-less than 10 years | = 3 weeks' vacation |
| 10 years-less than 20 years | = 4 weeks' vacation |
| 20 years-less than 30 years | = 5 weeks' vacation |
| 30 years plus | = 6 weeks' vacation |

II. TISD Responsibilities

1. TISD agrees to provide an office assigned only to CIS to ensure compliance with confidentiality requirements at each participating campus. Additional items to be provided to staff include a computer, telephone, desk, chair, a filing cabinet with lock and key, and supplies.
2. TISD agrees to provide a district email address to CIS staff.

3. TISD agrees to provide access to student data/information (i.e., at risk list, STAAR, scores, grades, online district portal, etc.)
4. The TISD Administrative personnel at each campus agrees to collaborate with the CIS staff in order to deliver services to students and parents as deemed necessary.
5. CIS will be an important resource in addressing the dropout issue and will be written into the Campus and District Improvement Plans.
6. CISD will ensure that campuses will allow for CIS staff to fulfill TEA contract obligations regarding documentation and accountability.
7. This contract is contingent upon funding by the TISD Board of Trustees and is subject to appropriate funds being allocated to the project and services contemplated by this Agreement within the TISD budget.

III. CIS Personnel

CIS of El Paso represents that its personnel who will be employed to render services hereunder all have college degrees in Social Work, Psychology, and Sociology or related fields, and will provide the resumes of such personnel to this effect. Pursuant to TEC 22.0834 CIS of El Paso will certify that all CIS employees have undergone a fingerprint-based background check. CIS of El Paso will certify that individuals shall be hired to conduct work at the school in accordance with the Communities In Schools of Texas Policies and Procedures Manual.

It is understood and agreed that CIS is an independent contractor and that neither it nor any employee (paid or volunteer) or agents contracted by it, or otherwise performing duties of CIS, shall be deemed for any purposes to be employees or agents of TISD. This Agreement does not create a joint venture, business partnership, agency, franchise, or employment relationship, under Texas law. CIS assumes full responsibility for the actions of any such persons while performing any service incident to this Agreement, and CIS shall remain solely responsible for their supervision, daily direction and control, payment, if any, of salaries (including withholding of income taxes and social security), workers' compensation, and disability benefits and like requirements and obligations.

IV. Insurance Coverage

General Requirements: Contractor will procure and maintain the applicable insurance coverage described below, as well as whatever other insurance TISD may require. Such insurance is to be primary with respect to any other similar insurance available to TISD regardless of the provisions of such insurance and is to name TISD as additional insured. All policies on which TISD is named additional insured must contain (i) a breach of warranty provision guaranteeing that TISD will be insured regardless of breach by contractor, and (ii) a waiver of subrogation by the insurers in favor of TISD. Contractor will furnish to TISD certificates and additional insured

endorsements evidencing the specified insurance prior to beginning the Work and, if requested by TISD, copies of the insurance policies themselves. Such certificates must provide that at least 30 days prior written notice of any policy cancellation or material change be given to TISD. All insurance must be obtained from insurance carriers with a Best's rating of at least "A-10" and that are otherwise acceptable to TISD. Contractor will require Subcontractors also to maintain all such insurance set forth below and to provide to TISD such certificates of insurance, additional insured endorsements, breach of warranty provisions and, if requested, certified copies of the policies themselves. The failure of Contractor to comply with the requirements of this paragraph prior to the commencement of the Work will be grounds for cancellation or suspension of this contract by TISD without notice at any time during such failure of compliance. Any losses incurred by TISD arising from the performance of the Work, whether or not covered by the insurance described below or within the deductible of such insurance, will be the responsibility of contractor to the extent they are covered by the indemnity provisions or any other provisions of the Contract Documents.

1. Automobile Liability Insurance:

- a. Combined Bodily Injury and Property Damage Liability limits of not less than \$1,000,000 per occurrence.
- b. This insurance must apply to all owned, leased, non-owned or hired vehicles used by or on behalf of Contractor in connection with the Work. The policy shall include an Additional Insured Endorsement naming TISD as an additional insured with respect to the operation of Approved Contractor's and Subcontractors' autos.

2. General Liability Insurance:

- a. Limit of liability not less than \$1,000,000 per occurrence.
- b. Broad form property damage coverage.
- c. Contractual liability for obligations assumed in the Contract with TISD.
- d. Products and completed operations liability.
- e. Bodily injury and property damage resulting from incidental professional liability.

3. Worker's Compensation Insurance:

The policy will be written in accordance with the laws of the State in which the work will be performed. The Worker's Compensation policy shall also include the following Employer's Liability coverage with limits not less than the following:

- a. \$500,000 Bodily Injury by Accident
- b. \$500,00 Bodily Injury by Disease
- c. \$500,000 Policy Limit by Disease

4. Errors and Omissions insurance in such amounts as TISD may require.

V. Duration of Services

This Agreement shall become effective on September 1, 2021, and shall terminate on August 31, 2022 at which time TISD and CIS will have the option to renew the agreement.

VI. Compensation and Method of Payment

For and in consideration of the services to be performed by Communities In Schools of El Paso, Inc. under this Agreement, the Tornillo Independent School District shall pay to Communities In Schools of El Paso, Inc. the amount of **\$75,000**, for the completion of the work made the subject of this Agreement. This amount will be paid to CIS over the term of this Agreement and while the Agreement is in effect and not otherwise terminated by either party. Payment under this Agreement shall be divided into equal monthly installments in the amount of **\$7,500.00**. The first payment is due no later than September 30, 2021 and the final payment is due no later than June 30, 2022, unless this Agreement is otherwise terminated. No payment shall be due for any period of time following termination of the Agreement.

VII. Additional Provisions

A. CIS Employees. All persons assigned to TISD under this Contract by CIS shall be the employees of CIS and shall not be employees of TISD. CIS shall be responsible for payment of all salary, compensation and benefits of all of its employees, and shall have all liability and responsibility with respect to its Employees. TISD shall not have any responsibility or liability regarding any CIS employees.

B. Risk Allocation. TISD shall not be liable to CIS for any claims, causes of action, liability, expense, attorney's fees, costs, injuries, damages or other losses arising from the conduct of CIS employees and the services provided by CIS employees pursuant to this Contract. Each party shall bear its own risk of loss and shall not be liable for any acts or omissions of the employees of the other party. CIS agrees at all times to defend, indemnify, and hold harmless TISD, its trustees, officers, employees, and agents from and against any and all claims for damages for injuries and other losses, including costs and attorneys' fees, resulting directly or indirectly from any act or omission of CIS's officials, employees, agents, subcontractors or volunteers arising out of the performance of this Agreement, whether such claims are asserted before or after the termination of this Agreement

C. Governmental Immunity. TISD hereby reserves, and does not waive, its right to governmental and sovereign immunity from litigation or liability arising out of the Texas Tort Claims Act, the Texas Constitution and applicable common law. This Contract is not consent to suit by TISD. This Contract shall not constitute the agreement by TISD to pay attorney's fees in the event of litigation between the parties.

D. Compliance with FERPA. CIS and its employees assigned to TISD schools pursuant to this Contract shall comply with all terms and conditions of the Family Educational Rights and Privacy Act, 20 USC 1232g and applicable state law which requires that all personally identifiable student records be kept confidential and not released except as provided under applicable law. Any violation of the terms of federal or state law by CIS employees relating to personally identifiable student records shall constitute grounds for immediate termination of this Contract.

E. No Assignment. Neither party may assign any rights or obligations under this Agreement without the written consent of the other party.

F. This Agreement shall be governed by the laws of the State of Texas. The exclusive venue

of any suit brought concerning this Agreement is fixed in any Court of competent jurisdiction in El Paso County, Texas.

VIII. Termination of Services

This agreement may be terminated prior to the expiration of the term hereof as follows: 1) by mutual written Agreement of the parties; or 2) with or without cause by either party giving (30) days written notice to the other party. Notice shall be delivered in writing to the following:

- a. To TISD: Ms. Priscilla de Mata
- b. To CIS: Mr. Robert Shaw

Upon termination of the Agreement, TISD shall be liable only for payment for services performed up to the date of termination, calculated on a pro rata basis through the last day of service.

COMMUNITIES IN SCHOOLS OF EL PASO

TORNILLO INDEPENDENT SCHOOL DISTRICT

By:  _____

By: _____

Title: Executive Director _____

Title: _____

Date: 06/16/2021 _____

Date: _____

PROPOSED REVISIONS

| | |
|-------------------------------------|--|
| PDAS <u>T-TESS</u> | The formal appraisal of District <u>shall appraise</u> teachers shall be <u>annually using the Texas Teacher Evaluation and Support System (T-TESS)</u> in accordance with the Professional Development and Appraisal System (PDAS). <u>law and administrative regulations.</u> |
| General Requirements | District teachers <u>The Board</u> shall be appraised annually. Components of the appraisal process, such as classroom observations and walk-throughs, shall be conducted more frequently as necessary to ensure that teachers receive appropriate guidance. The District shall establish an appraisal calendar each year. |
| Formal Observation | The formal observation for <u>approve</u> a teacher's appraisal shall be scheduled within a two-week window. |
| Alternate Appraisers | The list of qualified <u>certified</u> appraisers who may <u>can</u> appraise a teacher in place of the teacher's supervisor shall be approved by the Board. |
| Second Appraisal | Upon a teacher's request for a second appraiser, the Superintendent or designee shall select the second appraiser from a pre-established roster of trained appraisers. The formal observation for a second appraisal shall be unscheduled. |
| Scores | The Board shall ensure that the Superintendent or designee establishes procedures regarding how domain scores from first and second appraisals will be used. |
| Grievances | Complaints regarding teacher appraisal shall be addressed in accordance with DGBA(LOCAL). <u>.</u> |



Human Resources Department

19200 Cobb Street
Tornillo, TX 79853
Phone 915.765.3050
Fax 915.765.3099

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:



Human Resources Department

19200 Cobb Street
Tornillo, TX 79853
Phone 915.765.3050
Fax 915.765.3099

MEMORANDUM

To:
From:
Subject:
Date:

HISTORY:

RATIONALE:

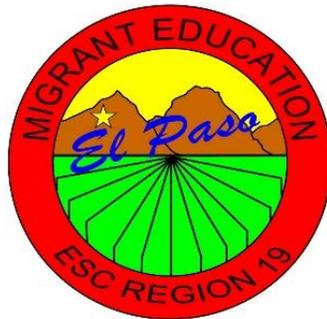
BUDGET IMPACT:

ADMINISTRATIVE RECOMMENDATION:

Tornillo Independent School District
Meeting the challenges and serving the needs of migrant students and families



Tornillo Independent School District Migrant Education Program Title I Part C SSA End of Year Report September 2020 – August 2021



Prepared and submitted by the ESC R19 Migrant Education Program
Tornillo Independent School District
Migrant Education Program
End of Year Report
September 2020 – August 2021

Table of Contents

| | Page |
|--|------|
| Migrant Education Program Staff..... | 1 |
| Migrant Education Program Budget..... | 3 |
| Migrant Student services provided by Education Service Center Region 19..... | 4 |
| Identification and Recruitment | 5 |
| NGS Data Collection | 6 |
| 2021-2021 Tornillo ISD Migrant Student Count..... | 6 |
| Instructional Activities..... | 8 |
| Social Emotional Learning K-12 | 8 |
| Academic Supplemental Support K-8 th | 8 |
| Academic Supplemental Support 9 th -12 th | 8 |
| Scholarship and FAFSA Applications | 9 |
| Continuous Cycle of Communication..... | 9 |
| Technical Support | 9 |
| Migrant Education Program Activities | 10 |
| Student Leadership Day | 10 |
| Graduation Summit..... | 10 |
| Project SMART MMM..... | 10 |
| TSIA2 | 11 |
| Out of School Youth..... | 12 |
| Early Childhood Education..... | 12 |
| 2021-2021 TISD Migrant Home-Based Early Childhood Program | 13 |
| Parental Involvement | 13 |
| Parent Advisory Council (PAC) | 13 |
| Parent Advisory Meeting Dates (PAC)..... | 14 |
| Regional Parent Advisory Council (Regional PAC) | 14 |
| Tornillo School Supplies Distribution | 14 |

2020 - 2021 Tornillo ISD

Migrant Education Program Staff

The Education Service Center Region 19 is working in coordination with the Tornillo Independent School District Migrant Education program, as the fiscal agent for the 2021-2021 school year. The following staff is serving migrant students and their families:

- TISD Migrant funded **Recruiters (1) 5%** identify and recruit all eligible Migrant families residing in the district by canvassing the entire school district and the following up on leads provided by school personnel.
- TISD Migrant funded **New Generation System Specialist (1) 5%** is responsible for all data collection, data entry and system maintenance for TISD. This includes immunization, credit accrual, demographic data, etc. for all Migrant students and families. They coordinate with TISD campus staff. Creates flyers, pamphlets, banners, and graphics for all Migrant Program events.
- TISD Migrant funded **Instructional Officer (1) 20%** work with all migrant students at the elementary, middle, and high school level. They coordinate their services with school counselors, teachers, At-Risk coordinators, and campus administration. They also serve the needs of students 3 and 4 years of age (ABB-A Bright Beginning). Services are rendered virtually. Monitors credit recovery or state assessments needed to graduate.
- **ESC Migrant funded Instructional Officer (1)** support all migrant students at the middle and high school level. They coordinate their services with school counselors, teachers, At-Risk coordinators, and campus administration. Monitors credit recovery or state assessments needed to graduate.
- **ESC Migrant funded Administrative Assistant (1)** manages the day-to-day budget work and all aspects of ensuring that the staff's needs are met with regards to materials, purchases, information, etc.
- **ESC Migrant funded ID&R & NGS Specialist (1)** oversees the Identification and Recruitment component of the Migrant Education Program. Works closely with Migrant Recruiters in the identification of students and families who fulfill the criteria to join the Migrant Education Program. Coordinates all migrant New Generation System (NGS) functions. Coordinates the creation of events' flyers, pamphlets, banners, and graphics.
- **ESC Migrant funded Migrant Program Specialist** oversees all aspects of the Migrant Education Program and provides assistance to all school districts in Region 19. Assists the Director of Migrant Education in providing technical assistance to Shared Service Arrangement (SSA) participants and all other districts. Works with Migrant families to facilitate services provided by community agencies that can render assistance as needed. Assists out of school youth to enroll in alternative education

programs that provide opportunities to continue their education such as High School Equivalency Program (HEP)

TORNILLO ISD MIGRANT EDUCATION 2020 - 2021 PROGRAM BUDGET

Final planning amount \$32,304.00

- **5900**
Indirect \$2,305
- **6100 – SALARIES & BENEFITS**
\$24,637
TISD Migrant Education Personnel: All cost for payroll and benefits for personnel.
- **6200 – UTILITIES, RENTALS, LEASES, MISCELLANEOUS CONTRACTED SERVICES**
\$2,698
Professional Services Contracts, Utilities, Rentals, Miscellaneous Contracted Services to include Technology Fee and Common Area Fee for TISD Migrant Staff
- **6300 – SUPPLIES & MATERIALS**
\$664
Supplies and Materials: All instructional supplies, materials for home-based program, school supplies for Migrant students, and Family Packs for the Summer Home Based Project SMART.
- **6400 – TRAVELING & MISCELLANEOUS OPERATING COSTS**
\$2,000
All in and out of district travel/virtual conferences for students, parents, and staff and miscellaneous operating costs; snacks for MEP Summer activities.

**TORNILLO INDEPENDENT
SCHOOL DISTRICT**

**MIGRANT STUDENT SERVICES
PROVIDED BY**

**EDUCATION SERVICE
CENTER REGION 19**

2020 – 2021

IDENTIFICATION & RECRUITMENT

Identification and Recruitment (Ages 0-21)

Recruiters canvass homes in the school district and interview parents to obtain eligibility information. Upon qualification, a needs assessment is completed and referral to the appropriate staff is made. The recruiters are the first point of contact between ESC Region 19 and the Tornillo Independent School District.

- First point of contact with families
- Initial referral for assistance with any of the following:
 - Medical and Housing assistance
 - Crisis Intervention
 - Basic needs such as food and/ or clothing
 - Legal assistance
 - Academic information
- Residency Verification
- Publicizes the Migrant Education Program
- Conducts local school-based Identification and Recruitment
- Collaborates with other agencies in servicing the needs of migratory families
- Seeks permission from farm owners to do mass recruiting in the fields
- Maintains open lines of communication with the families
- Presents at different parent involvement activities on Migrant Services available
- Facilitates the collection of student and family data between the family and NGS

Recruiting- COE/ECOE Counts

| | July | Aug | Sep | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | Total |
|---------------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|------------|
| New COE/ECOE | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0 |
| Re-Qualifying | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0 |
| Total | 0 | **0 |

**ESC19 SSA ID&R began after February 1, 2021.

NGS DATA COLLECTION

New Generation System (NGS)

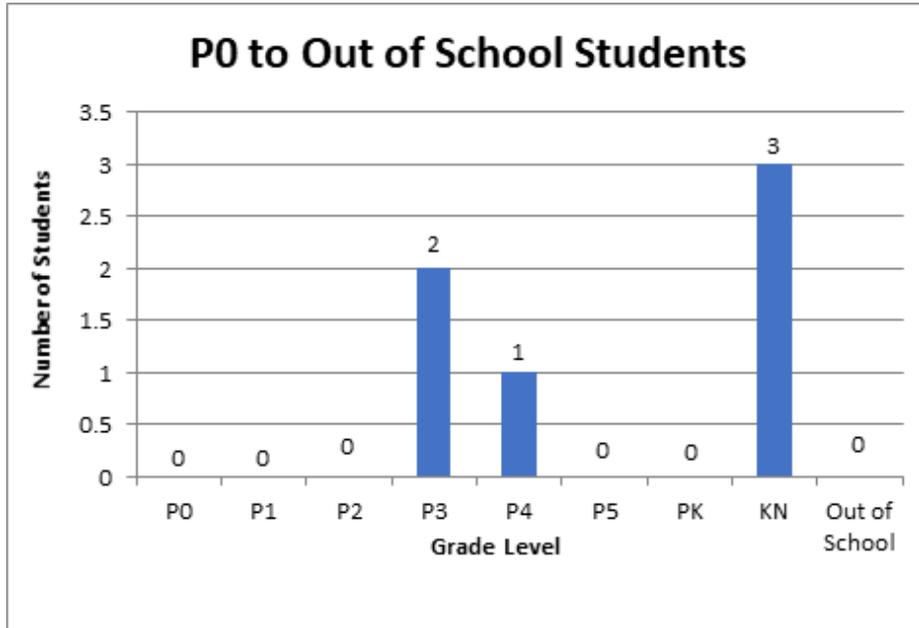
NGS is a web-based interstate information network that communicates demographic, educational and health data on migrant students to educators throughout the nation. As families qualify for the Migrant Education Program (MEP), data from the Certificate of Eligibility (COE/) is entered into the NGS system which is then reported to the Texas Education Agency Migrant Education Department.

2020-2021 TISD Migrant Student Count

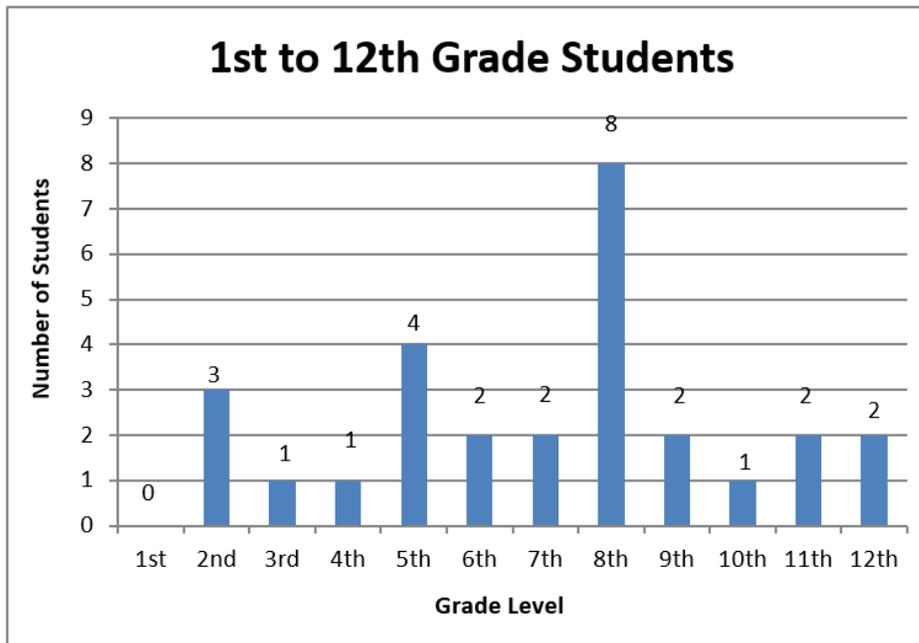
| Grade Level | Student Count |
|----------------|---------------|
| P0 | 0 |
| P1 | 0 |
| P2 | 0 |
| P3 | 2 |
| P4 | 1 |
| P5 | 0 |
| PK | 3 |
| KN | 0 |
| 1 | 0 |
| 2 | 3 |
| 3 | 1 |
| 4 | 1 |
| 5 | 4 |
| 6 | 2 |
| 7 | 2 |
| 8 | 8 |
| 9 | 2 |
| 10 | 1 |
| 11 | 2 |
| 12 | 2 |
| OSY | 0 |
| Residency Only | 0 |
| TOTAL | 34 |

TORNILLO ISD Migrant Student Count 2020 – 2021

*P0 – Out of School Youth
Grand Total- 6*



*1st–12th Grade
Grand Total-28*



INSTRUCTIONAL ACTIVITIES

2020 – 2021

Student Level Reports (SLR's) that reflect all student interventions completed by instructional staff at campus sites filed at ESC19.

The following are the activities provided for Migrant students and families:

Social Emotional Learning K-12

Per our mission, our efforts were aligned to address the social emotional learning needs for all MEP students, especially during a challenging COVID 19 year. Purposeful lesson creation centered on assisting our MEP students to learn how to manage emotions, achieve positive goals, and make responsible decisions. Throughout the school year, we developed support networks with our MEP students and families to connect them with health resources and/or referrals (i.e. mental and medical health).

Academic Supplemental Supports K-8th

Students K through 8th are provided with math & reading strategies targeting low scoring TEKS for academic support. Zoom sessions were provided with Nearpod lessons in math and reading following YAG and teacher feedback to support learning standards/TEKS taught in class. Materials that instructor used were aligned with both state standards and research on teaching and learning so that supplemental instruction was engaging for students. One-on-one to small group virtual instruction. Was able to transition to in person supplemental instruction. Ensured that opportunities for supplemental instruction were embedded during the school day or immediately afterschool.

Academic Supplemental Supports 9-12th

9-12th grade students participated in essay writing delivered by instructional staff via Zoom. Seniors were offered support in scholarship essay writing. TSIA2 Summer Camp created to address college readiness needs for students in 9th-11th grade. Zoom sessions were provided with Nearpod lessons in math and reading following YAG and teacher feedback to support learning standards/TEKS taught in class. Materials that instructor used were aligned with both state standards and research on teaching and learning so that supplemental instruction was engaging for students. One-on-one to small group virtual instruction. Ensured that opportunities for supplemental instruction were embedded during the school day or immediately afterschool.

Scholarship and FAFSA Applications

The scholarship application process is very important to the ESC and numerous opportunities to apply for scholarships were provided. High school seniors completed AMET, ACET, CAMP (EPCC, NMSU, UTEP), and NASDME scholarship applications. A culminating highlight is that one of our TISD students was awarded the Association Migrant Educators of Texas scholarship, NMSU College Assistance Migrant Program (CAMP), and ESC19 MEP Exemplary Student for TISD.

Lastly, seniors were assisted with FAFSA to include assistance with student access to transcripts, letters of recommendation, and successful submission by the deadline to help meet district college readiness goals.

Continuous Cycle of Communication

The basis of effective supplemental interventions are strong instructor-student relationships. Instructors are skilled at relationship-building and are curriculum experts when combined, help ensure quality services are provided to TISD MEP students. Ongoing and consistent communication with our TISD school community (i.e. parents, CIS, school counselors, teachers, campus and district leadership) on student academic performance, student needs, and interventions are key collaborative drivers to maximize services to our students.

Technical Support

TISD's district technology plan played a huge role in allowing us to deliver services to students virtually. For example, instructional officers were able to provide supplemental instruction utilizing district recommended platforms (i.e. Nearpod, Kahoot, Whiteboard.fi.com) to maintain a level of consistency in instruction. Where needed, ESC19 MEP provided additional technical support (i.e. hot spots) to families with multiple students.

MEP PROGRAM ACTIVITIES

2020 – 2021

Student Leadership Day

This workshop targeted secondary students. This event was created to provide students the opportunity to hear from various local leaders on the importance of the *self*. Workshop topics included leadership skills; social emotional and mental health-wellness; college and career readiness (i.e. transitioning from high school to postsecondary); and critical writing and the importance of literacy.

Graduation Summit

ESC19 hosted the 2021 Virtual MEP Graduation Summit to celebrate and honor the accomplishments of our MEP students. TISD graduate(s) were gifted studio-quality graduation pictures and Amazon gift cards. Through our partnership with Borderplex Workforce Solutions, students were awarded an additional \$50 gift card. TISD Superintendent Mrs. Vega-Barrio and HR Director Mrs. Carroll participated as keynote speakers for the TISD breakout room session.

| School Name | Student | Grade Level |
|----------------------|----------------------------------|-------------|
| Tornillo High School | Stephany Garcia Valeria Ortiz | 12 12 |

Project Smart Making Mathematics Meaningful

Project SMART: Making Mathematics Meaningful is a Texas summer math migrant program created by the Texas Education Agency in collaboration with the Education Service Center, Region 20.

The objectives and activities of *Project SMART: Making Mathematics Meaningful* were designed for the most mobile students enrolled in summer migrant programs. The overarching goal of the project is to improve the math skills of migrant students through scientifically-based instruction, technology integration, professional development, and parent involvement.

Our Project SMART camp for K-8th grade will take place virtually from June 28 through July 1, 2021. All students invited to attend and provided camp materials.

| School Name | Student | Grade Level |
|--------------------------------------|--------------------|-------------|
| <u>Tornillo Elementary</u> | Alayssa Barraza | Kn |
| | Jorge Barraza | Kn |
| | Luis Lujan | Kn |
| <u>Tornillo Intermediate</u> | Alexa Sanchez | 2 |
| | Bryan Gomez | 3 |
| | Daphne Morales | 4 |
| | Janelle Tavarez | 5 |
| | Dereck Lopez | 5 |
| | Jesus Gomez | 5 |
| | Jared Esquivel | 6 |
| <u>Tornillo Middle School</u> | Joselyn Pacheco | 6 |
| | Fernando Pacheco | 7 |
| | Alex Garcia | 8 |
| | Alexa Garcia | 8 |
| | Nayla Gomez | 8 |
| | Alex Lopez | 8 |
| | Iselda Rdz-Marquez | 8 |
| | Jesus Pacheco | 8 |
| | Jose Sora-Marin | 8 |
| | Jared Tavarez | 8 |

Texas Success Initiative (TSIA2)

1. All current high school students are invited to attend a 4-day camp delivered face-to-face from June 28 through July 1, 2021. TSIA2 is a program which determines the appropriate level of college course work for an incoming student, consisting of two separate exams: Mathematics and ELAR. This camp was created exclusively for all our MEP students in grades 9-11 to support TISD college readiness goals. We want MEP students who will be in 11th to be eligible for ENG 1301 and 1302; and HIST 1301 and 1302; GOV etc. Lastly, we want MEP students who will be in 12th grade to be eligible for any DC course available through TISD.

| School | Student | Grade Level |
|----------------------|----------------|-------------|
| Tornillo High School | Gilberto Lopez | 9 |
| | Saul Morales | 9 |
| | Ranae Esquivel | 10 |
| | Wendy Garcia | 11 |

Out of School Youth

The ESC Migrant Education Program employs one Out of School Youth Coordinator who is responsible to assist all out of school youth. OSY can enroll in alternative education programs that provide opportunities to recover from loss of credit, attain a High School Equivalency (HEP) certificate or take state assessments that are needed for graduation. Additional options an OSY may participate in are high school coursework, test preparation, English as a Second Language (ESL), career awareness, and life skills.

TISD Out of School Youth (OSY) Quarterly Report

1

| # | OSY Name | Age | Withdrawal date | Referral / Case Management | Follow-up |
|---|------------------|-----|---|--|---|
| 1 | Edwardo Quintana | 19 | Edwardo was dropped from Tornillo HS due to excessive absences on April 13, 2021. | Conferenced with Edwardo Quintana via telephone. Reviewed the option to enroll at UTEP's High School Equivalency Program and institutions that facilitate that option. Edwardo said he would think about and call me back. | Edwardo is working in construction. Eligibility expired on April 19, 2021 |

EARLY CHILDHOOD EDUCATION

The ESC Migrant Education Program provides a Home-Based Early Childhood program for three and four-year-old migrant children who are not being served by other community agencies such as Head Start, Even Start, or the Texas Migrant Council Program. We recognize that a child's parents are their first teacher; therefore, this program is designed to empower them to become involved in the education process at home and promote positive interactions between the parent and child. Learning is focused on oral development in the child's first language although lessons may be provided in both English and Spanish. Skills address concepts in cognition, language, psychomotor, and social-emotional development.

2020-2021 TISD MIGRANT HOME-BASED EARLY CHILDHOOD PROGRAM

Student Participant Count for 2021-2021

| | |
|--------------------------------------|-----------------|
| Three Year Old Children | 1 |
| <u>Four Year Old Children</u> | <u>0</u> |
| Total: | 1 |

For the 2020-2021 school year, our dedicated instructional officer followed the progress of students not enrolled in the Head Start Program and/or any public or private school, to ensure services and foster continuous academic achievement and parent involvement.

PARENTAL INVOLVEMENT

The literature and research studies regarding students and learning strongly suggest that students achieve greater success with the support and encouragement from their parent(s). The Migrant Education Parent Involvement Program provides many opportunities for parents to learn and participate in activities which motivate and encourage them to be a constant support for their children in the four TEA Goals: reading, math, school readiness and high school graduation/OSY. Parents are involved as members of the Parent Advisory Council and attend parent conferences to gather information which they in turn share with other parents. Parents are invited to attend parenting classes and workshops and other informative Parent Enhancement activities.

Parent Advisory Council (PAC)

The role of the PAC is to advise in planning, implementing, and evaluating the Migrant Education program which is designed to meet the needs of migrant children. At the meetings, a meaningful consultation takes place and parents are provided with information about services from various community organizations.

PAC Meetings

February 25, 2021

April 14, 2021 (Regional PAC)

June 3, 2021

Regional Parent Advisory Council (PAC)

The Regional PAC is made up of Migrant PAC representatives of ESC-19, local education agencies (school districts), that come together to share information, strategies and activities that will enhance parent involvement in the Region 19 area. The first Regional PAC for the current school year was delivered virtually on April 14, 2021.

Tornillo School Supplies Distribution

School supplies were distributed upon request for grades PK through 12th. At their request, families received a backpack and grade-level school supplies.



**Migrant Education
Program**
6611 Boeing Drive
El Paso, Texas 79925-1010

Phone: (915) 780-5319
Fax: (915) 780-5016
www.esc19.net

COUNTY DISTRICT NO. 071-908

AGREEMENT NUMBER: _____

AGREEMENT

BETWEEN THE EDUCATION SERVICE CENTER - R19

AND

TORNILLO INDEPENDENT SCHOOL DISTRICT

THIS AGREEMENT WILL BE IN EFFECT FOR THE PERIOD

July 1, 2021 through June 30, 2022

**NAME OF PROGRAM: MIGRANT EDUCATION PROGRAM
SHARED SERVICES ARRANGEMENT**

**THE AUTHORIZED SIGNATURES BELOW INDICATE ACCEPTANCE OF ALL THE
TERMS OF THIS AGREEMENT.**

Dr. Armando Aguirre
Executive Director
Education Service Center – R19

Ms. Rosy Vega-Barrio, Superintendent
Tornillo Independent School District

Executive Director: Dr. Armando Aguirre

Board of Directors: David Sublasky-Chairman, Fred Sanchez-Vice Chairman, John C. Elder-Secretary
Jose M. Limon -Member, Patricia Ramirez-Member, Melodya Salaices-Member, Blanca Topete-Member,
Kathy Becker-Charter Member

AGREEMENT

TO: TORNILLO INDEPENDENT SCHOOL DISTRICT
FROM: EDUCATION SERVICE CENTER – REGION 19
SUBJECT: FISCAL AGENT SERVICES FOR THE MIGRANT SHARED SERVICES ARRANGEMENT 2021 - 2022

When duly completed and signed by appropriate authority this agreement between the Tornillo Independent School District and the Education Service Center – Region 19 becomes effective July 1, 2021 through June 30, 2022.

Education Service Center – Region 19 will provide Migrant Education fiscal agent services to Tornillo Independent School district to include the following:

- Annual audit of Shared Services Arrangement (SSA) funds
- Quarterly accounting of expenditures, reports, to include compliance report be submitted to TEA
- Application preparation
- Preparation of amendments/revisions to SSA budget/program
- Accountability for The New Generation System (NGS) student record database
- Payroll of Migrant Personnel
- Coordination of Migrant Program

Education Service Center-Region 19 will be compensated for its services rendered hereunder only if, as, and to the extent, Title I Migrant Education Funds are received; the Tornillo ISD has no obligation to make payment from any other source to ESC-Region 19. This Agreement is made subject to the receipt of said Title I Migrant Education Funds and may be curtailed or terminated to the extent such funds are not received.

This AGREEMENT is for the dates as specified above and will be renewed only upon mutual consent and agreement. Any digressions from the services to be provided will be only upon mutual consent and agreement.

Dr. Armando Aguirre
Executive Director
Education Service Center – R19

Date

Ms. Rosy Vega-Barrio, Superintendent
Tornillo Independent School District

Agreement for Participation in the ESEA, Title 1 Migrant

EDUCATION SERVICE CENTER – R19 MIGRANT EDUCATION
SHARED SERVICES ARRANGEMENT

2021 - 2022

In cooperation with the Education Service Center – Region 19, the TORNILLO Independent School District agrees to:

1. Provide supporting documentation to the fiscal agent on the preparation of the application as requested.
2. Assign appropriate personnel to assist the Education Service Center.
3. Provide office space, meeting rooms, equipment and utilities as needed for the Summer Program and Migrant Parent Advisory Council Meetings.
4. Provide release time for district personnel working with the migrant students to attend in-service training on a need basis.
5. Request expenditures for migrant purposes only.
6. Appoint Tornillo Independent School District Migrant Education Program Designee and provide the leadership necessary.
7. Designate an administrative contact for the coordination of services for all migrant students.
8. Upon the end of this agreement, materials and equipment located at Tornillo ISD will remain the responsibility of the district to use and dispose. Carry-over amounts will remain with the ESC Migrant Education Program.

In cooperation with school districts in the Education Service Center – Region 19 Migrant Education Shared Services Agreement, the Education Service Center agrees to:

1. Serve as fiscal agent and coordinate services for migrant students.
2. Prepare and submit applications, budgets, amendments, and compliance report to the Texas Education Agency, and keep files on supporting documents provided by participants.
3. Coordinate all project activities with the Division of Migrant Education, Texas Education Agency.
4. Employ qualified migrant personnel as defined by the guidelines of the Texas Migrant Program and approved in the SAS 478.
5. Maintain applicable records and data for personnel employed by the Shared Services Arrangement as described in TEA's Financial Accounting and Reporting System.
6. Maintain payroll records of employees to support data.
7. Establish salaries of migrant personnel in accordance with the ESC-Region 19 salary schedule and maintain this information as the fiscal agent.
8. Prorate salaries of any personnel hired after the initiation of the project according to the number of days remaining in the school year.
9. Maintain records for student eligibility on the New Generation System student record database.
10. Generate an ESC-Region 19 purchase order for P.O. requisitions with shipment and billing to ESC. Maintain an audit trail of all purchases and deliver material to appropriate personnel.
11. Organize and coordinate in-service training for personnel working with migrant students.
12. Provide migrant consultant service, to the SSA school district in the form of:
 - a. Inservice training for administrators, teachers, aides, recruiters, counselors and nurses.
 - b. Professional and technical assistance in project planning, evaluation and design
 - c. Assistance in reviewing student eligibility forms and records transfer system forms.
 - d. Professional and technical assistance in the selection of instructional materials and supplies.
 - e. Orientation and explanation of the Texas Migrant program to community groups.
 - f. Assistance in the identification and recruitment of migrant students, including an annual verification of certificates of eligibility for a sample of eligible students.
13. Coordinate the establishment of the Shared Service Arrangement Parent Advisory Council. Maintain files of supporting documents of training provided for participants.

14. Provide clerical support services to meet the needs of the Tornillo ISD Migrant Parent Advisory Council.
15. Coordinate with the Tornillo ISD a need-based migrant parent and staff development program to meet the needs of migrant students ages 3 through Pre-K on an as needed basis.
16. Purchase, use and dispose of all equipment and materials for the program as required by TEA's Financial Accounting and Reporting System. Upon the end of this agreement, equipment and materials located at the ESC will remain the responsibility of the fiscal agent. Equipment and materials purchased for use at Tornillo ISD will remain the responsibility of the district, balances of unspent funds remain with the ESC Region 19.
17. In the event this arrangement is terminated by either party, all unspent funds remain with the ESC Region 19. When a new district enters the SSA and comes with roll forward monies, those funds will be flowed back to the district for use the current year.
18. Provide pre and post test data for all migrant children identified age 3 through grades 12 as needed for the migrant application.
19. Use Title I Migrant funds to supplement, not supplant, local and state funds.

SCHOOL DISTRICT

Tornillo Independent School District

Superintendent Signature
Ms. Rosy Vega-Barrio

Date

EDUCATION SERVICE CENTER – REGION 19

Executive Director Signature
Dr. Armando Aguirre

Date

**Facilities Department**

19200 Cobb Avenue

Tornillo, TX 79853

Phone 915.765.3060

MEMORANDUM

To: Board of Trustees
From: Rene Estrada
Subject: Disposal - Furniture and Other
Date: 06/10/2021

HISTORY:

Furniture, desks, tables, chairs, bookshelves, miscellaneous office furniture. Most of it is non-functional, broken, no longer needed, worn out, or has been replaced, and has been taken out from the campus. This may include items on behalf of all campuses district wide.

RATIONALE:

Disposal of obsolete furniture, misc. items that are no longer used or needed by the district. This will allow us to keep some storage areas cleaner and safer.

BUDGET IMPACT:

When auctioned, a percentage of the proceeds will go towards the auctioneer's fee and the remaining amount will be handed over to the district with proof of sale.

ADMINISTRATIVE RECOMMENDATION:

The recommendation to the Board of Trustees is to approve the disposal of all listed items above.



Localized Policy Manual Update 117

071908 Tornillo ISD

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

What should I do to prepare for board adoption?

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

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

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

Questions?

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

¹ Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

² Contact a Policy Service Consultant: <https://www.tasb.org/services/policy-service/consultant-contact-information.aspx>

Localized Policy Manual Update 117

Tornillo ISD

You can download a PDF of this update packet, annotated copies of the (LOCAL) policies, editable (LOCAL) text, and more under [Local Manual Updates](#)³ in the myTASB Policy Service Resource Library.

Other materials, including an overview video of the (LOCAL) policy changes, are available under [Policy Manual Update Resources](#).⁴

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

Contents

| | |
|---|---|
| Overview..... | 1 |
| Local Policy Overview for Update 117..... | 2 |
| Legal Services Update Memo..... | 2 |
| (LEGAL) vs. (LOCAL) Policies: Remember the Difference..... | 2 |
| How to Place Policy Changes on the Agenda for Board Action..... | 3 |
| How to Notify Policy Service of Board Action..... | 3 |
| How to Keep Minutes..... | 4 |
| How to Maintain Your Historical Record..... | 4 |
| How to Keep Your Administrative Regulations Current..... | 4 |
| Disclaimer and Copyright..... | 5 |

Overview

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

Your Localized Update 117 packet also contains:

- **Explanatory Notes** describing the changes to each policy. Please note that, where appropriate, the Explanatory Notes ask you to verify that a particular policy reflects current district practice and to advise us of any changes needed so that our records and the district's policy manual accurately track the district's practice.

Explanatory notes may also provide important information about policies not included in the update packet.

- **Instructions** for incorporating this update into each of the district's Localized Policy Manuals after board adoption. Use the enclosed Instruction Sheet as a guide to which policies should be added, replaced, and removed from your manual.

Local Policy Overview for Update 117

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

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

Legal Services Update Memo

TASB Legal Services' [Legal Issues in Update 117 memo](#)⁶ (available in the myTASB Policy Service Resource Library under Policy Manual Update Resources) describes common legal concerns specific to the local policies recommended in this update for your consideration prior to board adoption of any local policies. Local policies will not be sent for a separate review by Legal Services as part of the update process. If after reviewing the memo you have questions about any specific provisions in your local policies, please contact TASB Legal Services at 800-580-5345.

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

(LEGAL) policies:

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

(LOCAL) policies:

- Require close attention by both the administration and the board

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

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

How to Place Policy Changes on the Agenda for Board Action

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

“Policy Update 117:

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

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

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

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

“I move that the board add, revise, or delete (LOCAL) policies as recommended by TASB Policy Service and according to the Instruction Sheet for TASB Localized Policy Manual Update 117 [with the following changes:]”

How to Notify Policy Service of Board Action

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

How to Keep Minutes

The board's action on Localized Update 117 must be reflected in board minutes. Your minutes should include:

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

How to Maintain Your Historical Record

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

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

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

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

- [The Administrator's Guide to Policy Management](#)⁸
- [Tutorial videos](#)⁹ on handling an update

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

How to Keep Your Administrative Regulations Current

[Regulations Resource Manual](#)¹⁰ Update 63, which includes revisions to model regulations and forms corresponding with Update 117, is now available on myTASB.

Inspect your district's administrative procedures and documents—including (EXHIBIT)s, (REGULATION)s, handbooks, and guides—that may be affected by Update 117 policy changes.

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

Disclaimer and Copyright

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

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³ Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

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

⁵ Policy Manual Update Resources: <https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources.aspx>

⁶ Legal Issues memo: https://www.tasb.org/services/policy-service/mytasb/policy-manual-update-resources/documents/u117_legal_issues.pdf

⁷ Local Manual Updates: <https://www.tasb.org/apps/policyUpdates/GetUpdates.aspx>

⁸ Administrator's Guide to Policy Management: <https://www.tasb.org/services/policy-service/mytasb/guidance-for-policy-administrators.aspx>

⁹ Tutorials: <https://www.tasb.org/services/policy-service/mytasb/tutorials.aspx>

¹⁰ *TASB Regulations Resource Manual*: <https://www.tasb.org/services/policy-service/mytasb/regulations-resource-manual.aspx>

Instruction Sheet

TASB Localized Policy Manual Update 117

Tornillo ISD

| Code | Type | Action To Be Taken | Note |
|-------------|-------------|---------------------------|---------------------------|
| AIC | (LEGAL) | Replace policy | Revised policy |
| BBC | (LEGAL) | Replace policy | Revised policy |
| BBD | (EXHIBIT) | Replace exhibit | Revised exhibit |
| BJCE | (LEGAL) | Replace policy | Revised policy |
| C | (LEGAL) | Replace table of contents | Revised table of contents |
| CBB | (LEGAL) | Replace policy | Revised policy |
| CH | (LEGAL) | Replace policy | Revised policy |
| CH | (LOCAL) | Replace policy | Revised policy |
| CHE | (LEGAL) | Replace policy | Revised policy |
| CL | (LEGAL) | Replace policy | Revised policy |
| CV | (LEGAL) | Replace policy | Revised policy |
| CV | (LOCAL) | Replace policy | Revised policy |
| CVA | (LEGAL) | Replace policy | Revised policy |
| CVB | (LEGAL) | Replace policy | Revised policy |
| CVC | (LEGAL) | Replace policy | Revised policy |
| CVD | (LEGAL) | Replace policy | Revised policy |
| CVE | (LEGAL) | Replace policy | Revised policy |
| CVF | (LEGAL) | Replace policy | Revised policy |
| DEC | (LOCAL) | Replace policy | Revised policy |
| EHAA | (LEGAL) | Replace policy | Revised policy |
| EHBA | (LEGAL) | Replace policy | Revised policy |
| EHBAA | (LEGAL) | Replace policy | Revised policy |
| EHBAB | (LEGAL) | Replace policy | Revised policy |
| EBBAC | (LEGAL) | Replace policy | Revised policy |
| EBBAD | (LEGAL) | Replace policy | Revised policy |
| EBBC | (LEGAL) | Replace policy | Revised policy |
| EIF | (LEGAL) | Replace policy | Revised policy |
| EKB | (LEGAL) | Replace policy | Revised policy |
| EL | (LEGAL) | Replace policy | Revised policy |
| FFAC | (LEGAL) | Replace policy | Revised policy |

Explanatory Notes

TASB Localized Policy Manual Update 117

Tornillo ISD

AIC(LEGAL) ACCOUNTABILITY: INTERVENTIONS AND SANCTIONS

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

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

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

BBD(EXHIBIT) BOARD MEMBERS: TRAINING AND ORIENTATION

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

BJCE(LEGAL) SUPERINTENDENT: SUSPENSION/TERMINATION DURING CONTRACT

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

C(LEGAL) BUSINESS AND SUPPORT SERVICES

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

CBB(LEGAL) STATE AND FEDERAL REVENUE SOURCES: FEDERAL

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

CH(LEGAL) PURCHASING AND ACQUISITION

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

As part of the reorganization, we have:

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

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

CH(LOCAL) PURCHASING AND ACQUISITION

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

Explanatory Notes

TASB Localized Policy Manual Update 117

Tornillo ISD

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

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

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

TASB Legal Services' eSource article [Emergency Management for Texas Public Schools](#) provides additional information on purchasing in emergency situations.

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

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

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

In addition, we have:

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

CL(LEGAL) BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT

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

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

CV(LEGAL) FACILITIES CONSTRUCTION

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

As part of the reorganization, we have:

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

CV(LOCAL) FACILITIES CONSTRUCTION

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

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

Explanatory Notes

TASB Localized Policy Manual Update 117

Tornillo ISD

CVA(LEGAL)

FACILITIES CONSTRUCTION: COMPETITIVE BIDDING

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

CVB(LEGAL)

FACILITIES CONSTRUCTION: COMPETITIVE SEALED PROPOSALS

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

CVC(LEGAL)

FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AGENT

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

CVD(LEGAL)

FACILITIES CONSTRUCTION: CONSTRUCTION MANAGER-AT-RISK

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

CVE(LEGAL)

FACILITIES CONSTRUCTION: DESIGN-BUILD

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

CVF(LEGAL)

FACILITIES CONSTRUCTION: JOB ORDER CONTRACTS

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

DEC(LOCAL)

COMPENSATION AND BENEFITS: LEAVES AND ABSENCES

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

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

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

Other changes include:

- Updating the definition of *catastrophic illness or injury* to clarify how it applies to the use of leave from the district's sick leave bank.

Explanatory Notes

TASB Localized Policy Manual Update 117

Tornillo ISD

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

New recommended provisions on state personal leave clarify that the district will also consider how the duration of the requested absence affects the educational program and district operations.

The [Legal Issues in Update 117](#) memo describes common legal concerns and best practices specific to [this policy topic](#).

EHAA(LEGAL)

BASIC INSTRUCTIONAL PROGRAM: REQUIRED INSTRUCTION (ALL LEVELS)

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

EHBA(LEGAL)

SPECIAL PROGRAMS: SPECIAL EDUCATION

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

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

EHBA(LEGAL)

SPECIAL EDUCATION: IDENTIFICATION, EVALUATION, AND ELIGIBILITY

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

EHBAB(LEGAL)

SPECIAL EDUCATION: ARD COMMITTEE AND INDIVIDUALIZED EDUCATION PROGRAM

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

Explanatory Notes

TASB Localized Policy Manual Update 117

Tornillo ISD

EHBAC(LLEGAL) SPECIAL EDUCATION: STUDENTS IN NONDISTRICT PLACEMENT

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

EHBAD(LLEGAL) SPECIAL EDUCATION: TRANSITION SERVICES

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

EHBC(LLEGAL) SPECIAL PROGRAMS: COMPENSATORY/ACCELERATED SERVICES

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

EIF(LLEGAL) ACADEMIC ACHIEVEMENT: GRADUATION

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

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

EKB(LLEGAL) TESTING PROGRAMS: STATE ASSESSMENT

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

EL(LLEGAL) CAMPUS OR PROGRAM CHARTERS

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

FFAC(LLEGAL) WELLNESS AND HEALTH SERVICES: MEDICAL TREATMENT

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

See FFAC in the [TASB Regulations Resource Manual](#).

| | |
|--------------------------|--|
| Table of Contents | Interventions and Sanctions for School Districts..... 3 |
| | Grounds for Commissioner Action 3 |
| | Conservator or Management Team..... 4 |
| | Board of Managers 5 |
| | Revocation of Accreditation 5 |
| | Intervention to Improve High School Completion Rate..... 6 |
| | Campus Intervention Team and Targeted Improvement Plan .. 6 |
| | Actions Based on Campus Performance 6 |
| | Texas Accountability Intervention System 7 |
| | Campus Intervention Team 8 |
| | Public Hearing10 |
| | Submission to Commissioner 10 |
| | Executing Plan 10 |
| | Needs Improvement Rating 11 |
| | Campus Planning and Site-Based Decision-Making 12 |
| | Submission of Campus Improvement Plan 12 |
| | Compliance Through Federal Accountability 12 |
| | Campus Turnaround Plan.....12 |
| | Updated Targeted Improvement Plan 12 |
| | Public Notice 13 |
| | Submission and Approval 13 |
| | Implementation 13 |
| | Required Contents..... 13 |
| | ACE Turnaround Plan..... 14 |
| | Implementing Entities 16 |
| | Commissioner Approval or Rejection 16 |
| | Implementation 17 |
| | Assistance and Partnerships 17 |
| | Change in Campus Performance Rating 17 |
| | Continued Unacceptable Performance Rating 18 |
| | Repurposing of Closed Campus 18 |
| | Student Enrollment and Assignment 19 |
| | Targeted Technical Assistance 19 |
| | Commissioner Authority 19 |
| | Alternative Management.....19 |
| | Solicitation of Proposals 20 |

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

| | |
|--|-----------|
| Qualifications of Managing Entity..... | 20 |
| Contract with Managing Entity | 21 |
| Return of Management to District | 22 |
| Applicability of Accountability Provisions..... | 22 |
| Funding | 22 |
| Open Meetings and Public Information | 22 |
| Board of Managers..... | 23 |
| General Powers and Duties | 23 |
| Board of Managers of District | 23 |
| Board of Managers of Campus | 23 |
| Composition of Board of Managers | 24 |
| Training of Board of Managers | 24 |
| Compensation | 24 |
| Replacement of Member of Board of Managers | 24 |
| Expiration of Appointment..... | 24 |
| Removal of Board of Managers | 25 |
| Challenge of Intervention or Sanction..... | 25 |
| Review of Sanctions by SOAH | 25 |
| Annual Review | 26 |
| Increasing Intensity..... | 26 |
| Special Accreditation Investigations | 26 |
| Commissioner Action..... | 28 |
| Miscellaneous Provisions | 28 |
| Acquisition of Professional Services | 28 |
| Costs Paid by District | 28 |
| Monitoring Reviews and On-Site Investigations..... | 29 |
| Immunity from Civil Liability | 30 |
| Campus Name Change | 30 |
| Transitional Interventions and Sanctions | 30 |
| Special Program Performance Determination..... | 31 |
| Intervention Pause..... | 31 |
| Failure to Submit Emergency Operations Plan | 32 |
| Student Board Member..... | 32 |

**Interventions and
Sanctions for School
Districts**

Grounds for
Commissioner
Action

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

1. A district does not satisfy:
 - a. The accreditation criteria under Education Code 39.052 [see AIA];
 - b. The academic performance standards under Education Code 39.053 or 39.054 [see AIA]; or
 - c. Any financial accountability standard as determined by commissioner rule [see CFA]; or
2. The commissioner considers the action to be appropriate on the basis of a special accreditation investigation under Education Code 39.057.

Education Code 39A.001

*Authorized
Commissioner
Actions*

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

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

7. Appoint a conservator to oversee the operations of the district;
8. Appoint a management team to direct the operations of the district in areas of insufficient performance or require the district to obtain certain services under a contract with another person; or
9. Authorize the district to enter into a memorandum of understanding with an institution of higher education that provides for the assistance of the institution of higher education in improving the district's performance.

Education Code 39A.002

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

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

19 TAC 97.1057(c), (e)

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

Conservator or
Management Team

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

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

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

The conservator or management team may:

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

The conservator or management team may not:

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

Education Code 39A.003

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

Board of Managers

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

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

Education Code 39A.004

Revocation of
Accreditation

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

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

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

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

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

Education Code 39A.005

Intervention to
Improve High
School Completion
Rate

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

1. Ordering the development of a dropout prevention plan for approval by the commissioner;
2. Restructuring the district or appropriate campuses to improve identification of and service to students who are at risk of dropping out of school, as defined by Education Code 29.081;
3. Ordering lower student-to-counselor ratios on campuses with high dropout rates; and
4. Ordering the use of any other intervention strategy effective in reducing dropout rates, including mentor programs and flexible class scheduling.

Education Code 39A.007

**Campus Intervention
Team and Targeted
Improvement Plan**

Actions Based on
Campus
Performance

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

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

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

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

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

Education Code 39A.051

Texas
Accountability
Intervention System

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

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

1. For a second consecutive year, the campus must engage in the processes outlined in this provision, and the campus must develop a campus turnaround plan to be approved by the commissioner.
2. For a third or fourth consecutive year, the campus must engage in the processes outlined in this provision, and the campus must implement the commissioner-approved campus turnaround plan as described in 19 Administrative Code 97.1064.
3. For a fifth consecutive year, the commissioner shall order the appointment of a board of managers to govern the district or the closure of the campus.

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

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

19 TAC 97.1061(a)–(c), (e)–(i)

Campus
Intervention Team

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

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

Education Code 39A.052

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

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

19 TAC 97.1063(b)–(c)

*On-Site Needs
Assessment*

A campus intervention team shall:

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

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

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

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

Education Code 39A.053

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

Recommendations

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

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

Education Code 39A.054

*Targeted
Improvement
Plan*

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

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

Education Code 39A.055; 19 TAC 97.1061(d)(3)–(4)

Notice of Public Meeting

The campus intervention team must provide written notice of the public meeting to the parents of students attending the campus and post notice of the meeting on the campus's internet website.

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

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

Public Hearing

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

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

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

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

Education Code 39A.057

Submission to
Commissioner

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

Executing Plan

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

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

2. Provide research-based technical assistance, including data analysis, academic deficiency identification, intervention implementation, and budget analysis, to strengthen and improve the instructional programs at the campus; and
3. Require the district to develop a teacher recruitment and retention plan to address the qualifications and retention of the teachers at the campus.

Education Code 39A.059

*Continuing Duties
of the Campus
Intervention
Team*

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

1. Assist in updating the targeted improvement plan to identify and analyze areas of growth and areas that require improvement; and
2. Submit each updated targeted improvement plan to the board.

Education Code 39A.060

Needs Improvement
Rating

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

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

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

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

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

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

Education Code 39A.0545

Campus Planning
and Site-Based
Decision-Making

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

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

Education Code 39A.061

Submission of
Campus
Improvement Plan

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

Compliance
Through Federal
Accountability

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

**Campus Turnaround
Plan**

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

Updated Targeted
Improvement Plan

A campus intervention team shall assist the campus in:

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

3. Obtaining approval of the updated plan from the commissioner; and
4. Executing the updated plan on approval by the commissioner.

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

Education Code 39A.101

Public Notice

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

Submission and Approval

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

Implementation

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

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

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

19 TAC 97.1064(j)–(k)

Required Contents

A campus turnaround plan must include:

1. Details on the method for restructuring, reforming, or reconstituting the campus;
2. A detailed description of the academic programs to be offered at the campus, including:
 - a. Instructional methods;
 - b. Length of school day and school year;
 - c. Academic credit and promotion criteria; and
 - d. Programs to serve special student populations;
3. If a district charter is to be granted for the campus under Education Code 12.0522:
 - a. The term of the charter; and
 - b. Information on the implementation of the charter;
4. Written comments from:
 - a. The campus-level committee established under Education Code 11.251, if applicable;
 - b. Parents; and
 - c. Teachers at the campus;
5. A detailed description of the budget, staffing, and financial resources required to implement the plan, including any supplemental resources to be provided by the district or other identified sources; and
6. A detailed description for developing and supporting the oversight of academic achievement and student performance by the board of trustees under Education Code 11.1515.

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

ACE Turnaround
Plan

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

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

3. That at least 60 percent of the classroom teachers assigned to the campus be teachers who demonstrated instructional effectiveness during the previous school year, with instructional effectiveness determined by:
 - a. For a teacher who taught in the district during the previous school year:
 - (1) The teacher's impact on student growth as determined using a locally developed value-added model that measures student performance on at least one assessment selected by the district; and
 - (2) An evaluation of the teacher based on classroom observation; and
 - b. For a teacher who did not teach in the district during the previous school year, data and other evidence indicating that if the teacher had taught in the district during the previous school year, the teacher would have performed in the top half of teachers in the district;
4. A detailed description of the employment and compensation structures for the principal and classroom teachers, which must include significant incentives for a high-performing principal or teacher to remain at the campus and a three-year commitment by the district to continue incentives for the principal and teachers;
5. Policies and procedures for the implementation of best practices at the campus, including:
 - a. Data-driven instructional practices;
 - b. A system of observation of and feedback for classroom teachers;
 - c. Positive student culture on the campus;
 - d. Family and community engagement, including partnerships with parent and community groups;
 - e. Extended learning opportunities for students, which may include service or workforce learning opportunities; and
 - f. Providing student services before or after the instructional day that improve student performance, which may include tutoring, extracurricular activities, counseling services, and offering breakfast, lunch, and dinner to all students at the campus; and

6. Assistance by a third-party provider that is approved by the commissioner in the development and implementation of the district's plan.

Education Code 39A.105(b)

Implementing
Entities

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

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

In making appointments, the commissioner shall consider individuals who have demonstrated success in managing campuses with student populations similar to the campus at which the individual appointed will serve.

Education Code 39A.102, .108

Effective Date

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

Commissioner
Approval or
Rejection

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

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

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

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

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

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

Education Code 39A.107; 19 TAC 97.1065

Implementation

Following approval of a campus turnaround plan by the commissioner, the district, in consultation with the campus intervention team, may take any actions needed to prepare for the implementation of the plan. *Education Code 39A.108*

Assistance and Partnerships

A district may:

1. Request that a regional education service center provide assistance in the development and implementation of a campus turnaround plan; or
2. Partner with an institution of higher education to develop and implement a campus turnaround plan.

Education Code 39A.109

Change in Campus Performance Rating

If a campus for which a campus turnaround plan has been ordered receives an acceptable performance rating for the school year following the order, the board may:

1. Implement the campus turnaround plan;
2. Implement a modified version of the campus turnaround plan; or
3. Withdraw the campus turnaround plan.

A district required to implement a campus turnaround plan may modify the plan if the campus receives an acceptable performance rating for two consecutive school years following implementation of the plan.

Education Code 39A.110

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

Continued
Unacceptable
Performance Rating

If a campus is considered to have an unacceptable performance rating for three consecutive school years after the campus is ordered to submit a campus turnaround plan, the commissioner shall order:

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

Education Code 39A.111; 19 TAC 97.1065(a)(2)

*Parent Petition
for Action*

"Parent" means the parent who is indicated on the student registration form at that campus and the signature of only one parent of a student is required.

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

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

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

Repurposing of
Closed Campus

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

1. Serves a majority of grade levels not served at the original campus; or
2. Is operated under a contract, approved by the school board, with a nonprofit organization exempt from federal taxation under Section 501(c)(3), Internal Revenue Code of 1986 that:
 - a. Has a governing board that is independent of the district;
 - b. Has a successful history of operating school district campuses or open-enrollment charter schools:

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

- (1) That cumulatively serve 10,000 or more students; and
 - (2) A majority of which have been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year; and
- c. Has been assigned an overall performance rating of B or higher under Education Code 39.054 for the preceding school year.

Student Enrollment
and Assignment

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

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

*Noncontracted
Repurposed
Campus*

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

*Enrollment
Provision in
Contract*

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

Education Code 39A.113

Targeted Technical
Assistance

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

Commissioner
Authority

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

**Alternative
Management**

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

Solicitation of
Proposals

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

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

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

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

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

Education Code 39A.151

Qualifications of
Managing Entity

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

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

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

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

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

Education Code 39A.152

Contract with
Managing Entity

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

The management contract must include:

1. A provision describing the district's responsibilities in supporting the operation of the campus; and
2. Provisions approved by the commissioner requiring the managing entity to demonstrate improvement in campus performance, including negotiated performance measures.

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

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

Education Code 39A.153; 19 TAC 97.1067

*Extension of
Management
Contract*

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

*Evaluation of
Managing Entity*

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

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

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

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

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

1. Terminate the contract; and
2. Select another provider from an approved list provided by the commissioner or resume operation of the campus if approved by the commissioner.

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

Education Code 39A.155

*Cancellation of
Management
Contract*

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

Return of
Management to
District

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

Applicability of
Accountability
Provisions

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

Funding

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

Open Meetings and
Public Information

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

1. A managing entity is considered to be a governmental body for purposes of the Texas Open Meetings Act and Public Information Act; and

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

Education Code 39A.160

Board of Managers

General Powers
and Duties

A board of managers may exercise all of the powers and duties assigned to a board of trustees of a school district by law, rule, or regulation.

A board of managers appointed by the commissioner is required to take appropriate actions to resolve the conditions that caused a campus to be subject to the commissioner's order, including amending the district's budget, reassigning staff, or relocating academic programs. The commissioner may adopt rules necessary to implement this subsection.

Education Code 39A.201

Board of Managers
of District

If the commissioner appoints a board of managers to govern a district:

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

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

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

Education Code 39A.202

Board of Managers
of Campus

If the commissioner appoints a board of managers to govern a campus:

1. The powers of the board of trustees of the school district in relation to the campus are suspended for the period of the appointment; and
2. The commissioner shall appoint a campus principal.

A board of managers appointed to govern a campus may submit to the commissioner for approval amendments to the budget of the school district for the benefit of the campus. If the commissioner approves the amendments, the board of trustees of the school district shall adopt the amendments.

Education Code 39A.203

ACCOUNTABILITY
INTERVENTIONS AND SANCTIONS

AIC
(LEGAL)

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

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

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

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

Education Code 39A.208; 19 TAC 97.1073

Removal of Board
of Managers

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

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

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

Education Code 39A.209; 19 TAC 97.1073

**Challenge of
Intervention or
Sanction**

A district that challenges the commissioner's decision to close the district or a campus or to pursue alternative management of a campus must appeal the decision as provided below.

Review of
Sanctions by SOAH

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

Notwithstanding other law:

1. The State Office of Administrative Hearings (SOAH) shall conduct an expedited review of a challenge;
2. The administrative law judge shall issue a final order not later than the 30th day after the date on which the hearing is finally closed;

3. The decision of the administrative law judge is final and may not be appealed; and
4. The decision of the administrative law judge may set an effective date for an action under this section.

Education Code 39A.301

Annual Review

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

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

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

Education Code 39A.901

Increasing Intensity

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

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

19 TAC 97.1070(a)–(b)

**Special
Accreditation
Investigations**

The commissioner may authorize a special accreditation investigation:

1. When excessive numbers of absences of students eligible to be tested on state assessment instruments are determined;
2. When excessive numbers of allowable exemptions from the required state assessment are determined;
3. In response to complaints to TEA of alleged violations of civil rights or other requirements imposed on the state by federal law or court order;
4. In response to established compliance reviews of the district's financial accounting practices and state and federal reporting requirements;

5. When extraordinary numbers of student placements in disciplinary alternative education programs, other than placements under Education Code 37.006 and 37.007, are determined;
6. In response to an allegation involving a conflict between members of the board or between the board and the district administration if it appears that the conflict involves a violation of a role or duty of the board members or the administration clearly defined by the Education Code. If TEA's findings indicate the board has observed a lawfully adopted policy, TEA may not substitute its judgment for that of the board;
7. When excessive numbers of students in special education programs are assessed through modified assessment instruments;
8. In response to an allegation regarding, or an analysis using a statistical method result indicating, a possible violation of an assessment instrument security procedure;
9. When a significant pattern of decreased academic performance has developed as a result of the promotion in the preceding two school years of students who did not perform satisfactorily on the state assessments;
10. When excessive numbers of students eligible to enroll fail to complete an Algebra II course or any other advanced course as determined by the commissioner;
11. When resource allocation practices indicate a potential for significant improvement in resource allocation;
12. When a disproportionate number of students of a particular demographic group is graduating with a particular endorsement;
13. When an excessive number of students is graduating with a particular endorsement;
14. When a school district for any reason fails to produce, at the request of TEA, evidence or an investigation report relating to an educator who is under investigation by the State Board for Educator Certification;
15. In response to a complaint with respect to alleged inaccurate data that is reported through PEIMS or through other reports required by state or federal law or rule or court order and that is used by TEA to make a determination relating to public school accountability, including accreditation, under Education Code Chapter 39;

16. In response to repeated complaints concerning imposition of excessive paperwork requirements on classroom teachers; or
17. As the commissioner otherwise determines necessary.

Education Code 39.057(a)–(c)

TEA shall adopt written procedures for conducting special accreditation investigations, including procedures that allow TEA to obtain information from district employees in a manner that prevents a district or campus from screening the information. *Education Code 39.058(a); 19 TAC 102.1401*

Commissioner
Action

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

1. Take appropriate action under Education Code Chapter 39A, [see Interventions and Sanctions for School Districts, above];
2. Lower the district's accreditation status or a district's or campus's performance rating; or
3. Take action under both items 1 and 2 above.

Regardless of whether the commissioner lowers the accreditation status or a district's or campus's performance rating, the commissioner may impose one of the district- or campus-level interventions or sanctions under Education Code 39A.002 [see Interventions and Sanctions for School Districts, above].

Education Code 39.057(d), (e)

**Miscellaneous
Provisions**

Acquisition of
Professional
Services

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

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

Education Code 39A.902

Costs Paid by
District

The costs of providing a monitor, conservator, management team, campus intervention team, technical assistance team, managing entity, or service provider shall be paid by the district. If the district

fails or refuses to pay the costs in a timely manner, the commissioner may:

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

Education Code 39A.903

Monitoring Reviews
and On-Site
Investigations

Except as provided by Education Code 7.028(a), the commissioner may direct TEA to conduct monitoring reviews and random on-site visits of a district at any time, as authorized by Education Code 7.028, only as necessary to ensure:

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

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

Education Code 7.028

*Compliance
Monitoring
Activities*

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

Activities may include:

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

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

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

19 TAC 97.1071(a)–(b)

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|---|---|
| <i>Notice</i> | TEA shall give written notice to the superintendent and the board of trustees of any impending monitoring review. <i>Education Code 39.056(d)</i> |
| <i>Conducting the Review</i> | 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. <i>Education Code 39.056(c), (g)</i> |
| <i>Accreditation Investigation</i> | The commissioner may at any time convert a monitoring review to a special accreditation investigation under Education Code 39.057, provided the commissioner promptly notifies the district of the conversion. <i>Education Code 39.056(h)</i> |
| <i>Improvements</i> | TEA shall report in writing to the superintendent and president of the board and shall make recommendations concerning any necessary improvements or sources of aid such as regional education service centers. A district that takes action with regard to the recommendations provided by TEA shall make a reasonable effort to seek assistance from a third party in developing an action plan to improve district performance using improvement techniques that are goal-oriented and research-based. <i>Education Code 39.056(e)–(f)</i> |
| <i>Immunity from Civil Liability</i> | An employee, volunteer, or contractor acting on behalf of the commissioner, or a member of a board of managers appointed by the commissioner, is immune from civil liability to the same extent as a professional employee of a district under Education Code 22.051. <i>Education Code 39A.904</i> |
| <i>Campus Name Change</i> | In reconstituting, repurposing, or imposing any other intervention or sanction on a campus, the commissioner may not require that the name of the campus be changed. <i>Education Code 39A.905</i> |
| <i>Transitional Interventions and Sanctions</i> | For a campus that received an unacceptable performance rating for the 2013–14, 2014–15, and 2015–16 school years, the commissioner may apply the interventions and sanctions authorized by |

Chapter 39 as that chapter existed on January 1, 2015, to the campus.

If a campus receives an unacceptable performance rating for the 2016–17 and 2017–18 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law.

For a campus that received an acceptable performance rating for the 2013–14 school year and an unacceptable performance rating for the 2014–15 and 2015–16 school years, the commissioner shall apply interventions and sanctions in current law to the campus. If the campus receives an unacceptable performance rating for the 2016–17, 2017–18, and 2018–19 school years, the commissioner shall apply the interventions and sanctions authorized when a campus has an unacceptable performance rating for three consecutive school years under current law.

These transition provisions expire September 1, 2020.

Education Code 39A.906

Special Program
Performance
Determination

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

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

Actions taken under this section are intended to assist the district in raising its performance and/or achieving compliance under 19 Administrative Code 97.1005 and 74.28 and Education Code sections 28.006 and 38.003 and do not preclude or substitute for a sanction under another provision of Chapter 97, Subchapter EE.

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

Intervention Pause

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

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

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

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

19 TAC 97.1062

Failure to Submit
Emergency
Operations Plan

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

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

Student Board
Member

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

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

Resignation

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

Effective Date

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

Holdover Doctrine

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

Residency

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

Single-Member
District

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

Filling a Vacancy

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

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

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|--|--|
| Appointment | To be eligible to be appointed to a board, a person must have the qualifications set forth at Election Code 141.001(a). <i>Election Code 141.001(a)</i> [See BBA] |
| Special Election | <p>A special election to fill a vacancy shall be conducted in the same manner as the district's general election. <i>Education Code 11.060(c)</i></p> <p>An election to fill a vacancy shall be to fill the unexpired term only. <i>Tex. Const. Art. XVI, Sec. 27</i></p> |
| <i>Date of Election</i> | A special election to fill a vacancy shall be held on an authorized uniform election date occurring within the required period after the vacancy occurs. If no uniform election date affords enough time to hold the election in the manner required by law, the election shall be held on the first authorized uniform election date occurring after the expiration of the period. <i>Election Code 41.001(a), .004(a); Atty. Gen. Op. KP-102 (2016)</i> [See BBB] |
| <i>Ordering Election</i> | <p>If a vacancy is to be filled by special election, the election shall be ordered as soon as practicable after the vacancy occurs. <i>Election Code 201.051(a)</i></p> <p>Except as otherwise provided by the Election Code, a special election to fill a vacancy shall be held on the first authorized uniform election date occurring on or after the 46th day after the date the election is ordered. <i>Election Code 201.052(a)</i></p> <p>If the special election is to be held on the date of the general election for state and county officers, the election shall be ordered not later than the 78th day before election day. The general election for state and county officers is the first Tuesday after the first Monday in November in even-numbered years. <i>Election Code 41.002, 201.051</i></p> |
| Officer's Statement and Oath | For requirements regarding the officer's statement and oath of office, see BBBB(LEGAL). |
| Former Board Member Employment | A trustee may not accept employment with the district until the first anniversary of the date the trustee's membership on a board ends. <i>Education Code 11.063</i> |
| Involuntary Removal from Office | On his or her own motion or at the request of an individual, the attorney general or the county or district attorney may petition the district court for leave to file an information in the nature of quo warranto. An action in the nature of quo warranto is available if: |
| Quo Warranto | <ol style="list-style-type: none">1. A person usurps, intrudes into, or unlawfully holds or executes an office; or2. A public officer does an act or allows an act that by law causes forfeiture of office. |

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

1. Shall enter judgment removing the person from the office and for the costs of prosecution; and
2. May fine the person for usurping, intruding into, or unlawfully holding and executing the office.

Civ. Prac. & Rem. Code 66.001–.003

Removal by Petition
and Trial

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

*Reasons for
Removal*

A board member may be removed from office for:

1. "Incompetency," which means:
 - a. Gross ignorance of official duties;
 - b. Gross carelessness in the discharge of those duties; or
 - c. Unfitness or inability to promptly and properly discharge official duties because of a serious physical or mental defect that did not exist at the time of election.
2. "Official misconduct," which means intentional, unlawful behavior relating to official duties by a board member entrusted with the administration of justice or the execution of the law. The term includes an intentional or corrupt failure, refusal, or neglect of a board member to perform a duty imposed on the board member by law.
3. Intoxication on or off duty caused by drinking an alcoholic beverage, but not if it was caused by drinking an alcoholic beverage on the direction and prescription of a licensed physician.
4. Conviction of a board member by a jury for any felony or for misdemeanor official misconduct. The conviction of a public officer by a petit jury for any felony or for a misdemeanor involving official misconduct operates as an immediate removal from office of that officer.

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

BOARD MEMBERS
VACANCIES AND REMOVAL FROM OFFICE

BBC
(LEGAL)

*Removal for
Purchasing
Violations*

See CH for information regarding removal for purchasing violations.

**Temporary
Replacement of
Board Member on
Military Active Duty**

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

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

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

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

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

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

Framework for School Board Development

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

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

1. Vision and Goals — The board ensures creation of a shared vision and locally developed, measurable goals that improve student outcomes and provide support for opportunities and experiences. The board:
 - Keeps the district focus on the well-being of all children.
 - Adopts a shared vision that incorporates input from the community to reflect local aspirations as well as present and future needs for all children.
 - Ensures that the vision aligns with the state's mission, objectives, and goals for education established by law and/or rule.
 - Adopts a reasonable number of specific, quantifiable, research-based, and time-bound goals that align with state law, are developed with community input, and support the vision to improve student outcomes.
 - Embraces, supports, and fulfills the vision that all students receive what they need to learn, thrive, and grow, including resources, opportunities, and experiences.
 - Uses the vision and goals to drive all deliberations, decisions, and actions.
2. Systems and Processes — The board ensures systems and processes are in place to accomplish the vision and goals. The board:
 - Regularly develops, reviews, and adopts board policies for effective support of the district's vision and goals.
 - Approves a budget that aligns with and maximizes resources to fulfill the district's vision and goals.
 - Monitors multiple, measurable elements of student progress and achievement throughout the year.

- Incorporates equity when making decisions and evaluating systems and processes.
 - Focuses its actions on following board operating procedures while providing oversight of the superintendent, policymaking, planning and goal setting, progress monitoring, and evaluation, while avoiding involvement in daily operations and management.
 - Approves goals, policies, and programs that ensure a safe and secure learning environment.
 - Ensures the equitable distribution of resources, opportunities, and experiences based on the diverse needs of students and schools.
 - Adopts a planning calendar and engages in a decision-making process consistent with state law and rule to help achieve the district's vision.
 - Ensures that the district's planning and decision-making process enables all segments of the community, families, and staff to meaningfully contribute to achieving the district's vision.
 - Welcomes and values all people and cultures as important stakeholders in the process for student success.
 - Ensures the district has a system that monitors for sound business and fiscal practices.
 - Adopts policies regarding hiring, assigning, appraising, terminating, and compensating school district personnel in compliance with state laws and rules.
 - Ensures the district adopts a protocol regarding the recruitment, determination of professional development needs, building of leadership capacity, and retention rates for the district's teachers.
 - Fulfills the statutory duties of the local board of trustees and upholds all laws, rules, ethical procedures, and court orders pertaining to schools and school employees.
3. Progress and Accountability — The board sets clear goals, provides resources and support, evaluates goal attainment, and engages in ongoing objective feedback on progress and commitments. The board:
- Holds itself accountable to its adopted vision, goals, commitments, and operating procedures.
 - Ensures progress toward achievement of district goals through systematic, timely, and comprehensive review of relevant reports and student data that illustrate progress toward locally developed student outcome goals.
 - Ensures equity throughout the system by regularly identifying inequities, updating policies, and appropriately distributing resources.

- Differentiates among resources, intermediate measures, and outcomes, especially when focusing on student outcomes.
 - Monitors and evaluates the allocation of resources in support of the district's vision and goals and sustainability.
 - Reviews the efficiency and effectiveness of district operations and use of resources in supporting the district's vision and goals.
 - Employs and annually evaluates the superintendent on the achievement of district goals, including locally developed academic goals, demonstration of educational leadership, and management of daily operations.
4. Advocacy and Engagement — The board promotes the vision and engages the community in developing and fulfilling the vision. The board advocates on behalf of Texas public schoolchildren. The board:
- Demonstrates its commitment to, and advocates on behalf of, the shared vision and goals by clearly communicating them to the superintendent, staff, and community.
 - Regularly reports district progress to families and the community, which could include an online dashboard for the community.
 - Ensures multiple forms of two-way communication will be used to engage, empower, and connect students, families, staff, media, and community with the district.
 - Builds collaborative relationships and partnerships with families and community, business, nonprofit, higher-education, education support organizations, and governmental leaders to influence and expand educational opportunities and meet the needs of students.
 - Recognizes the respective roles of and provides input and feedback to the legislature, State Board of Education, and the Texas Education Agency to ensure maximum effectiveness and benefit to Texas schoolchildren.
 - Promotes school board service by educating the community about the role of a school board and encouraging leadership opportunities within the community.
5. Synergy and Teamwork — The board's duties are distinct, and the board works effectively as a collaborative unit and as a team with the superintendent to lead the district in fulfilling the vision and goals. The board:
- Recognizes its distinct role in establishing the vision and the goals, adopting policies that guide the district, setting priorities, establishing governance protocols to oversee management of the district, adopting and overseeing the annual budget, and hiring and evaluating the superintendent.
 - Recognizes each individual trustee's duty as a trustee and fiduciary for the entire district.

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

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

SUPERINTENDENT
SUSPENSION/TERMINATION DURING CONTRACT

BJCE
(LEGAL)

| | |
|--|---|
| Suspension Without Pay | For good cause, as determined by the board, the board may suspend a superintendent without pay for a period not to extend beyond the end of the school year pending discharge or in lieu of termination. <i>Education Code 21.201(1), .211(b)</i> |
| Back Pay | A superintendent who is not discharged after being suspended without pay pending discharge is entitled to back pay for the period of suspension. <i>Education Code 21.211(c)</i> |
| Contract Termination | The board may terminate a term contract and discharge the superintendent at any time for good cause as determined by the board. <i>Education Code 21.211(a), .212(d)</i> |
| Due Process | Before dismissal for good cause, a superintendent shall be given notice of the charges against him or her, an explanation of the district's evidence, and an opportunity to respond. <u><i>Cleveland Bd. of Educ. v. Loudermill</i></u> , 470 U.S. 532, 546 (1985) |
| Hearing on Proposed Suspension or Termination | <p>Education Code Chapter 21, Subchapter F (Hearings before Hearing Examiners) applies if a superintendent requests a hearing after receiving notice of the proposed decision to terminate the superintendent's term contract before the end of the contract period or suspend the superintendent without pay. <i>Education Code 21.251(a)(2)–(3)</i></p> <p>The superintendent must file a written request for a hearing under Subchapter F with the commissioner not later than the 15th day after the date the superintendent receives written notice of the proposed action. The superintendent must provide the district with a copy of the request and must provide the commissioner with a copy of the notice. The parties may agree in writing to extend by not more than ten days the deadline for requesting a hearing. <i>Education Code 21.253</i> [See DFD]</p> |
| Severance Payments Definition | “Severance payment” means any amount paid by a board to or in behalf of a superintendent on early termination of the superintendent's contract that exceeds the amount earned by the superintendent under the contract as of the date of termination, including any amount that exceeds the amount of earned standard salary and benefits that is paid as a condition of early termination of the contract. Payments to a former superintendent who remains employed by a district in another capacity or contracts with a district to provide the district services may be severance payments in whole or in part if the payments are compensation for the early termination of a prior employment agreement. Severance payments include any payment for actual or threatened litigation involving or related to the employment contract. <i>Education Code 11.201(c); 19 TAC 105.1021(a)(1)</i> |

SUPERINTENDENT
SUSPENSION/TERMINATION DURING CONTRACT

BJCE
(LEGAL)

Duty to Report

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

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

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

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

Required
Documentation

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

19 TAC 105.1021(b), (d)

Reduction of State
Funds

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

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

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

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

Please Note: This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

SECTION C: BUSINESS AND SUPPORT SERVICES

| | |
|------|---|
| CA | FISCAL MANAGEMENT GOALS AND OBJECTIVES |
| CAA | Financial Ethics |
| CB | STATE AND FEDERAL REVENUE SOURCES |
| CBA | State |
| CBB | Federal |
| CC | LOCAL REVENUE SOURCES |
| CCA | Bond Issues |
| CCB | Time Warrants |
| CCC | Certificates of Indebtedness |
| CCD | Recreational Facilities Bonds |
| CCE | Athletic Stadium Authority |
| CCF | Loans and Notes |
| CCG | Ad Valorem Taxes |
| CCGA | Exemptions and Payments |
| CCGB | Economic Development |
| CCH | Appraisal District |
| CD | OTHER REVENUES |
| CDA | Investments |
| CDB | Sale, Lease, or Exchange of School-Owned Property |
| CDBA | Revenue Bonds from Proceeds |
| CDC | Gifts and Solicitations |
| CDD | Rentals and Service Charges |
| CDE | Shop Sales |
| CDF | Royalties |
| CDG | Gate Receipts, Concessions |
| CDH | Public and Private Facilities |
| CE | ANNUAL OPERATING BUDGET |
| CEA | Financial Exigency |
| CF | ACCOUNTING |
| CFA | Financial Reports and Statements |
| CFB | Inventories |
| CFC | Audits |
| CFD | Activity Funds Management |
| CFE | Payroll Procedures |
| CFEA | Salary Deductions and Reductions |
| CFF | Checking Accounts |
| CFG | Cash in School Buildings |
| CG | BONDED EMPLOYEES AND OFFICERS |

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SECTION C: BUSINESS AND SUPPORT SERVICES

| | |
|------|--|
| CH | PURCHASING AND ACQUISITION |
| CHB | Petty Cash Account |
| CHD | Purchasing Procedures |
| CHE | Vendor Disclosures and Contracts |
| CHF | Payment Procedures |
| CHG | Real Property and Improvements |
| CHH | Financing Personal Property Purchases |
| CI | SCHOOL PROPERTIES DISPOSAL |
| CJ | CONTRACTED SERVICES |
| CJA | Criminal History |
| CK | SAFETY PROGRAM/RISK MANAGEMENT |
| CKA | Inspections |
| CKB | Accident Prevention and Reports |
| CKC | Emergency Plans |
| CKD | Emergency Medical Equipment and Procedures |
| CKE | Security Personnel |
| CKEA | Commissioned Peace Officers |
| CKEB | School Marshals |
| CKEC | School Resource Officers |
| CL | BUILDINGS, GROUNDS, AND EQUIPMENT MANAGEMENT |
| CLA | Security |
| CLB | Maintenance |
| CLC | Traffic and Parking Controls |
| CLD | Records and Reports |
| CLE | Flag Displays |
| CM | EQUIPMENT AND SUPPLIES MANAGEMENT |
| CMA | Receiving and Warehousing |
| CMB | Authorized Uses of Equipment and Supplies |
| CMD | Instructional Materials Care and Accounting |
| CN | TRANSPORTATION MANAGEMENT |
| CNA | Student Transportation |
| CNB | District Vehicles |
| CNBA | Bus Maintenance |
| CNC | Transportation Safety |
| CO | FOOD AND NUTRITION MANAGEMENT |
| COA | Procurement |
| COB | Free and Reduced-Price Meals |

Please Note: This manual does not have policies in all codes. The coding structure is common to all TASB manuals and is designed to accommodate expansion of both (LEGAL) and (LOCAL) policy topics and administrative regulations.

SECTION C: BUSINESS AND SUPPORT SERVICES

| | |
|------|--|
| COC | Vending Machines |
| CP | OFFICE MANAGEMENT |
| CPA | Office Communications |
| CPAA | Printing and Duplicating |
| CPAB | Mail and Delivery |
| CPAC | Telephone |
| CPC | Records Management |
| CQ | TECHNOLOGY RESOURCES |
| CQA | District, Campus, and Classroom Websites |
| CQB | Cybersecurity |
| CQC | Equipment |
| CR | INSURANCE AND ANNUITIES MANAGEMENT |
| CRA | Property Insurance |
| CRB | Liability Insurance |
| CRD | Health and Life Insurance |
| CRE | Workers' Compensation |
| CRF | Unemployment Insurance |
| CRG | Deferred Compensation and Annuities |
| CS | FACILITY STANDARDS |
| CT | FACILITIES PLANNING |
| CV | FACILITIES CONSTRUCTION |
| CVA | Competitive Bidding |
| CVB | Competitive Sealed Proposals |
| CVC | Construction Manager-Agent |
| CVD | Construction Manager-at-Risk |
| CVE | Design-Build |
| CVF | Job Order Contracts |
| CW | NAMING FACILITIES |
| CX | CONTRACTS FOR FACILITIES |
| CY | INTELLECTUAL PROPERTY |

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

**Retirement and
Insurance
Contributions**

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

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

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

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

Block Grant Funds

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

**Education
Department General
Administrative
Regulations
(EDGAR)**

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

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

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

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

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

The Uniform Guidance establishes uniform administrative requirements, cost principles, and audit requirements for federal awards to non-federal entities, including school districts, as described in 2 C.F.R. 200.101 (Applicability). *2 C.F.R. 200.1 (Definitions), .100*

Note: The Uniform Guidance applies to all new grant awards and non-competing continuations (NCCs) made on or after December 26, 2014 (see 2 C.F.R. 200.110).

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

*General
Compliance*

A district is responsible for complying with all requirements of the federal award. *2 C.F.R. 200.300(b)*

Throughout 2 C.F.R. Part 200 when the word "must" is used it indicates a requirement. Whereas, use of the word "should" or "may" indicates a best practice or recommended approach rather than a requirement and permits discretion. *2 C.F.R. 200.101(b)(1)*

*Disclosures
Conflicts*

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

Crimes

A district must disclose, in a timely manner, in writing to the federal awarding agency or pass-through entity all violations of federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the federal award. Failure to make required disclosures can result in any of the remedies described in 2 C.F.R. 200.339 (Remedies for Noncompliance), including suspension or debarment. *2 C.F.R. 200.113*

STATE AND FEDERAL REVENUE SOURCES
FEDERAL

CBB
(LEGAL)

| | |
|------------------------------|---|
| <i>Procurement Standards</i> | The district must have and use documented procurement procedures, consistent with state, local, and tribal laws and regulations and the standards of 2 C.F.R. 200.318, for the acquisition of property or services required under a federal award or subaward. The district's documented procurement procedures [see Competition, below] must conform to the procurement standards identified in 2 C.F.R. 200.317 through 200.327. |
| District Procedures | |
| Oversight | The district must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders. |
| Conflicts of Interest | The district must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. A conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the district may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, districts may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the district. [See BBFA, CAA(LOCAL), CB(LOCAL), DBD] |
| Records | The district must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. [See Pre-procurement Review and Contract Cost and Price, below] <i>2 C.F.R. 200.318(a), (b), (c)(1), (i)</i> [See 2 C.F.R. 200.334 for record retention requirements.] |
| <i>Financial Management</i> | The district's financial management systems, including records documenting compliance with federal statutes, regulations, and the terms and conditions of the federal award, must be sufficient to permit the preparation of reports required by general and program-specific terms and conditions; and the tracing of funds to a level of expenditures adequate to establish that such funds have been |

used according to the federal statutes, regulations, and the terms and conditions of the federal award. [See also 2 C.F.R. 200.450 (Lobbying)]

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

2 C.F.R. 200.302

Internal Controls

The district must:

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

2 C.F.R. 200.303

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

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

3. Compliance with applicable laws and regulations.

2 C.F.R. 200.1

Competition

All procurement transactions for the acquisition of property or services required under a federal award must be conducted in a manner providing full and open competition consistent with the standards of 2 C.F.R. 200.319 and 200.320 (Methods of procurement to be followed).

In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

The district must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this provision preempts state licensing laws. When contracting for architectural and engineering services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.

The district must have written procedures for procurement transactions. These procedures must ensure that all solicitations meet the requirements of 2 C.F.R. 200.319(d). [See Procurement Standards, above]

The district must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the district must not preclude potential bidders from qualifying during the solicitation period.

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

2 C.F.R. 200.319

*Procurement
Methods*

The district must have and use documented procurement procedures, consistent with the standards of 2 C.F.R. 200.320 and 200.317 (Procurements by states), 200.318 (General procurement standards), and 200.319 (Competition) for any of the following methods of procurement used for the acquisition of property or services required under a federal award or sub-award. *2 C.F. R. 200.320*

STATE AND FEDERAL REVENUE SOURCES
FEDERAL

CBB
(LEGAL)

Informal
Procurement
Methods

When the value of the procurement for property or services under a federal award does not exceed the simplified acquisition threshold, as defined in 2 C.F.R. 200.1, or a lower threshold established by a district, formal procurement methods are not required. The district may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the simplified acquisition threshold include:

*Micro-
Purchases—
Definitions*

“Micro-purchase” means a purchase of supplies or services, the aggregate amount of which does not exceed the micro-purchase threshold. Micro-purchases comprise a subset of a district's small purchases as defined in 2 C.F.R. 200.320.

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

2 C.F.R. 200.1

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

*Micro-
Purchase
Distribution*

The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold. [See the definition of “micro-purchase” above.] To the maximum extent practicable, the district should distribute micro-purchases equitably among qualified suppliers. *2 C.F.R. 200.320(a)(1)(i)*

*Micro-
Purchase
Awards*

Micro-purchases may be awarded without soliciting competitive price or rate quotations if the district considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the district. *2 C.F.R. 200.320(a)(1)(ii)*

*Micro-
Purchase
Thresholds*

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

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

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

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

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

Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The district must submit a request with the requirements included in 2 C.F.R. 200.320(a)(1)(iv). The increased threshold is valid until there is a change in status in which the justification was approved. *2 C.F.R. 200.320(a)(1)(v)*

*Small
Purchases—
Procedures*

The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the district. *2 C.F.R. 200.320(a)(2)(i)*

*Small
Purchases—
Simplified
Acquisition
Thresholds*

“Simplified acquisition threshold” means the dollar amount below which a district may purchase property or services using small purchase methods. Districts adopt small purchase procedures in order to expedite the purchase of items at or below the simplified acquisition threshold. The simplified acquisition threshold for procurement activities administered under federal awards is set by the FAR at 48 C.F.R. Part 2, Subpart 2.1 [see below]. The district is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. However, in no circumstances can this threshold exceed the dollar value established in the FAR

(48 C.F.R. Part 2, Subpart 2.1) for the simplified acquisition threshold. Recipients should determine if local government laws on purchasing apply. *2 C.F.R. 200.1, .320(a)(2)(ii)*

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

Formal
Procurement
Methods

When the value of the procurement for property or services under a federal financial assistance award exceeds the simplified acquisition threshold, or a lower threshold established by a district, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with 2 C.F.R. 200.319 or 200.320(c). The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the district determines to be appropriate:

Sealed Bids

A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions [*sic*].

In order for sealed bidding to be feasible, the following conditions should be present:

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

If sealed bids are used, the following requirements apply:

1. Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local governments, the invitation for bids must be publicly advertised;
2. The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;

3. All bids will be opened at the time and place prescribed in the invitation for bids, and for local governments, the bids must be opened publicly.
4. A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
5. Any or all bids may be rejected if there is a sound documented reason.

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

Proposals

A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

1. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
2. The district must have a written method for conducting technical evaluations of the proposals received and making selections;
3. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the district, with price and other factors considered; and
4. The district may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

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

Noncompetitive
Procurement

There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

1. The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold;
2. The item is available only from a single source;
3. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
4. The federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the district; or
5. After solicitation of a number of sources, competition is determined inadequate.

2 C.F.R. 200.320(c)

Cooperative
Purchasing

To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the federal government, the district is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements. *2 C.F.R. 200.318(e)*

*Minority, Small,
and Women's
Businesses*

The district must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible. Affirmative steps must include:

1. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
2. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
3. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;

4. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
5. Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
6. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in items 1 through 5 above.

2 C.F.R. 200.321

*Domestic
Preference*

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

For purposes of this provision:

1. "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.
2. "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

2 C.F.R. 200.322

*Pre-procurement
Review*

The district must make available upon request, for the federal awarding agency or pass-through entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:

1. The district's procurement procedures or operation fails to comply with the procurement standards in 2 C.F.R. Part 200;
2. The procurement is expected to exceed the simplified acquisition threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;

3. The procurement, which is expected to exceed the simplified acquisition threshold, specifies a “brand name” product;
4. The proposed contract is more than the simplified acquisition threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or
5. A proposed contract modification changes the scope of a contract or increases the contract amount by more than the simplified acquisition threshold.

2 C.F.R. 200.325(b)

*Contract Cost
and Price*

The district must perform a cost or price analysis in connection with every procurement action in excess of the simplified acquisition threshold including contract modifications. The method and degree of analysis is dependent on the facts surrounding the particular procurement situation, but as a starting point, the district must make independent estimates before receiving bids or proposals.

The district must negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. To establish a fair and reasonable profit, consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.

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

The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

2 C.F.R. 200.324

*Contract
Provisions*

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

*Suspension and
Debarment*

Districts are subject to the non-procurement debarment and suspension regulations at 2 C.F.R. Part 180. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities. *2 C.F.R. 200.214*

*Remedies for
Noncompliance*

If a district fails to comply with the U.S. Constitution, federal statutes, regulations, or the terms and conditions of a federal award, the federal awarding agency or pass-through entity may impose additional conditions, as described in 2 C.F.R. 200.208 (Specific Conditions). If the federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the district or more severe enforcement action by the federal awarding agency or pass-through entity.
2. Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
3. Wholly or partly suspend or terminate the federal award.
4. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. Part 180 and federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a federal awarding agency).
5. Withhold further federal awards for the project or program.
6. Take other remedies that may be legally available.

2 C.F.R. 200.339

Travel Costs

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the district. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in like circumstances in the district's non-federally funded activities and in accordance with the district's written travel reimbursement policies.

In the absence of an acceptable, written district policy regarding travel costs, the rates and amounts established under 5 U.S.C. 5701-11 (Travel and Subsistence Expenses; Mileage Allowances), or by the administrator of general services, or by the president (or his or her designee) pursuant to any provisions of such subchapter

must apply to travel under federal awards [48 C.F.R. 31.205–46(a)].

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

*Property
Standards*

Federally
Owned Property

Title to federally owned property remains vested in the federal government. The district must submit annually an inventory listing of federally owned property in its custody to the federal awarding agency. Upon completion of the federal award or when the property is no longer needed, the district must report the property to the federal awarding agency for further federal agency utilization.

Exempt property means property acquired under a federal award where the federal awarding agency has chosen to vest title to the property to the district without further responsibility to the federal government, based upon the explicit terms and conditions of the federal award. The federal awarding agency may exercise this option when statutory authority exists. Absent statutory authority and specific terms and conditions of the federal award, title to exempt property acquired under the federal award remains with the federal government.

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

Property Trust
Relationship

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

Real Property

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

Except as otherwise provided by federal statutes or by the federal awarding agency, real property will be used for the originally authorized purpose as long as needed for that purpose, during which time the district must not dispose of or encumber its title or other interests.

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

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

2. Sell the property and compensate the federal awarding agency an amount determined under 2 C.F.R. 200.311(c)(2).
3. Transfer title to the federal awarding agency or to a third party designated/approved by the federal awarding agency. The district is entitled to be paid an amount calculated by applying the district's percentage of participation in the purchase of the real property (and cost of any improvements) to the current fair market value of the property.

2 C.F.R. 200.311

Equipment
Title and Use

Subject to the requirements and conditions set forth in 2 C.F.R. 200.313, title to equipment acquired under a federal award will vest upon acquisition in the district. Unless a statute specifically authorizes the federal agency to vest title in the district without further responsibility to the federal government, and the federal agency elects to do so, the title must be a conditional title. Title must vest in the district subject to the following conditions:

1. Use the equipment for the authorized purposes of the project during the period of performance, or until the property is no longer needed for the purposes of the project.
2. Not encumber the property without approval of the federal awarding agency or pass-through entity.
3. Use and dispose of the property in accordance with the provisions below.

Equipment must be used by the district in the program or project for which it was acquired in accordance with 2 C.F.R. 200.313(c).

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the requirements of 2 C.F.R. 200.313(d).

Disposition

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

When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency, except as otherwise provided in federal statutes, regulations, or federal awarding agency disposition instructions, the district must request disposition instructions from the federal awarding agency if required by the terms and conditions of the fed-

eral award. Disposition of the equipment will be made as prescribed in 2 C.F.R. 200.313(e), in accordance with federal awarding agency disposition instructions.

2 C.F.R. 200.313

Supplies

Title to supplies will vest in the district upon acquisition. If there is a residual inventory of unused supplies exceeding \$5,000 in total aggregate value upon termination or completion of the project or program and the supplies are not needed for any other federal award, the district must retain the supplies for use on other activities or sell them, but must, in either case, compensate the federal government for its share. The amount of compensation must be computed in the same manner as for equipment under 2 C.F.R. 200.313(e)(2).

2 C.F.R. 200.314(a)

Intangible
Property

Title to intangible property acquired under a federal award vests upon acquisition in the district. The district must use that property for the originally-authorized purpose, and must not encumber the property without approval of the federal awarding agency. When no longer needed for the originally authorized purpose, disposition of the intangible property must occur in accordance with the provisions in 2 C.F.R. 200.313(e). *2 C.F.R. 200.315(a)*

Direct Grant
Programs

The regulations in 34 C.F.R. Part 75 apply to each direct grant program of the ED. *34 C.F.R. 75.1*

State-Administered
Programs

The regulations in 34 C.F.R. Part 76 apply to each state-administered program of the ED. *34 C.F.R. 76.1*

General Education
Provision Act

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

¹ TEA EDGAR Materials and Resources:

https://tea.texas.gov/Finance_and_Grants/Grants/EDGAR_Materials_and_Resources/

² ED EDGAR website:

<https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html>

³ ED Uniform Guidance website:

<https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>

PURCHASING AND ACQUISITION

CH
(LEGAL)

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

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

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

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

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

For information on procuring school buses, see CNB.

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

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

Board Authority

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

Delegation of Authority

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

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

Disaster Delegation

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

Education Code 44.0312

Purchases Valued at or Above \$50,000

Methods

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

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

Education Code 44.031(a)

Exceptions

Emergency
Damage or
Destruction

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

Sole Source

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

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

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

Education Code 44.031(j)–(k)

Competitive Bidding

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

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

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

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

Education Code 44.0351

Competitive Sealed Proposals

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

Request for Proposals

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

Opening Proposals

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

Selection

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

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

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

Education Code 44.0352

*Interlocal
Contracts*

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

An interlocal contract must:

1. Be authorized by the governing body of each party to the contract;
2. State the purpose, terms, rights, and duties of the contracting parties; and
3. Specify that each party paying for the performance of governmental functions or services must make those payments from current revenues available to the paying party.

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

Gov’t Code 791.011(d)–(f), (i)

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

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

Reverse Auction

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

“Reverse auction procedure” means:

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

Gov't Code 2155.062(d)

Site-Based
Purchasing

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

**Contract Selection
Factors**

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

1. The purchase price.
2. The reputation of the vendor and of the vendor's goods or services.
3. The quality of the vendor's goods or services.

4. The extent to which the goods or services meet the district's needs.
5. The vendor's past relationship with the district.
6. The impact on the ability of the district to comply with laws and rules relating to historically underutilized businesses.
7. The total long-term cost to the district to acquire the vendor's goods or services.
8. For a contract for goods and services, other than goods and services related to telecommunications and information services, building construction and maintenance, or instructional materials, whether the vendor or the vendor's ultimate parent company or majority owner has its principal place of business in this state or employs at least 500 persons in this state.
9. Any other relevant factor specifically listed in the request for bids or proposals.

Education Code 44.031(b)

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

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

Preferences
*Agricultural
Products*

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

"Agricultural products" includes textiles and other similar products.

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

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

Vegetation for
Landscaping

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

Education Code 44.042

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

*Recycled
Products*

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

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

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

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

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

Health and Safety Code 361.426(b)–(c)

*Bidder's Place of
Business*

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

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

Notice Publication

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

Electronic Bids or Proposals

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

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

Education Code 44.0313

Right to Work

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

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

Education Code 44.043

Contract with Person Indebted to District

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

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

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

Education Code 44.044

Out-of-State Bidders

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

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

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

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

Gov’t Code 2252.001

Professional Services

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

Professional
Services
Procurement Act
Selection

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

Definition

"Professional services" means services:

1. Within the scope of the practice, as defined by state law, of accounting, architecture, landscape architecture, land surveying, medicine, optometry, professional engineering, real estate appraising, or professional nursing;
2. Provided in connection with the professional employment or practice of a person who is licensed or registered as a certified public accountant, architect, landscape architect, land surveyor, physician, optometrist, professional engineer, state-certified or state-licensed real estate appraiser, or registered nurse; or
3. Provided by a person lawfully engaged in interior design, regardless of whether the person is registered as an interior designer under Occupations Code Chapter 1053.

Gov't Code 2254.002

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

Contingent Fee
Contract for Legal
Services

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

1. Provided to a district under Government Code Chapter 403, Subchapter M; or
2. Entered into under Tax Code 6.30 (delinquent tax collection) [see CCGA(LEGAL)] or Government Code 1201.027 (issuance of public securities) [see CCA(LEGAL)], except that Government Code sections 2254.1032, 2254.1034, 2254.1036, and 2254.1037 do apply to the contract.

Gov't Code 2254.102

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

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

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

Gov't Code 2254.1032

Specific Purchases

Computers

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

Automated
Information System

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

Automated External
Defibrillators

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

Insurance

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

*Multiyear
Contracts*

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

**Other Purchasing
Methods**

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

State Purchasing
Program

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

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

Local Gov't Code 271.082

*District
Participation*

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

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

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

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

Local Gov't Code 271.083

Multiple Award
Contract Schedule

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

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

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

Gov't Code 2155.504

Cooperative
Purchasing
Program

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

1. Designate a person to act under the direction of, or on behalf of, the district in all matters relating to the program;
2. Make payments to another participating local government or local cooperative organization or directly to a vendor under a contract made under these provisions, as provided in the agreement between the participating local governments or between a local government and a local cooperative organization; and
3. Be responsible for the vendor's compliance relating to the quality of items and terms of delivery, to the extent provided in the agreement between the participating local governments or between a local government and a local cooperative organization.

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

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

*Cooperative
Purchasing
Contract Fees*

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

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

Education Code 44.0331

**Commitment of
Current Revenue**

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

Change Orders

For provisions regarding change orders, see CV.

Criminal Offenses

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

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

Education Code 44.032(a)-(b)

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

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

Removal from
Office

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

Injunction

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

**Purchasing
Authority**

The Board delegates to the Superintendent the authority to make budgeted purchases for goods or services. However, any single, budgeted purchase of goods or services that costs \$10,000 or more, regardless of whether the goods or services are competitively purchased, shall require Board approval before a transaction may take place.

Exception for
Emergency
Contracts

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

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

Purchasing
Procedures

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

Purchasing Method

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

*Competitive
Bidding*

If competitive bidding is chosen as the purchasing method, the Superintendent shall prepare bid specifications. All bids shall be in accordance with administrative regulations, and the submission of any electronic bids shall also be in accordance with Board-adopted rules. All bidders shall be invited to attend the bid opening. Any bid may be withdrawn prior to the scheduled time for opening. Bids received after the specified time shall not be considered.

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

*Competitive
Sealed Proposals*

If competitive sealed proposals are chosen as the purchasing method, the Superintendent shall prepare the request for proposals and/or specifications for items to be purchased. All proposals shall be in accordance with administrative regulations, and the submission of any electronic proposals shall also be in accordance with Board-adopted rules. Proposals received after the specified time shall not be considered. Proposals shall be opened at the time

PURCHASING AND ACQUISITION

CH
(LOCAL)

specified, and all proposers shall be invited to attend the proposal opening. Proposals may be withdrawn prior to the scheduled time of opening. Changes in the content of a proposal, and in prices, may be negotiated after proposals are opened.

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

Electronic Bids or Proposals

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

Responsibility for Debts

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

Purchase Commitments

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

Personal Purchases

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

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

Required Vendor Disclosures

Disclosure of Interested Parties

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

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

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

Gov't Code 2252.908

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

Exclusions

The disclosure requirement does not apply to a contract with:

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

Gov't Code 2252.908(c)(4)–(6)

Required Form

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

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

PURCHASING AND ACQUISITION
VENDOR DISCLOSURES AND CONTRACTS

CHE
(LEGAL)

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| <i>Deadline</i> | <p>A district that receives a completed disclosure of interested parties form and certification of filing shall notify TEC, in an electronic format prescribed by TEC, of the receipt of those documents not later than the 30th day after the date the board receives the disclosure. <i>1 TAC 46.5(c); Gov't Code 2252.908(f)</i></p> |
| <i>Contract Changes</i> | <p>The disclosure requirements do not apply to a change made to an existing contract, including an amendment, change order, or extension of a contract except as set out below.</p> <p>The disclosure requirements apply to a change made to an existing contract, including an amendment, change order, or extension of a contract if:</p> <ol style="list-style-type: none">1. A disclosure of interested parties form was not filed for the existing contract; and either the changed contract requires an action or vote by the board or the value of the changed contract is at least \$1 million; or2. The business entity submitted a disclosure of interested parties form to the district that is a party to the existing contract; and either there is a change to the disclosure; or the changed contract requires an action or vote by the board; or the value of the changed contract is at least \$1 million greater than the value of the existing contract. <p><i>1 TAC 46.4</i></p> |
| <i>Definitions</i> | <p>“Contract” means a contract between a board and a business entity at the time it is voted on by the board or at the time it binds the board, whichever is earlier, and includes an amended, extended, or renewed contract. <i>1 TAC 46.3(a)</i></p> <p>“Business entity” means any entity recognized by law through which business is conducted, including a sole proprietorship, partnership, or corporation. The term includes an entity through which business is conducted with a district, regardless of whether the entity is a for-profit or nonprofit entity, and does not include a governmental entity or state agency. <i>Gov't Code 2252.908(a)(1); 1 TAC 46.3(b)</i></p> <p>“Interested party” means a person who has a controlling interest in a business entity with whom a district contracts or who actively participates in facilitating the contract or negotiating the terms of the contract, including a broker, intermediary, adviser, or attorney for the business entity. <i>Gov't Code 2252.908(a)(3); 1 TAC 46.3(d), (e)</i></p> <p>“Controlling interest” means:</p> |

PURCHASING AND ACQUISITION
VENDOR DISCLOSURES AND CONTRACTS

CHE
(LEGAL)

1. An ownership interest or participating interest in a business entity by virtue of units, percentage, shares, stock, or otherwise that exceeds ten percent;
2. Membership on the board of directors or other governing body of a business entity of which the board or other governing body is composed of not more than ten members; or
3. Service as an officer of a business entity that has four or fewer officers, or service as one of the four officers most highly compensated by a business entity that has more than four officers. This provision does not apply to an officer of a publicly held business entity or its wholly owned subsidiaries.

1 TAC 46.3(c)

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

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

Conflict of Interest
Questionnaire

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

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

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

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

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

Local Gov't Code 176.006(a)

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

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

Local Gov't Code 176.006(a-1)

*Updating
Incomplete or
Inaccurate
Questionnaires*

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

*Validity of
Contract*

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

Required Contract Provisions

No Israel Boycott

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

The requirement above applies only to a contract that:

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

PURCHASING AND ACQUISITION
VENDOR DISCLOSURES AND CONTRACTS

CHE
(LEGAL)

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

Gov't Code 2271.002

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

Retention of
Contracting
Information
Application

These provisions apply to a contract that:

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

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

Requirements

A contract described above must require a contracting entity to:

1. Preserve all contracting information related to the contract as provided by the records retention requirements applicable to the district for the duration of the contract;
2. Promptly provide to the district any contracting information related to the contract that is in the custody or possession of the entity on request of the district; and
3. On completion of the contract, either:
 - a. Provide at no cost to the district all contracting information related to the contract that is in the custody or possession of the entity; or
 - b. Preserve the contracting information related to the contract as provided by the records retention requirements applicable to the district.

*Bid and Contract
Language*

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

PURCHASING AND ACQUISITION
VENDOR DISCLOSURES AND CONTRACTS

CHE
(LEGAL)

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

*Notice of
Noncompliance*

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

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

*Contract
Termination*

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

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

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

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

Exception

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

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

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

Prohibitions

Entertainment
Event Contracts

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

Taxpayer Resource
Transactions

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

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

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

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

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

Lobbying
Restriction—
Tobacco Education
Grant Funds

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

1. Lobbying expenses incurred by the district;

PURCHASING AND ACQUISITION
VENDOR DISCLOSURES AND CONTRACTS

CHE
(LEGAL)

2. A person or entity that is required to register with the Texas Ethics Commission under Government Code Chapter 305 (Registration of Lobbyists);
3. Any partner, employee, employer, relative, contractor, consultant, or related entity of a person or entity described by item 2; or
4. A person or entity who has been hired to represent associations or other entities for the purpose of affecting the outcome of legislation, agency rules, ordinances, or other government policies.

Gov't Code 403.1067(a)

Prohibited
Contracts

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

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

Reduction of Energy Consumption

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

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

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

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

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

Education Code 44.902

Energy Savings Performance Contracts

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

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

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

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

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

Financing An energy savings performance contract may be financed:

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

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

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

Contract
Procurement

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

Cost Savings
Review

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

Education Code 44.901

Recycling Program

A district shall:

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

Health and Safety Code 361.425; 30 TAC 328.202

Exemptions

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

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

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

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

30 TAC 328.204

Definitions

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

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

30 TAC 328.201(2), (3)

Pools

Generally

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

Drains

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

| | | |
|--------------------------|---|-----------|
| Table of Contents | Definition | 3 |
| | Board Authority..... | 3 |
| | Delegation of Authority | 3 |
| | Contracts Valued at or Above \$50,000..... | 3 |
| | Exceptions..... | 4 |
| | Notice Publication..... | 4 |
| | Contract Selection Criteria | 4 |
| | Using Method Other Than Competitive Bidding | 5 |
| | Determine Best Value | 5 |
| | Publish Criteria | 5 |
| | Make Evaluations Public | 5 |
| | Submission | 5 |
| | Right to Work | 5 |
| | Collective Bargaining..... | 6 |
| | Out-of-State Bidders | 6 |
| | Change Orders | 6 |
| | Inspection, Verification, and Testing | 6 |
| | Impact Fees | 7 |
| | Professional Services..... | 7 |
| | Architects and Engineers..... | 7 |
| | Procuring Architectural or Engineering Services | 9 |
| | Contracts for Engineering or Architectural Services | 9 |
| | Payment and Performance Bonds | 10 |
| | Failure to Obtain Payment Bond..... | 11 |
| | Bond for Insured Loss | 11 |
| | Prevailing Wage on Public Works..... | 12 |
| | Enforcement..... | 13 |
| | Retainage and Reimbursement | 13 |
| | Penalty for Noncompliance | 14 |
| | Criminal Offense..... | 14 |
| | Required Workers' Compensation Coverage..... | 14 |
| | Exception | 15 |
| | Definitions | 15 |
| | Criminal Offenses | 15 |

| | |
|------------------------------------|-----------|
| Enforcement Actions | 16 |
| Defects in Facilities..... | 16 |
| Attorney Fees | 17 |
| Construction Liability Claims..... | 18 |

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

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

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

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

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

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

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

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

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

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

Gov’t Code 2269.053

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

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

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

- a. Competitive bidding. *Gov't Code 2269 Subch. C* [See CVA]
 - b. Competitive sealed proposals. *Gov't Code 2269 Subch. D* [See CVB]
 - c. Construction manager-agent method. *Gov't Code 2269 Subch. E* [See CVC]
 - d. Construction manager-at-risk method. *Gov't Code 2269 Subch. F* [See CVD]
 - e. Design-build method. *Gov't Code 2269 Subch. G* [See CVE]
 - f. Job order contracting. *Gov't Code 2269 Subch. I* [See CVF]
3. The reverse auction procedure as defined by Government Code 2155.062(d). *Education Code 44.031(a)(6)* [See CH]

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

Exceptions

*Emergency
Damage or
Destruction*

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

*Contracts
Requiring a Bond*

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

Notice Publication

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

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

Gov't Code 2269.052(a)–(b)

[See CH for additional notice publication requirements.]

**Contract Selection
Criteria**

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

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

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

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

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

Gov't Code 2269.055

Using Method Other Than Competitive Bidding

Determine Best Value

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

Publish Criteria

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

Make Evaluations Public

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

Gov't Code 2269.056

Submission

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

Right to Work

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

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

Gov't Code 2269.054

**Collective
Bargaining**

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

1. Prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or
2. Discriminate against a person described by item 1 based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement.

Gov't Code 2269.0541(a)

Out-of-State Bidders

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

Change Orders

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

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

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

Education Code 44.0411

**Inspection,
Verification, and
Testing**

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

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

Impact Fees

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

Professional Services

Architects and Engineers

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

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

Gov't Code 2269.057

Registered Architect

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

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

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

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

Occupations Code 1051.703; 22 TAC 1.212

*Registered
Engineer*

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

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

Occupations Code 1001.407

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

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

Occupations Code 1001.053

*Certification for
Purchases
Through
Purchasing
Cooperatives*

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

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

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

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

Procuring
Architectural or
Engineering
Services

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

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

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

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

Gov't Code 2254.004

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

Contracts for
Engineering or
Architectural
Services

Indemnification

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

Duty to Defend

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

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

*District as
Additional
Insured*

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

Standard of Care

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

1. With the professional skill and care ordinarily provided by competent engineers or architects practicing under the same or similar circumstances and professional license; and
2. As expeditiously as is prudent considering the ordinary professional skill and care of a competent engineer or architect.

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

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

Local Gov't Code 271.904

**Payment and
Performance Bonds**

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

1. A performance bond if the contract is in excess of \$100,000; and
2. A payment bond if the contract is in excess of \$25,000.

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

Gov't Code 2253.021(a), (d)-(e)

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

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

Failure to Obtain
Payment Bond

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

1. The district is subject to the same liability that a surety would have if the surety had issued a payment bond and if the district had obtained the bond; and
2. A payment bond beneficiary is entitled to a lien on money due to the prime contractor in the same manner and to the same extent as if the public work contract were subject to Property Code Chapter 53, Subchapter J (Lien on Money Due Public Works Contractor).

Gov't Code 2253.027(a)

Bond for Insured
Loss

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

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

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

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

*Exception to
Bond
Requirement*

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

Gov't Code 2253.022

**Prevailing Wage on
Public Works**

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

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

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

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

Gov't Code 2258.021

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

1. Conducting a survey of the wages received by classes of workers employed on projects of a character similar to the contract work in the district in which the public work is to be performed; or
2. Using the prevailing wage rate as determined by the U.S. Department of Labor in accordance with the Davis-Bacon Act (40 U.S.C. Section 276a et seq.), and its subsequent amendments.

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

Gov't Code 2258.022(a), (c)–(e)

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

Enforcement

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

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

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

Gov't Code 2258.051-.052(a)-(c)

Retainage and
Reimbursement

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

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

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

Penalty for
Noncompliance

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

Criminal Offense

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

**Required Workers'
Compensation
Coverage**

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

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

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

- a. Before the end of the current coverage period, if the contractor's current certificate shows that the coverage period ends during the duration of the project; and
 - b. No later than seven days after the expiration of the coverage for each other person providing services on the project whose current certificate shows that the coverage period ends during the duration of the project.
5. Retain certificates of coverage on file for the duration of the project and for three years thereafter.
 6. Provide a copy of the certificate of coverage to the Texas Department of Insurance, Division of Workers' Compensation upon request and to any person entitled to a copy by law.
 7. Use the language contained in 28 Administrative Code 110.110(c)(7) for bid specifications and contracts, without any additional words or changes, except those required to accommodate the specific document in which they are contained or to impose stricter standards of documentation.

28 TAC 110.110(c)

Exception

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

Definitions

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

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

Criminal Offenses

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

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

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

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

In an action involving an instructional facility financed by bonds for which the district receives state assistance under Education Code Chapter 46, Subchapter A (Instructional Facilities Allotment), the commissioner may join in the action on behalf of the state to protect the state's share in the action.

A district that brings an action under these provisions shall use the net proceeds from the action for:

1. The repair of the defective design, construction, renovation, or improvement of the facility on which the action is brought, including the repair of any ancillary damage to furniture and fixtures;
2. The replacement of the facility on which the action is brought;
3. The reimbursement of the district for a repair or replacement; or
4. Any other purpose with written approval from the commissioner.

Education Code 46.008 applies to the repair. A district shall provide to the commissioner an itemized accounting of any repairs made.

The state's share resulting from an action brought under these provisions involving an instructional facility financed by bonds for which the school district receives state assistance under Education Code Chapter 46, Subchapter A is state property. The district shall send to the comptroller any portion of the state's share not used by the district to repair the defective design, construction, renovation,

or improvement of the instructional facility on which the action is brought or to replace the facility. Education Code 48.272 applies to the state's share.

Definitions

“Net proceeds” means the difference between the amount recovered by or on behalf of a school district in an action, by settlement or otherwise, and the legal fees and litigation costs incurred by the district in prosecuting the action.

“State’s share” means an amount equal to the district's net proceeds from the recovery multiplied by a percentage determined by dividing the amount of state assistance under Education Code Chapter 46, Subchapter A used to pay the principal of and interest on bonds issued in connection with the instructional facility that is the subject of the action by the total amount of principal and interest paid on the bonds as of the date of the judgment or settlement.

Education Code 44.151

*Attorney General
Enforcement*

If the attorney general believes that a district has violated or is violating Education Code 44.151(d), (e), or (f) (use of proceeds, accounting, and the state’s share), the attorney general may, after providing at least two weeks' notice to the district, bring an action on behalf of the state to enjoin the district from violating those sections.

In such an action, the attorney general may request and the court may order any other appropriate relief that is in the public interest, including payment of:

1. A civil penalty in an amount not to exceed \$20,000 for each violation;
2. The attorney general's reasonable costs for investigating and prosecuting the violation; or
3. If applicable, the amount of the state's share.

Education Code 44.152(a)–(b)

Attorney Fees

A governmental contract may not provide for the award of attorney’s fees to a district in a dispute in which the district prevails unless the contract provides for the award of attorney’s fees to each other party to the contract if that party prevails in the dispute.

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

Gov’t Code 2252.904

FACILITIES CONSTRUCTION

CV
(LEGAL)

Construction
Liability Claims

To assert a claim against a contractor, subcontractor, supplier, or design professional for damages arising from damage to or loss of real or personal property caused by an alleged construction defect in an improvement to real property that is a public building or public work in which the district has an interest, the district must comply with Government Code Chapter 2272. *Gov't Code 2272.002(a)*

Compliance with Law

The Superintendent shall establish procedures that ensure that all school facilities within the District comply with applicable laws and local building codes.

Construction Contracts

Prior to advertising, the Board shall determine the project delivery/contract award method to be used for each construction contract valued at or above \$50,000. To assist the Board, the Superintendent shall recommend the project delivery/contract award method that he or she determines provides the best value to the District. [See CV series generally and CBB(LEGAL) for requirements if federal funds are involved.]

For construction contracts valued at or above \$15,000, the Superintendent shall also submit the resulting contract to the Board for approval. Lesser expenditures for construction and construction-related materials or services shall be at the discretion of the Superintendent and consistent with law and policy. [See also CH and CBB(LEGAL)]

Note: For provisions regarding delegation of authority for construction contracts in the event of a catastrophe, emergency, or natural disaster affecting the District, see CH(LOCAL).

Change Orders

Change orders permitted by law shall be approved by the Board or its designee prior to any changes being made in the approved plans or the actual construction of the facility.

Project Administration

All construction projects shall be administered by the Superintendent or designee.

The Superintendent shall keep the Board informed concerning construction projects and also shall provide information to the general public.

Final Payment

The District shall not make final payments for construction or the supervision of construction until the work has been completed and the Board has accepted the work.

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

For legal requirements generally applicable to the procurement process, see CH and CV.

“Competitive bidding” is a procurement method by which a district contracts with a contractor for the construction, alteration, rehabilitation, or repair of a facility by awarding the contract to the lowest responsible bidder.

Except as otherwise provided by Government Code Chapter 2269 or other law, a district may contract for the construction, alteration, rehabilitation, or repair of a facility only after the district advertises for bids for the contract in a manner prescribed by law, receives competitive bids, and awards the contract to the lowest responsible bidder.

Gov't Code 2269.101

Preparation of Request

The district shall prepare a request for competitive bids that includes construction documents, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to submit a bid. *Gov't Code 2269.103*

Architect/Engineer

The district shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents required for a project to be awarded by competitive bidding. *Gov't Code 2269.102* [See CV]

Opening Bids

The district shall receive, publicly open, and read aloud the names of the offerors and their bids. *Gov't Code 2269.104*

Bids may be opened only by the board at a public meeting or by an officer or employee of the district at or in an office of the district. A bid that has been opened may not be changed for the purpose of correcting an error in the bid price. Local Government Code Chapter 271, Subchapter B does not change the common law right of a bidder to withdraw a bid due to a material mistake in the bid. *Local Gov't Code 271.026*

The board is entitled to reject any and all bids. *Local Gov't Code 271.027(a)*

Safety Record

In determining who is a responsible bidder, the district may take into account the safety record of the bidder; of the firm, corporation, partnership, or institution represented by the bidder; or of anyone acting for such firm, corporation, partnership, or institution if:

1. The board has adopted a written definition and criteria for accurately determining the safety record of a bidder.
2. The board has given notice to prospective bidders in the bid specifications that the safety record of a bidder may be considered in determining the responsibility of the bidder.
3. The determinations are not arbitrary and capricious.

Local Gov't Code 271.0275

Identical Bids

If a district is required to accept bids on a contract and receives two or more bids from responsible bidders that are identical, in nature and amount, as the lowest and best bids, the board shall enter into a contract with only one of those bidders and must reject all other bids.

If only one of the bidders submitting identical bids is a resident of the district, the district must select that bidder. If two or more of the bidders submitting identical bids are residents of the district, the district must select one of those bidders by the casting of lots. In all other cases, the district must select from the identical bids by the casting of lots.

The casting of lots must be in a manner prescribed by the board and must be conducted in the presence of the board. All qualified bidders or their legal representatives may be present at the casting of lots.

These provisions do not prohibit a district from rejecting all bids. These provisions apply to all districts required by general or special law to accept bids and award contracts on the basis of the lowest and best bid, but do not apply to bidding for contracts to act as a depository for school funds under Education Code Chapter 45, Subchapter G [see BDAE].

Local Gov't Code 271.901

**Make Evaluations
Public**

Not later than the seventh day after the date the contract is awarded, the district shall document the basis of its selection and shall make the evaluations public. *Gov't Code 2269.105*

**Applicability of Other
Competitive Bidding
Laws**

Except as otherwise specifically provided in this policy, Local Government Code Chapter 271, Subchapter B (Competitive Bidding on Certain Public Works Contracts), does not apply to the competitive bidding process conducted under this policy. *Gov't Code 2269.106*

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

For legal requirements generally applicable to the procurement process, see CH and CV.

“Competitive sealed proposals” is a procurement method by which a district requests proposals, ranks the offerors, negotiates as prescribed, and then contracts with a general contractor for the construction, rehabilitation, alteration, or repair of a facility. In selecting a contractor through competitive sealed proposals, a district shall follow the procedures provided by Government Code 2269, Subchapter D. *Gov’t Code 2269.151*

Request for Proposals

The district shall prepare a request for competitive sealed proposals that includes construction documents, selection criteria and the weighted value for each criterion, estimated budget, project scope, estimated project completion date, and other information that a contractor may require to respond to the request. *Gov’t Code 2269.153*

Architect/Engineer

The district shall select or designate an architect or engineer to prepare construction documents for the project. *Gov’t Code 2269.152 [See CV]*

Opening Proposals

The district shall receive, publicly open, and read aloud the names of the offerors and any monetary proposals made by the offerors. Not later than the 45th day after the date on which the proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the published selection criteria. *Gov’t Code 2269.154*

Selection

The district shall select the offeror that submits the proposal that offers the best value for the district based on:

1. The selection criteria in the request for proposal and the weighted value for those criteria in the request for proposal; and
2. Its ranking evaluation.

The district shall first attempt to negotiate a contract with the selected offeror. The district and its architect or engineer may discuss with the selected offeror options for a scope or time modification and any price change associated with the modification. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to the next offeror in the order of the

Tornillo ISD
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FACILITIES CONSTRUCTION
COMPETITIVE SEALED PROPOSALS

CVB
(LEGAL)

selection ranking until a contract is reached or all proposals are rejected.

Gov't Code 2269.155

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

For legal requirements generally applicable to the procurement process, see CH and CV.

The “construction manager-agent method” is a delivery method by which a district contracts with a construction manager-agent to provide consultation or administrative services during the design and construction phase and to manage multiple contracts with various construction prime contractors.

A construction manager-agent is a sole proprietorship, partnership, corporation, or other legal entity that serves as the agent for the district by providing construction administration and management services described above for the construction, rehabilitation, alteration, or repair of a facility. A district may retain a construction manager-agent only as provided by Government Code Chapter 2269, Subchapter E.

Gov’t Code 2269.201

The contract between the district and the construction manager-agent may require the construction manager-agent to provide administrative personnel, equipment necessary to perform duties under this policy, on-site management, and other services specified in the contract. *Gov’t Code 2269.201–.202*

A construction manager-agent may not:

1. Self-perform any aspect of the construction, rehabilitation, alteration, or repair of the facility.
2. Be a party to a construction subcontract for the construction, rehabilitation, alteration, or repair of the facility.
3. Provide or be required to provide performance and payment bonds for the construction, rehabilitation, alteration, or repair of the facility.

Gov’t Code 2269.203

A construction manager-agent represents the district in a fiduciary capacity. *Gov’t Code 2269.204*

Architect/Engineer

On or before the selection of a construction manager-agent, the district shall select or designate an architect or engineer in accordance with Occupations Code Chapter 1051 or 1001, as applicable, to prepare the construction documents for the project. [See CV]

The district's architect or engineer may not serve, alone or in combination with another person, as the construction manager-agent unless the architect or engineer is hired to serve as the construction manager-agent under a separate or concurrent selection process conducted in accordance with this policy. This provision does not prohibit the district's architect or engineer from providing customary construction-phase services under the architect's or engineer's original professional service agreement in accordance with applicable licensing laws.

To the extent that the construction manager-agent's services are defined as part of the practice of architecture or engineering under Occupations Code Chapter 1051 or 1001 those services must be conducted by a person licensed under the applicable chapter.

Gov't Code 2269.205

**Selection of
Construction
Manager-Agent**

A district shall select a construction manager-agent on the basis of demonstrated competence and qualifications in the same manner that an architect or engineer is selected under Government Code 2254.004. *Gov't Code 2269.207* [See CV]

Insurance

A construction manager-agent selected under this policy shall maintain professional liability or errors and omissions insurance in the amount of at least \$1 million for each occurrence. *Gov't Code 2269.208*

**Selection of
Contractors**

A district using the construction manager-agent method shall procure, in accordance with applicable law and in any manner authorized by Government Code Chapter 2269, a general contractor or trade contractors who will serve as the prime contractor for their specific portion of the work and provide performance and payment bonds to the district in accordance with applicable laws. *Gov't Code 2269.206*

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

For legal requirements generally applicable to the procurement process, see CH and CV.

The “construction manager-at-risk method” is a delivery method by which a district contracts with an architect or engineer for design and construction phase services and contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction, rehabilitation, alteration, or repair of a facility.

A construction manager-at-risk is a sole proprietorship, partnership, corporation, or other legal entity that assumes the risk for construction, rehabilitation, alteration, or repair of a facility at the contracted price as a general contractor and provides consultation to the district regarding construction during and after the design of the facility. The contracted price may be a guaranteed maximum price. A district may use the construction manager-at-risk method in selecting a general contractor for the construction, rehabilitation, alteration, or repair of a facility only as provided by Government Code Chapter 2269, Subchapter F.

Gov't Code 2269.251

Architect/Engineer

On or before the selection of a construction manager-at-risk, the district shall select or designate an architect or engineer or architect to prepare the construction documents for the project. [See CV]

The district’s architect or engineer for a project, or an entity related to the district’s architect or engineer, may not serve, alone or in combination with another, as the construction manager-at-risk. This provision does not prohibit the district’s engineer or architect from providing customary construction phase services under the architect’s or engineer’s original professional service agreement in accordance with applicable licensing laws.

An entity is related to the district’s architect or engineer if the entity is a sole proprietorship, corporation, partnership, limited liability company, or other entity that is a subsidiary, parent corporation, or partner or has any other relationship in which the district’s architect or engineer has an ownership interest, or is subject to common ownership or control, or is party to an agreement by which it will receive any proceeds of the construction manager-at-risk’s payments from the district.

Gov't Code 2269.252

Selection Process

The district shall select the construction manager-at-risk in a one-step or two-step process. A district shall prepare a single request for proposals, in the case of a one-step process, and an initial request for qualifications, in the case of a two-step process, that includes:

1. A statement as to whether the selection process is a one-step or two-step process;
2. General information on the project site, project scope, schedule, selection criteria and the weighted value for each criterion, and estimated budget and the time and place for receipt of the proposals or qualifications; and
3. Other information that may assist a district in its selection of a construction manager-at-risk.

The district shall state the selection criteria in the request for proposals or qualifications.

If a one-step process is used, the district may request, as part of the offeror's proposal, proposed fees and prices for fulfilling the general conditions. If a two-step process is used, the district may not request fees or prices in step one. In step two, the district may request that five or fewer offerors, selected solely on the basis of qualifications, provide additional information, including the construction manager-at-risk's proposed fee and prices for fulfilling the general conditions.

Gov't Code 2269.253(a)–(e)

**Opening and
Evaluating
Proposals**

At each step, the district shall receive, publicly open, and read aloud the names of the offerors. At the appropriate step, the district shall also read aloud the fees and prices, if any, stated in each proposal as the proposal is opened. Not later than the 45th day after the date on which the final proposals are opened, the district shall evaluate and rank each proposal submitted in relation to the criteria set forth in the request for proposals. *Gov't Code 2269.253(f)–(g)*

Selection

The district shall select the offeror that submits the proposal that offers the best value for the district based on the published selection criteria and on its ranking evaluation. The district shall first attempt to negotiate a contract with the selected offeror. If the district is unable to negotiate a satisfactory contract with the selected offeror, the district shall, formally and in writing, end negotiations with that offeror and proceed to negotiate with the next offeror in the order of the selection ranking until a contract is reached or negotiations with all ranked offerors end. *Gov't Code 2269.254(a)–(c)*

**Make Rankings
Public**

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. *Gov't Code 2269.254(d)*

**Trade Contractors/
Subcontractors**

A construction manager-at-risk shall publicly advertise for bids or proposals and receive bids or proposals from trade contractors or subcontractors for the performance of all major elements of the work other than the minor work that may be included in the general conditions. A construction manager-at-risk may seek to perform portions of the work itself if:

1. The construction manager-at-risk submits its bid or proposal for those portions of the work in the same manner as all other trade contractors or subcontractors; and
2. The district determines that the construction manager-at-risk's bid or proposal provides the best value for the district.

Gov't Code 2269.255

Bids or Proposals

The construction manager-at-risk shall review all trade contractor or subcontractor bids or proposals in a manner that does not disclose the contents of the bid or proposal during the selection process to a person not employed by the construction manager-at-risk, architect, engineer, or district. All bids or proposals shall be made available to the district on request and to the public after the later of the award of the contract or the seventh day after the date of final selection of bids or proposals. *Gov't Code 2269.256(a)*

If the construction manager-at-risk reviews, evaluates, and recommends to the district a bid or proposal from a trade contractor or subcontractor but the district requires another bid or proposal to be accepted, the district shall compensate the construction manager-at-risk by a change in price, time, or guaranteed maximum cost for any additional cost and risk that the construction manager-at-risk incurs because of the district's requirement that another bid or proposal be accepted. *Gov't Code 2269.256(b)*

Default

If a selected trade contractor or subcontractor defaults in the performance of its work or fails to execute a subcontract after being selected in accordance with this policy, the construction manager-at-risk may itself fulfill, without advertising, the contract requirements or select a replacement trade contractor or subcontractor to fulfill the contract requirements. *Gov't Code 2269.257*

**Payment and
Performance Bond**

If a fixed contract amount or guaranteed maximum price has not been determined at the time the contract is awarded, the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the construction budget,

as specified in the request for proposals or qualifications. The construction manager-at-risk shall deliver the bonds not later than the tenth day after the date the construction manager-at-risk executes the contract unless the construction manager-at-risk furnishes a bid bond or other financial security acceptable to the district to ensure that the construction manager will furnish the required performance and payment bonds when a guaranteed maximum price is established. *Gov't Code 2269.258* [See CV for more information on payment and performance bonds.]

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

For legal requirements generally applicable to the procurement process, see CH and CV.

“Design-build” is a project delivery method by which a district contracts with a single entity to provide both design and construction services for the construction, rehabilitation, alteration, or repair of a facility. *Gov’t Code 2269.301*

This policy applies only to a facility that is a building or an associated structure, including an electric utility structure. This policy does not apply to:

1. A highway, road, street, bridge, underground utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

Gov’t Code 2269.302

A district may use the design-build method for the construction, rehabilitation, alteration, or repair of a building or associated structure only as provided by Government Code Chapter 2269, Subchapter G. In using that method, the district shall enter into a single contract with a design-build firm for the design and construction of the building or associated structure. *Gov’t Code 2269.303*

Design-Build Firm

A design-build firm under this policy must be a sole proprietorship, partnership, corporation, or other legal entity or team that includes an architect or engineer and a construction contractor. *Gov’t Code 2269.304*

Architect/Engineer

The district shall select or designate an architect or engineer independent of the design-build firm to act as the district’s representative for the duration of the project. *Gov’t Code 2269.305* [See CV]

Request for Qualifications

The district shall prepare a request for qualifications that includes general information on the project site, project scope, budget, special systems, selection criteria and the weighted value for each criterion, and other information that may assist potential design-build firms in submitting proposals for the project. *Gov’t Code 2269.306(a)*

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|------------------------------------|--|
| | <p>The district may not require offerors to submit architectural or engineering designs as part of a proposal or a response to a request for qualifications. <i>Gov't Code 2269.306(d)</i></p> |
| Design Criteria Package | <p>The district shall also prepare the design criteria package that includes more detailed information on the project. If the preparation of the design criteria package requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, those services shall be provided in accordance with the applicable law. <i>Gov't Code 2269.306(b)</i></p> <p>The design criteria package must include a set of documents that provides sufficient information, including criteria for selection, to permit a design-build firm to prepare a response to the district's request for qualifications and to provide any additional information requested. The design criteria package must specify criteria the district considers necessary to describe the project and may include, as appropriate, the legal description of the site, survey information concerning the site, interior space requirements, special material requirements, material quality standards, conceptual criteria for the project, special equipment requirements, cost or budget estimates, time schedules, quality assurance and quality control requirements, site development requirements, applicable codes and ordinances, provisions for utilities, parking requirements, and any other requirement. <i>Gov't Code 2269.306(c)</i></p> |
| Evaluation <i>Qualification</i> | <p>For each design-build firm that responded to the request for qualifications, the district shall evaluate the firm's experience, technical competence, and capability to perform, the past performance of the firm and members of the firm, and other appropriate factors submitted by the firm in response to the request for qualifications, except that cost-related or price-related evaluation factors are not permitted. Each firm must certify to the district that each architect or engineer that is a member of the firm was selected based on demonstrated competence and qualifications, in the manner provided by Government Code 2254.004. A district shall qualify a maximum of five responders to submit proposals that contain additional information and, if the district chooses, to interview for final selection. <i>Gov't Code 2269.307(a)–(c)</i></p> |
| <i>Proposals</i> | <p>The district shall evaluate the additional information submitted by the offerors on the basis of the selection criteria stated in the request for qualifications and the results of any interview. The district may request additional information regarding demonstrated competence and qualifications, considerations of the safety and long-</p> |

term durability of the project, the feasibility of implementing the project as proposed, the ability of the offeror to meet schedules, or costing methodology.

“Costing methodology” means an offeror’s policies on subcontractor markup, definition of general conditions, range of cost for general conditions, policies on retainage, policies on contingencies, discount for prompt payment, and expected staffing for administrative duties. The term does not include a guaranteed maximum price or bid for overall design or construction.

Gov’t Code 2269.307(d)–(e)

The district shall rank each proposal submitted on the basis of the criteria set forth in the request for qualifications. *Gov’t Code 2269.307(f)*

Selection

The district shall select the design-build firm that submits the proposal offering the best value for the district on the basis of the published selection criteria and on its ranking evaluations.

The district shall first attempt to negotiate a contract with the selected firm. If the district is unable to negotiate a satisfactory contract with the selected firm, the district shall, formally and in writing, end all negotiations with that firm and proceed to negotiate with the next firm in the order of the selection ranking until a contract is reached or negotiations with all ranked firms end.

Gov’t Code 2269.308(a)–(c)

Make Rankings Public

Not later than the seventh day after the date the contract is awarded, the district shall make the proposal rankings public. *Gov’t Code 2269.308(d)*

Design

After selection of the design-build firm, that firm’s architects or engineers shall submit all design elements for review and determination of scope compliance to the district or the district’s architect or engineer before or concurrently with construction. *Gov’t Code 2269.309*

Final Construction Documents

The design-build firm shall supply a set of construction documents for the completed project to the district at the conclusion of construction. The documents must note any changes made during construction. *Gov’t Code 2269.310*

Payment or Performance Bond

A payment or performance bond is not required and may not provide coverage for the design portion of the design-build contract with the design-build firm under this policy.

Amount

If a fixed contract amount or guaranteed maximum price has not been determined at the time the design-build contract is awarded,

the penal sums of the performance and payment bonds delivered to the district must each be in an amount equal to the construction budget, as specified in the design criteria package. The design-build firm shall deliver the bonds not later than the tenth day after the date the design-build firm executes the contract, unless the design-build firm furnishes a bid bond or other financial security acceptable to the district to ensure that the design-build firm will furnish the required performance and payment bonds before construction begins.

Gov't Code 2269.311 [See CV for more information on payment and performance bonds]

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

For legal requirements generally applicable to the procurement process, see CH and CV.

“Job order contracting” is a procurement method used for maintenance, repair, alteration, renovation, remediation, or minor construction of a facility when the work is of a recurring nature but the delivery times, type, and quantities of work required are indefinite. *Gov’t Code 2269.401*

This policy applies only to a facility that is a building, the design and construction of which is governed by accepted building codes, or a structure or land, whether improved or unimproved, that is associated with a building. This policy does not apply to:

1. A highway, road, street, bridge, utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or related type of project associated with civil engineering construction; or
2. A building or structure that is incidental to a project that is primarily a civil engineering construction project.

Gov’t Code 2269.402

A district may award job order contracts for the maintenance, repair, alteration, renovation, remediation, or minor construction of a facility if the work is of a recurring nature but the delivery times are indefinite, and indefinite quantities and orders are awarded substantially on the basis of predescribed and prepriced tasks. The district shall establish the maximum aggregate contract price when it advertises the proposal. The board shall approve each job, task, or purchase order that exceeds \$500,000. *Gov’t Code 2269.403*

Establishing Unit Prices

The district may establish contractual unit prices for a job order contract by:

1. Specifying one or more published construction unit price books and the applicable divisions or line items; or
2. Providing a list of work items and requiring the offerors to propose one or more coefficients or multipliers to be applied to the price book or prepriced work items as the price proposal.

Gov’t Code 2269.404

Competitive Sealed Proposal Method

A district may use the competitive sealed proposal method under Government Code Chapter 2269, Subchapter D for job order contracts. [See CVB] The district shall advertise for, receive, and publicly open sealed proposals for job order contracts. The district may require offerors to submit information in addition to rates, including experience, past performance, and proposed personnel and methodology. *Gov't Code 2269.405*

Architect or
Engineer

If a job order contract or an order issued under the contract requires architectural or engineering services that constitute the practice of architecture within the meaning of Occupations Code Chapter 1051 or the practice of engineering within the meaning of Occupations Code Chapter 1001, a district shall select or designate an architect or engineer to prepare the construction documents for the project. [See CV]

This provision does not apply to a job order contract or an order issued under the contract for industrialized housing, industrialized buildings, or relocatable educational facilities subject to and approved under Occupations Code Chapter 1202 if the contractor employs the services of an architect or engineer who approves the documents for the project.

Gov't Code 2269.408

Awarding Contracts

The district may award job order contracts to one or more job order contractors in connection with each solicitation of proposals. *Gov't Code 2269.406*

Contract Term

The base term for a job order contract may not exceed two years. The district may renew the contract annually for not more than three additional years. *Gov't Code 2269.409*

Use of Contract

A job order contract may be used to accomplish work only for the district that awards the contract unless:

1. The solicitation for the job order contract and the contract specifically provide for use by other persons; or
2. The district enters into an interlocal agreement that provides otherwise.

Gov't Code 2269.407

Job Orders

An order for a job or project under a job order contract must be signed by the district's representative and the contractor. The order may be:

1. A fixed-price, lump-sum contract based substantially on contractual unit pricing applied to estimated quantities; or

2. A unit price order based on the quantities and line items delivered.

Gov't Code 2269.410

Bonds

The contractor shall provide payment and performance bonds, if required by law, based on the amount or estimated amount of any order. *Gov't Code 2269.411* [See CV for more information on payment and performance bonds.]

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

**Leave
Administration**

The Superintendent shall develop administrative regulations addressing employee leaves and absences to implement the provisions of this policy.

Definitions

The term "immediate family" is defined as:

Immediate Family

1. Spouse.
2. Son or daughter, including a biological, adopted, or foster child, a son- or daughter-in-law, a stepchild, a legal ward, or a child for whom the employee stands *in loco parentis*.
3. Parent, stepparent, parent-in-law, or other individual who stands *in loco parentis* to the employee.
4. Sibling, stepsibling, and sibling-in-law.
5. Grandparent and grandchild.
6. Any person residing in the employee's household at the time of illness or death.

For purposes of the Family and Medical Leave Act (FMLA), the definitions of spouse, parent, son or daughter, and next of kin are found in DECA(LEGAL).

Family Emergency

The term "family emergency" shall be limited to disasters and life-threatening situations involving the employee or a member of the employee's immediate family.

Leave Day

A "leave day" for purposes of earning, using, or recording leave shall mean the number of hours per day equivalent to the employee's usual assignment, whether full-time or part-time.

School Year

A "school year" for purposes of earning, using, or recording leave shall mean the term of the employee's annual employment as set by the District for the employee's usual assignment, whether full-time or part-time.

Catastrophic Illness
or Injury

A catastrophic illness or injury is a severe condition or combination of conditions affecting the mental or physical health of the employee or a member of the employee's immediate family that requires the services of a licensed practitioner for a prolonged period of time and that forces the employee to exhaust all leave time earned by that employee and to lose compensation from the District. Such conditions typically require prolonged hospitalization or recovery or are expected to result in disability or death. Conditions relating to pregnancy or childbirth shall be considered catastrophic if they meet the requirements of this paragraph.

Note: For District contribution to employee insurance during leave, see CRD(LOCAL).

Availability

The District shall make state personal leave and local leave for the current year available for use at the beginning of the school year.

State Leave Proration

If an employee separates from employment with the District before his or her last duty day of the school year or begins employment after the first duty day of the school year, state personal leave shall be prorated based on the actual time employed.

If an employee separates from employment before the last duty day of the school year, the employee's final paycheck shall be reduced for state personal leave the employee used beyond his or her pro rata entitlement for the school year.

Medical Certification

An employee shall submit medical certification of the need for leave if:

1. The employee is absent more than three consecutive work-days because of personal illness or illness in the immediate family;
2. The District requires medical certification due to a questionable pattern of absences or when deemed necessary by the supervisor or Superintendent; or
3. The employee requests FMLA leave for the employee's serious health condition; a serious health condition of the employee's spouse, parent, or child; or for military caregiver leave.

In each case, medical certification shall be made by a health-care provider as defined by the FMLA. [See DECA(LEGAL)]

State Personal Leave

The Board requires employees to differentiate the manner in which state personal leave is used.

Nondiscretionary Use

Nondiscretionary use of leave shall be for the same reasons and in the same manner as state sick leave accumulated before May 30, 1995. [See DEC(LEGAL)]

Nondiscretionary use includes leave related to the birth or placement of a child and taken within the first year after the child's birth, adoption, or foster placement.

Discretionary Use

Discretionary use of leave is at the individual employee's discretion, subject to limitations set out below.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

*Request for
Leave*

In deciding whether to approve or deny a request for discretionary use of state personal leave, the supervisor shall not seek or consider the reasons for which an employee requests to use leave. The supervisor shall, however, consider the duration of the requested absence in conjunction with the effect of the employee's absence on the educational program and District operations, as well as the availability of substitutes.

Discretionary use of state personal leave shall not exceed four consecutive workdays.

Local Leave

Each employee shall earn five paid local leave days per school year in accordance with administrative regulations.

Local leave shall accumulate without limit.

Local leave shall be used according to the terms and conditions of state sick leave accumulated before the 1995–96 school year, except that an employee may contribute local leave to a sick leave bank. [See DEC(LEGAL)]

Sick Leave Bank

The District shall establish a sick leave bank that employees may join through contribution of local leave.

Leave contributed to the bank shall be solely for the use of participating employees. An employee who is a member of the bank may request leave from the bank if the employee or a member of the employee's immediate family experiences a catastrophic illness or injury and the employee has exhausted all paid leave and any applicable compensatory time.

The Superintendent shall develop regulations for the operation of the sick leave bank that address the following:

1. Membership in the sick leave bank, including the number of days an employee must contribute to become a member;
2. Procedures to request leave from the sick leave bank;
3. The maximum number of days per school year a member employee may receive from the sick leave bank;
4. The committee or administrator authorized to consider requests for leave from the sick leave bank and criteria for granting requests; and
5. Other procedures deemed necessary for the operation of the sick leave bank.

Appeal

An employee may appeal a decision regarding the sick leave bank in accordance with DGBA(LOCAL), beginning with the Superintendent or appropriate administrator.

**Family and Medical
Leave**

FMLA leave shall run concurrently with applicable paid leave and compensatory time, as applicable.

Note: See DECA(LEGAL) for provisions addressing FMLA.

Twelve-Month
Period

For purposes of an employee's entitlement to FMLA leave, the 12-month period shall be measured backward from the date an employee uses FMLA leave.

Combined Leave for
Spouses

When both spouses are employed by the District, the District shall not limit FMLA leave for the birth, adoption, or placement of a child, or to care for a parent with a serious health condition, to a combined total of 12 weeks, nor shall the District limit military caregiver leave to a combined total of 26 weeks.

Intermittent or
Reduced Schedule
Leave

The District shall not permit use of intermittent or reduced schedule FMLA leave for the care of a newborn child or for the adoption or placement of a child with the employee.

Certification of
Leave

When an employee requests leave, the employee shall provide certification, in accordance with FMLA regulations, of the need for leave.

Fitness-for-Duty
Certification

In accordance with administrative regulations, when an employee takes FMLA leave due to the employee's own serious health condition, the employee shall provide, before resuming work, a fitness-for-duty certification.

Leave at the End of
Semester

When a teacher takes leave near the end of the semester, the District may require the teacher to continue leave until the end of the semester.

**Temporary Disability
Leave**

Any full-time employee whose position requires educator certification by the State Board for Educator Certification or by the District shall be eligible for temporary disability leave. The maximum length of temporary disability leave shall be 180 calendar days. [See DBB(LOCAL) for temporary disability leave placement and DEC(LEGAL) for return to active duty.]

An employee's notification of need for extended absence due to the employee's own medical condition shall be forwarded to the Superintendent as a request for temporary disability leave.

The District shall require the employee to use temporary disability leave and paid leave, including any compensatory time, concurrently with FMLA leave.

**Workers'
Compensation**

Note: Workers' compensation is not a form of leave. The workers' compensation law does not require the continuation of the District's contribution to health insurance.

An absence due to a work-related injury or illness shall be designated as FMLA leave, temporary disability leave, and/or assault leave, as applicable.

**No Paid Leave
Offset**

The District shall not permit the option for paid leave offset in conjunction with workers' compensation income benefits. [See CRE]

Court Appearances

Absences due to compliance with a valid subpoena or for jury duty shall be fully compensated by the District and shall not be deducted from the employee's pay or leave balance.

Absences for court appearances related to an employee's personal business shall be deducted from the employee's personal leave or shall be taken by the employee as leave without pay.

**Annual Payment for
Unused Leave**

Each employee may request annual payment for unused local leave to a maximum of three days per school year.

An employee who wishes to receive payment for unused leave must submit his or her written request in accordance with administrative procedures.

The employee shall receive payment for each day of unused local leave at a rate established by the Board.

Days for which the employee received payment shall not be available to that employee for use in the District.

The rate established by the Board shall be in effect until a new rate is adopted. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

**Payment for
Accumulated Leave
Upon Retirement**

The following leave provisions shall apply to state leave accumulated beginning on the original effective date of this program.

An employee who retires from the District shall be eligible for payment for accumulated state leave under the following conditions:

1. The employee's retirement is voluntary, i.e., the employee is not being discharged or nonrenewed.
2. The employee provides advance written notice of intent to retire. Contract employees must provide written notice at least 90 days before the last day of employment. Noncontract employees must provide written notice at least two weeks before the last day of employment.

COMPENSATION AND BENEFITS
LEAVES AND ABSENCES

DEC
(LOCAL)

3. The employee has at least ten years of service with the District.
4. The employee has at least five days of available state leave.

The employee shall receive payment for each day of accumulated state leave, to a maximum of 30 days, at a rate established by the Board. If the employee is reemployed with the District, days for which the employee received payment shall not be available to that employee.

The rate established by the Board shall be in effect until the Board adopts a new rate. Any changes to the rate shall apply beginning with the school year following the adoption of the rate change.

Purpose

A primary purpose of the public school curriculum is to prepare thoughtful, active citizens who understand the importance of patriotism and can function productively in a free enterprise society with appreciation for the basic democratic values of our state and national heritage. A district shall foster the continuation of the tradition of teaching United States and Texas history and the free enterprise system in regular subject matter, in reading courses, and in the adoption of textbooks. *Education Code 28.002(h)*

As a condition of accreditation, a district shall provide instruction in the essential knowledge and skills at appropriate grade levels in the foundation and enrichment curriculum. *Education Code 28.002(c); 19 TAC 74.1(b)*

A district shall ensure that all children in the district participate actively in a balanced curriculum designed to meet individual needs. *Education Code 28.002(g)*

Instruction may be provided in a variety of arrangements and settings, including mixed-age programs designed to permit flexible learning arrangements for developmentally appropriate instruction for all student populations to support student attainment of course and grade-level standards. *19 TAC 74.2*

Required Curriculum

Foundation
Curriculum

A district that offers kindergarten through grade 12 shall offer a foundation curriculum that includes:

1. English language arts and reading;
2. Mathematics;
3. Science; and
4. Social studies, consisting of Texas, United States, and world history; government; geography; and economics with emphasis on the free enterprise system and its benefits.

Education Code 28.002(a)(1); 19 TAC 74.1(a)(1)

Enrichment
Curriculum

A district that offers kindergarten through grade 12 shall offer an enrichment curriculum that includes:

1. Languages other than English, to the extent possible. American Sign Language is a language for these purposes and the district may offer an elective course in the language;
2. Health, with emphasis on:
 - a. Physical health, including the importance of proper nutrition and exercise;

- b. Mental health, including instruction about mental health conditions, substance abuse, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making; and
 - c. Suicide prevention, including recognizing suicide-related risk factors and warning signs;
- 3. Physical education;
 - 4. Fine Arts;
 - 5. Career and technical education;
 - 6. Technology applications;
 - 7. Religious literature, including the Hebrew Scriptures (Old Testament) and New Testament, and its impact on history and literature; and
 - 8. Personal financial literacy.

Education Code 28.002(a)(2), (e); 19 TAC 74.1(a)(2)

Digital Citizenship

The State Board of Education by rule shall require each district to incorporate instruction in digital citizenship into the district's curriculum, including information regarding the potential criminal consequences of cyberbullying.

"Cyberbullying" has the meaning assigned by Education Code 37.0832. [See FFI]

"Digital citizenship" means the standards of appropriate, responsible, and healthy online behavior, including the ability to access, analyze, evaluate, create, and act on all forms of digital communication.

Education Code 28.002(z)

Positive Character
Traits

Beginning with the 2021–22 school year, districts are required to provide instruction in the essential knowledge and skills for positive character traits outlined in 19 Administrative Code Chapter 120, Subchapter A at least once in the following grade bands: kindergarten–grade 2, grades 3–5, grades 6–8, and grades 9–12.

Districts may provide the required instruction in a variety of arrangements, including through a stand-alone course or by integrating the positive character traits standards in the essential knowledge and skills for one or more courses or subject areas at the appropriate grade levels.

19 TAC 120.1

BASIC INSTRUCTIONAL PROGRAM
REQUIRED INSTRUCTION (ALL LEVELS)

EHAA
(LEGAL)

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|------------------------------------|---|
| Local Credit | A district may offer courses for local credit, at its discretion, in addition to those in the required curriculum, but it may not delete or omit instruction in the foundation and enrichment curricula specified above. <i>Education Code 28.002(f); 19 TAC 74.1(b)</i> |
| Local Instructional Plan | A district's local instructional plan may draw on state curriculum frameworks and program standards as appropriate. A district is encouraged to exceed minimum requirements of law and State Board rule. |
| Major Curriculum Initiatives | Before the adoption of a major curriculum initiative, including the use of a curriculum management system, a district must use a process that: <ol style="list-style-type: none">1. Includes teacher input;2. Provides district employees with the opportunity to express opinions regarding the initiative; and3. Includes a meeting of the board at which information regarding the initiative is presented, including the cost of the initiative and any alternatives that were considered; and members of the public and district employees are given the opportunity to comment regarding the initiative. <p><i>Education Code 28.002(g)</i></p> |
| Common Core State Standards | A district may not use common core state standards to comply with the requirement to provide instruction in the essential knowledge and skills at appropriate grade levels. A district may not be required to offer any aspect of a common core state standards curriculum. "Common core state standards" means the national curriculum standards developed by the Common Core State Standards Initiative. <i>Education Code 28.002(b-1), (b-3), (b-4)</i> |
| Scope and Sequence | In adopting a recommended or designated scope and sequence for a subject in the required curriculum under Education Code 28.002(a) in a particular grade level, a district shall ensure sufficient time is provided for teachers to teach and students to learn the essential knowledge and skills for that subject and grade level [see DG]. <i>Education Code 28.0027(a)</i> |
| Coordinated Health Programs | TEA shall make available to each district one or more coordinated health programs in elementary, middle, and junior high school. Each program must provide for coordinating education and services related to: <ol style="list-style-type: none">1. Physical health education, including programs designed to prevent obesity, cardiovascular disease, oral diseases, and |

Type 2 diabetes and programs designed to promote the role of proper nutrition;

2. Mental health education, including education about mental health conditions, mental health well-being, skills to manage emotions, establishing and maintaining positive relationships, and responsible decision-making;
3. Substance abuse education, including education about alcohol abuse, prescription drug abuse, and abuse of other controlled substances;
4. Physical education and physical activity; and
5. Parental involvement.

Education Code 38.013; 19 TAC 102.1031(a)

A district shall participate in appropriate training to implement TEA's coordinated health program and shall implement the program in each elementary, middle, and junior high school in the district. *Education Code 38.014*

Coordinated school health programs that are developed by districts and that meet TEA criteria may be approved and made available as approved programs. Districts must use materials that are proven effective, such as TEA-approved textbooks or materials developed by nationally recognized and/or government-approved entities. *19 TAC 102.1031(c)*

Physical Education

Each district shall establish specific objectives and goals the district intends to accomplish through the physical education curriculum. The physical education curriculum must be sequential, developmentally appropriate, and designed, implemented, and evaluated to enable students to develop the motor, self-management, and other skills, knowledge, attitudes, and confidence necessary to participate in physical activity throughout life.

A physical education course shall:

1. Offer students an opportunity to choose among many types of physical activity in which to participate;
2. Offer students both cooperative and competitive games; and
3. Be an enjoyable experience for students.

On a weekly basis, at least 50 percent of a physical education class shall be used for actual student physical activity and the activity shall be, to the extent practicable, at a moderate or vigorous level.

Student/Teacher
Ratio

The objectives and goals shall include, to the extent practicable, student/teacher ratios [see EEB] that are small enough to enable the district to:

1. Carry out the purposes of and requirements for the physical education curriculum; and
2. Ensure the safety of students participating in physical education.

If a district establishes a student to teacher ratio greater than 45 to 1 in a physical education class, the district shall specifically identify the manner in which the safety of the students will be maintained.

Education Code 25.114, 28.002(d); 19 TAC 74.37

Classification for
Physical Education

A district shall classify students for physical education on the basis of health into one of the following categories:

1. Unrestricted—not limited in activities.
2. Restricted—excludes the more vigorous activities. Restricted classification is of two types:
 - a. Permanent—A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the impairment and the expectations for physical activity for the student.
 - b. Temporary—Students may be restricted from physical activity of the physical education class. A member of the healing arts licensed to practice in Texas shall provide written documentation to the school as to the nature of the temporary impairment and the expected amount of time for recovery. During recovery time, the student shall continue to learn the concepts of the lessons but shall not actively participate in the skill demonstration.
3. Adapted and remedial—specific activities prescribed or prohibited for students as directed by a member of the healing arts licensed to practice in Texas.

19 TAC 74.31

**School Health
Advisory Council**

A board shall establish a local school health advisory council (SHAC) to assist the district in ensuring that local community values are reflected in the district's health education instruction. *Education Code 28.004(a)* [See BDF regarding composition of the SHAC and FFA regarding federal wellness requirements]

Duties

The SHAC's duties include recommending:

1. The number of hours of instruction to be provided in:
 - a. Health education in kindergarten through grade 8; and
 - b. If the district requires health education for high school graduation, health education, including physical health education and mental health education, in grades 9 through 12.
2. Policies, procedures, strategies, and curriculum appropriate for specific grade levels designed to prevent physical health concerns, including obesity, cardiovascular disease, Type 2 diabetes, and mental health concerns, including suicide, through coordination of:
 - a. Health education, which must address physical health concerns and mental health concerns to ensure the integration of physical health education and mental health education;
 - b. Physical education and physical activity;
 - c. Nutrition services;
 - d. Parental involvement;
 - e. Instruction on substance abuse prevention;
 - f. School health services, including mental health services;
 - g. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - h. A safe and healthy school environment; and
 - i. School employee wellness;
3. Appropriate grade levels and methods of instruction for human sexuality instruction;
4. Strategies for integrating the curriculum components specified by item 2, above, with the following elements in a coordinated school health program:
 - a. School health services, including physical health services and mental health services, if provided at a campus by the district or by a third party under a contract with the district;
 - b. A comprehensive school counseling program under Education Code 33.005 [see FFEA];
 - c. A safe and healthy school environment; and

- d. School employee wellness;
- 5. If feasible, joint use agreements or strategies for collaboration between the district and community organizations or agencies. Any agreement entered into based on a recommendation of the SHAC must address liability for the district and community organization;
- 6. Appropriate grade levels and curriculum for instruction regarding opioid addiction and abuse and methods for administering an opioid antagonist; and
- 7. Strategies to increase parental awareness regarding:
 - a. Risky behaviors and early warning signs of suicide risks and behavioral health concerns, including mental health disorders and substance use disorders; and
 - b. Available community programs and services that address risky behaviors, suicide risks, and behavioral health concerns.

Education Code 28.004(c), (n)

Policy
Recommendations

The SHAC shall consider and make policy recommendations to the district concerning the importance of daily recess for elementary school students. The SHAC must consider research regarding unstructured and undirected play, academic and social development, and the health benefits of daily recess in making the recommendations. The SHAC shall ensure that local community values are reflected in any policy recommendation made to the district concerning the importance of daily recess for elementary school students.
Education Code 28.004(l)

The SHAC shall make policy recommendations to the district to increase parental awareness of suicide-related risk factors and warning signs and available community suicide prevention services.
Education Code 28.004(o)

**Content of Human
Sexuality Instruction**

The board shall determine the specific content of a district's instruction in human sexuality. *Education Code 28.004(h)*

The board shall select any instruction relating to human sexuality, sexually transmitted diseases, or human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS) with the advice of the SHAC. The instruction must:

- 1. Present abstinence as the preferred choice of behavior for unmarried persons of school age;

2. Devote more attention to abstinence than to any other behavior;
3. Emphasize that abstinence is the only method that is 100 percent effective in preventing pregnancy, sexually transmitted diseases, infection with HIV or AIDS, and the emotional trauma associated with adolescent sexual activity;
4. Direct adolescents to a standard of behavior in which abstinence before marriage is the most effective way to prevent pregnancy, sexually transmitted diseases, and infection with HIV or AIDS; and
5. Teach contraception and condom use in terms of human use reality rates instead of theoretical laboratory rates, if instruction on contraception and condoms is included in the curriculum.

Education Code 28.004(e)

Condoms

A district may not distribute condoms in connection with instruction relating to human sexuality. *Education Code 28.004(f)*

Separate Classes

If a district provides human sexuality instruction, it may separate students according to sex for instructional purposes. *Education Code 28.004(g)* [See FB regarding single-sex classes under Title IX]

Notice to Parents

Before each school year, a district shall provide written notice to a parent of each student enrolled in the district of the board's decision regarding whether the district will provide human sexuality instruction to district students. If instruction will be provided, the notice must include:

1. A summary of the basic content of the district's human sexuality instruction to be provided to the student, including a statement informing the parent of the instructional requirements under state law;
2. A statement of the parent's right to:
 - a. Review curriculum materials as provided by Education Code 28.004(j); and
 - b. Remove the student from any part of that instruction without subjecting the student to any disciplinary action, academic penalty, or other sanction imposed by the district or the student's school; and

3. Information describing the opportunities for parental involvement in the development of the curriculum to be used in human sexuality instruction, including information regarding the SHAC.

A parent may use the grievance procedure at FNG concerning a complaint of a violation of notice requirements.

Education Code 28.004(i)-(j-1)

Availability of
Materials

A district shall make all curriculum materials used in human sexuality instruction available for reasonable public inspection. *Education Code 28.004(j)* [See EFA regarding selection of curriculum materials for human sexuality instruction]

Character Education

A district must adopt a character education program that includes the following positive character education traits:

1. Courage;
2. Trustworthiness, including honesty, reliability, punctuality, and loyalty;
3. Integrity;
4. Respect and courtesy;
5. Responsibility, including accountability, diligence, perseverance, and self-control;
6. Fairness, including justice and freedom from prejudice;
7. Caring, including kindness, empathy, compassion, consideration, patience, generosity, and charity;
8. Good citizenship, including patriotism, concern for the common good and the community, and respect for authority and the law;
9. School pride; and
10. Gratitude.

In developing or selecting a character education program under Education Code 29.906, a district shall consult with a committee selected by the district that consists of parents of district students, educators, and other members of the community, including community leaders.

The provisions above do not require or authorize proselytizing or indoctrinating concerning any specific religious or political belief.

Education Code 29.906

Note: The policies in the EHBA series are statements of principles governing special education programs for Texas school districts. In no way are these policies intended to cover the entire scope and detail involved in administering any special education program.

Nondiscrimination

No qualified student with a disability shall, on the basis of disability, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any district service, program, or activity. *42 U.S.C. 12132; 29 U.S.C. 794(a); 34 C.F.R. 104.4(a)* [See also FB]

**Free Appropriate
Public Education
(FAPE)**

Eligible students with disabilities shall enjoy the right to a free appropriate public education, which may include instruction in the regular classroom, instruction through special teaching, or instruction through approved contracts. Instruction shall be supplemented by the provision of related services when appropriate. *Education Code 29.003(a)*

“Free appropriate public education” (FAPE) means special education and related services that:

1. Have been provided at public expense, under public supervision and direction, and without charge;
2. Meet standards set out by the Texas Education Agency (TEA);
3. Include an appropriate preschool, elementary school, or secondary school education; and
4. Are provided in conformity with the student’s individualized education program (IEP).

20 U.S.C. 1401(9); 34 C.F.R. 300.13, .17, .36

**Least Restrictive
Environment**

A district shall ensure that, to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schooling, or other removal of children with disabilities from the regular educational environment shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. *20 U.S.C. 1412(a)(5); 34 C.F.R. 300.114(a)(2)*

Discipline

All disciplinary actions regarding students with disabilities shall be in accordance with federal requirements, Education Code Chapter 37, and 19 Administrative Code 89.1053. *19 TAC 89.1050(k)* [See FOF]

**Instructional
Arrangements and
Settings**

Mainstream

Instructional arrangements/settings shall be based on the individual needs and IEPs of eligible students receiving special education services and shall include the following:

The mainstream instructional arrangement/setting is for providing special education and related services to a student in the regular classroom in accordance with the student's IEP. Qualified special education personnel must be involved in the implementation of the student's IEP through the provision of direct, indirect, and/or support services to the student and/or the student's regular classroom teacher(s) necessary to enrich the regular classroom and enable student success. The student's IEP must specify the services that will be provided by qualified special education personnel to enable the student to appropriately progress in the general education curriculum and/or appropriately advance in achieving the goals set out in the student's IEP.

Examples of services provided in this instructional arrangement include, but are not limited to, direct instruction, helping teacher, team teaching, co-teaching, interpreter, educational aides, curricular or instructional modifications/accommodations, special materials/equipment, positive classroom behavioral interventions and supports, consultation with the student and his/her regular classroom teacher(s) regarding the student's progress in regular education classes, staff development, and reduction of ratio of students to instructional staff.

Homebound

The homebound instructional arrangement/setting is for providing special education and related services to students who are served at home or hospital bedside.

Students served on a homebound or hospital bedside basis are expected to be confined for a minimum of four consecutive weeks as documented by a physician licensed to practice in the United States. Homebound or hospital bedside instruction may, as provided by local district policy [see EEH(LOCAL)], also be provided to chronically ill students who are expected to be confined for any period of time totaling at least four weeks throughout the school year as documented by a physician licensed to practice in the United States. The student's ARD committee shall determine the amount of services to be provided to the student in this instructional arrangement/setting in accordance with federal and state laws, rules, and regulations, including the provisions specified in 19 Administrative Code 1005(b).

Home instruction may also be used for services to infants and toddlers (birth through age 2) and young children (ages 3–5) when determined appropriate by the child's individualized family services plan (IFSP) committee or ARD committee.

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| Hospital Class | The hospital class instructional arrangement/setting is for providing special education instruction in a classroom, a hospital facility, or a residential care and treatment facility not operated by the district. If the students residing in the facility are provided special education services outside the facility, they are considered to be served in the instructional arrangement in which they are placed and are not to be considered as in a hospital class. |
| Speech Therapy | The speech therapy instructional arrangement/setting is for providing speech therapy services whether in a regular education classroom or in a setting other than a regular education classroom. When the only special education or related service provided to a student is speech therapy, then this instructional arrangement may not be combined with any other instructional arrangement. |
| Resource Room/Services | The resource room/services instructional arrangement/setting is for providing special education and related services to a student in a setting other than regular education for less than 50 percent of the regular school day. |
| Self-Contained (Mild, Moderate, or Severe) Regular Campus | The self-contained (mild, moderate, or severe) regular campus instructional arrangement/setting is for providing special education and related services to a student who is in a self-contained program for 50 percent or more of the regular school day on a regular school campus. |
| Off-Home Campus | <p>The off-home campus instructional arrangement/setting is for providing special education and related services to the following, including, but not limited to, students at South Texas Independent School District and Windham School District:</p> <ol style="list-style-type: none">1. A student who is one of a group of students from more than one district served in a single location when a free appropriate public education is not available in the respective sending district;2. A student in a community setting or environment (not operated by a school district) that prepares the student for post-secondary education/training, integrated employment, and/or independent living in coordination with the student's individual transition goals and objectives, including a student with regularly scheduled instruction or direct involvement provided by district personnel or a student in a facility not operated by a school district (other than a nonpublic day school) with instruction provided by district personnel; or3. A student in a self-contained program at a separate campus operated by the district that provides only special education and related services. |

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| Nonpublic Day School | The nonpublic day school instructional arrangement/setting is for providing special education and related services to students through a contractual agreement with a nonpublic school for special education. |
| Vocational Adjustment Class/Program | The vocational adjustment class/program instructional arrangement/setting is for providing special education and related services to a student who is placed on a job (paid or unpaid unless otherwise prohibited by law) with regularly scheduled direct involvement by special education personnel in the implementation of the student's IEP. This instructional arrangement/setting shall be used in conjunction with the student's individual transition goals and only after the district's career and technical education classes have been considered and determined inappropriate for the student. |
| Residential Care and Treatment Facility (Not District Resident) | The residential care and treatment facility (not district resident) instructional arrangement/setting is for providing special education instruction and related services to students who reside in care and treatment facilities and whose parents do not reside within the boundaries of the district providing educational services to the students. In order to be considered in this arrangement, the services must be provided on a district campus. If the instruction is provided at the facility, rather than on a district campus, the instructional arrangement is considered to be the hospital class arrangement/setting rather than this instructional arrangement. Students with disabilities who reside in these facilities may be included in the average daily attendance of the district in the same way as all other students receiving special education. |
| State-Supported Living Center | The state-supported living center instructional arrangement/setting is for providing special education and related services to a student who resides at a state-supported living center when the services are provided at the state-supported living center location. If services are provided on a local district campus, the student is considered to be served in the residential care and treatment facility arrangement/setting. <i>19 TAC 89.63(c), .1005(b)</i> |
| Other Program Options | Other program options that may be considered for the delivery of special education and related services to a student include contracts with other districts and programs approved by TEA. <i>19 TAC 89.63(f), .1005(f)</i> |
| Regular School Day | Subject to 19 Administrative Code 89.1075(e) (General Program Requirements and Local District Procedures) [see EHBAB], for the purpose of determining the student's instructional arrangement/set- |

ting, the regular school day is defined as the period of time determined appropriate by the admission, review, and dismissal (ARD) committee. *19 TAC 89.1005(b)*

**Nonpublic Day
School Placements**

For nonpublic day school placements [see Nonpublic Day School, above], the district or shared service arrangement shall submit information to TEA indicating the students' identification numbers, initial dates of placement, and the names of the facilities with which the district or shared service arrangement is contracting. The district or shared service arrangement shall not count contract students' average daily attendance as eligible. TEA shall determine the number of contract students reported in full-time equivalents and pay state funds to the district according to the formula prescribed in law. *19 TAC 89.1005(e)*

Related Services

"Related services" means transportation, and such developmental, corrective, and other supportive services as may be required to assist a child with a disability to benefit from special education, including the early identification and assessment of disabling conditions in children.

The term includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, social work services, school nurse services designed to enable a child with a disability to receive FAPE as described in the child's IEP, counseling services, including rehabilitation counseling, orientation and mobility services, and medical services, except that medical services shall be for diagnostic and evaluation purposes only.

The term does not include a medical device that is surgically implanted, the optimization of the device's functioning, or the replacement of such device.

20 U.S.C. 1401(26); 34 C.F.R. 300.34

**Extended School
Year Services**

Extended school year (ESY) services are defined as individualized instructional programs beyond the regular school year for eligible students with disabilities.

A district shall ensure that ESY services are available as necessary to provide a student with a disability with FAPE.

ESY services must be provided only if the ARD committee determines, on an individual basis, that the services are necessary for FAPE. A district may not limit ESY services to particular categories

of disability or unilaterally limit the type, amount, or duration of ESY services.

34 C.F.R. 300.106; 19 TAC 89.1065

Off-Campus Program An off-campus program includes special education and related services provided during school hours in a facility other than a school district campus.

Program Provider An off-campus program provider is an entity that provides the services identified above and includes:

1. A county system operating under application of former law as provided in Education Code 11.301;
2. A regional education service center established under Education Code, Chapter 8;
3. A nonpublic day school; or
4. Any other public or private entity with which a school district enters into a contract under Education Code 11.157(a), for the provision of special education services in a facility other than a district campus operated by a district.

19 TAC 89.1094(a)(2)–(3)

Program Placement A district may contract with an off-campus program provider to provide some or all of the special education and related services to a student in accordance with the requirements in 19 Administrative Code 89.1094.

Before the district places a student with a disability in, or refers a student to, an off-campus program, the district shall initiate and conduct:

1. An onsite review to ensure that the off-campus program is appropriate for meeting the student's educational needs; and
2. A meeting of the student's ARD committee to develop an IEP for the student in accordance with 34 C.F.R. 300.320–.325, state statutes, and commissioner of education rules in 19 Administrative Code Chapter 89 (Commissioner's Rules Concerning Special Education Services).

The appropriateness of the off-campus program for each student placed shall be documented in the IEP annually. The student's ARD committee may only recommend an off-campus program placement for a student if the committee determines that the nature and severity of the student's disability and special education needs are such that the student cannot be satisfactorily educated in the

district. The district must follow the requirements of 19 Administrative Code 89.1094(b)(3)(A)–(C), regarding the review of the placement of the off-campus program for each student.

The placement of more than one student in the same off-campus program facility may be considered in the same on-site visit to a facility. However, the IEP of each student must be individually reviewed, and a determination of appropriateness of placement and services must be made for each student.

19 TAC 89.1094(b)

Notification and
Review

Within 30 calendar days from an ARD committee's decision to place or continue the placement of a student in an off-campus program, a district must electronically submit to TEA notice of, and information regarding, the placement in accordance with submission procedures specified by TEA.

If the off-campus program is on the commissioner's list of approved off-campus programs, TEA will review the student's IEP and placement as required by 34 C.F.R. 300.120, and, in the case of a placement in or referral to a private school or facility, 34 C.F.R. 300.146. After review, TEA will notify the district whether federal or state funds for the off-campus program placement are approved. If TEA does not approve the use of funds, it will notify the district of the basis for the non-approval.

If the off-campus program is not on the commissioner's list of approved off-campus programs, TEA will begin the approval procedures described below. Districts must ensure there is no delay in implementing a child's IEP in accordance with 34 C.F.R. 300.103(c).

If an off-campus program placement is ordered by a special education hearing officer or court of competent jurisdiction, the district must notify TEA of the order within 30 calendar days. The off-campus program serving the student is not required to go through the approval procedures described in 19 Administrative Code 89.1094 for the ordered placement. If, however, the district or other districts intend to place other students in the off-campus program, the off-campus program will be required to go through the approval procedures to be included on the commissioner's list of approved off-campus programs.

19 TAC 89.1094(c)

Approval

Off-campus programs must have their educational programs approved for contracting purposes by the commissioner in accordance with 19 Administrative Code 89.1094(d).

| | |
|---------------------|---|
| Funding Procedures | The cost of off-campus program placements will be funded according to Education Code 48.102 and 19 Administrative Code 89.1005(e). |
| Contracts | <p>Contracts between districts and approved off-campus programs must not exceed a district's fiscal year and shall not begin prior to July 1 of the contracted fiscal year.</p> <p>Amendments to a contract must be electronically submitted to TEA in accordance with submission procedures specified by TEA no later than 30 calendar days from the change in placement or services within the school district's fiscal year.</p> <p><i>19 TAC 89.1094(e)(1)–(2)</i></p> |
| Change of Residence | <p>If a student who is placed in an off-campus program by a district changes his or her residence to another Texas district during the school year, the district must notify TEA within ten calendar days of the date on which the district ceased contracting with the off-campus program for the student's placement. The student's new district must meet the requirements of 34 C.F.R. 300.323(e), by providing comparable services to those described in the student's IEP from the previous district until the new district either adopts the student's IEP from the previous district or develops, adopts, and implements a new IEP. The new district must comply with all procedures described in 19 Administrative Code 89.1094 for continued or new off-campus program placement. <i>19 TAC 89.1094(e)(3)</i></p> |

Identification

Child Find

A district shall ensure that all children residing within the district who have disabilities, regardless of the severity of their disabilities, and who are in need of special education and related services are identified, located, and evaluated. This requirement applies to:

1. Homeless children;
2. Children who are wards of the state;
3. Children attending private schools;
4. Highly mobile children (including migrant children); and
5. Children who are suspected of being in need of special education but who are advancing from grade to grade.

20 U.S.C. 1412(a)(3)(A); 34 C.F.R. 300.111(a)(1)(i), (c)

*Private School
Students*

A district shall conduct a timely and meaningful consultation with private school representatives regarding the child find process and the provision of special education and related services to children enrolled in private schools in the district.

A district shall undertake activities similar to those undertaken for public school children and shall complete the child find process for children enrolled in private schools in a time period comparable to that for other students attending public schools in the district.

20 U.S.C. 1412(a)(10)(A)(ii)–(iv) [See EHBAC regarding students in nondistrict placement.]

*Preschool
Students*

A district shall develop a system to notify district residents with children who are at least three and younger than six and who are eligible for enrollment in a special education program of the availability of the program. *Education Code 29.009*

**Requests and
Referrals for
Evaluation**

The screening of a student by a teacher or specialist to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services. *20 U.S.C. 1414(a)(1)(E)*

Referral of students for a full individual and initial evaluation for possible special education services shall be a part of a district's overall general education referral or screening system. Either a parent, TEA, another state agency, or the district may initiate a request for an initial evaluation.

District Obligation to
Refer

Students experiencing difficulty in the general classroom should be considered for all support services available to all students, such as tutorial; remedial; compensatory; response to evidence-based intervention; and other academic or behavior support services. A student is not required to be provided with interventions for any

specific length of time prior to a referral being made or a full individual and initial evaluation being conducted. If the student continues to experience difficulty in the general classroom with the provision of interventions, district personnel must refer the student for a full individual and initial evaluation. A referral for a full individual and initial evaluation may be initiated at any time by school personnel, the student's parents or legal guardian, or another person involved in the education or care of the student. *19 TAC 89.1011(a)*

Parental Request

If a parent submits a written request to a district's director of special education services or to a district administrative employee for a full individual and initial evaluation of a student, the district shall, not later than the 15th school day after the date the district receives the request:

1. Provide the parent with prior written notice of its proposal to conduct an evaluation consistent with 34 C.F.R. 300.503, a copy of the procedural safeguards notice required by 34 C.F.R. 300.504, and an opportunity to give written consent for the evaluation; or
2. Provide the parent with prior written notice of its refusal to conduct an evaluation consistent with 34 C.F.R. 300.503, and a copy of the procedural safeguards notice required by 34 C.F.R. 300.504.

19 TAC 89.1011(b); Education Code 29.004(c); 20 U.S.C. 1414(a)(1); 34 C.F.R. 300.301

Notice of Rights

A reasonable time before a district proposes or refuses to initiate the identification, evaluation, or educational placement of a student or the provision of a free appropriate public education (FAPE) to a student, the district shall provide written notice to the student's parent or guardian. *20 U.S.C. 1415(b)(3); 34 C.F.R. 300.503(a)* [See EHBAE]

Initial Evaluation
Required

A district shall conduct a full individual and initial evaluation before the initial provision of special education and related services. *20 U.S.C. 1414(a)(1)(A)*

*Consent for Initial
Evaluation*

Before a district conducts an initial evaluation, it shall make reasonable efforts to obtain informed parental consent.

If the parent does not provide consent for an initial evaluation, or if the parent fails to respond to a request to provide consent, a district may, but is not required to, pursue the initial evaluation by utilizing due process procedures [see EHBAE], except to the extent inconsistent with state law relating to such parental consent.

Parental consent to initial evaluation shall not be construed as consent for placement for special education and related services.

20 U.S.C. 1414(a)(1)(D)(i)(I); 34 C.F.R. 300.300(b)

Wards of the
State

If the child is a ward of the state and is not residing with the child's parent, a district shall make reasonable efforts to obtain the informed consent from the parent for an initial evaluation, unless:

1. Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent;
2. The rights of the parent have been terminated; or
3. The rights of the parent to make educational decisions have been subrogated and an individual appointed by a judge to represent the student has given consent for an initial evaluation.

20 U.S.C. 1414(a)(1)(D)(iii); 34 C.F.R. 300.300(a)(2)

*Time Frame for
Completion of
Written Report*

A district must complete the written report of a full individual and initial evaluation:

1. Not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent. If a student has been absent from school during that period on three or more school days, the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent; or
2. For students under five years of age by September 1 of the school year and not enrolled in public school and for students enrolled in a private or homeschool setting, not later than the 45th school day following the date on which the district receives written consent for the evaluation from the student's parent.

If a district receives written consent for the evaluation from the student's parent at least 35 but less than 45 school days before the last instructional day of the school year, the written report of a full individual and initial evaluation of a student must be provided to the student's parent not later than June 30 of that year.

If a district receives written consent signed by a student's parent less than 35 school days before the last instructional day of the school year or if the district receives the written consent at least 35 but less than 45 school days before the last instructional day of the school year but the student is absent from school during that period on three or more days, the report must be completed not later

than the 45th school day following the date the district received written consent, except that the period must be extended by a number of school days equal to the number of school days during that period on which the student has been absent.

A student is considered absent for the school day if the student is not in attendance at the school's official attendance taking time or at the alternate attendance taking time set for that student. A student is considered in attendance if the student is off campus participating in an activity that is approved by the school board and is under the direction of a professional staff member of the school district or an adjunct staff member who has a minimum of a bachelor's degree and is eligible for participation in the Teacher Retirement System of Texas.

"School day" does not include a day that falls after the last instructional day of the spring school term and before the first instructional day of the subsequent fall school term.

These time frames shall not apply if the parent repeatedly fails or refuses to produce the child for the evaluation.

Transfer
Students

A district shall ensure that evaluations of children who transfer from one district to another in the same academic year are coordinated with the children's prior and subsequent schools, as necessary and as expeditiously as possible, to ensure prompt completion of evaluations.

If a student was in the process of being evaluated for special education eligibility by a district and enrolls in another school district before the previous district completed the full individual and initial evaluation, the new district must coordinate with the previous district as necessary and as expeditiously as possible to ensure a prompt completion of the evaluation in accordance with 34 C.F.R., 300.301(d)(2) and (e) and 300.304(c)(5).

The timelines above do not apply in such a situation if:

1. The new school district is making sufficient progress to ensure a prompt completion of the evaluation; and
2. The parent and the new school district agree to a specific time when the evaluation will be completed.

20 U.S.C. 1414(a)(1)(C), (b)(3)(D); 34 C.F.R. 300.301(c)–(e); Education Code 29.004; 19 TAC 89.1011

*Psychological
Examinations*

If a district determines that an additional examination or test is required for the initial and individual evaluation, the district shall provide the information required by Education Code 29.0041(a) and

shall obtain additional parental consent. If a parent does not give consent within 20 calendar days after the district provided the information, the parent's consent is considered denied.

The time required for a district to provide information and seek consent may not be counted toward the time frame for completion of an evaluation. [See Time Frame for Completion of Written Report, above]

Education Code 29.0041

**Eligibility and
Reevaluations**

A student is eligible to participate in a district's special education program if:

1. The student is between the ages of 3 and 21, inclusive;
2. The student has one or more of the disabilities listed in federal regulations, state law, or both; and
3. The student's disability(ies) prevents the student from being adequately or safely educated in the public schools without the provision of special services.

20 U.S.C. 1401(3); Education Code 29.003(b); 19 TAC 89.1035

Disability Definitions

To be eligible to receive special education services, a student must be a "child with a disability," as defined in 34 C.F.R. 300.8(a), subject to the provisions of 34 C.F.R. 300.8(c), Education Code 29.003, and 19 Administrative Code 89.1040. The provisions in 19 Administrative Code 89.1040 specify criteria to be used in determining whether a student's condition meets one or more of the definitions in federal regulations or in state law. *19 TAC 89.1040*

Visual and Auditory
Impairments

A student with a visual or auditory impairment shall be eligible to participate in a district's special education program from birth. *19 TAC 89.1035(b); Education Code 30.002(e), .081*

Determination of
Initial Eligibility

Upon completion of the administration of assessments and other evaluation measures, a team of qualified professionals and the parent shall make the determination of whether the child has a disability and of the educational needs of the child.

A district shall provide a copy of the evaluation report and the documentation of determination of eligibility at no cost to the parent.

20 U.S.C. 1414(b)(4); 34 C.F.R. 300.306(a)

The admission, review, and dismissal (ARD) committee must make its decisions regarding a student's initial eligibility determination and, if appropriate, individualized education program (IEP) and placement within 30 calendar days from the date of the completion of the written full individual and initial evaluation report. If the 30th

day falls during the summer and school is not in session, the student's ARD committee has until the first day of classes in the fall to finalize decisions concerning the student's initial eligibility determination, IEP, and placement, unless the full individual and initial evaluation indicates that the student will need extended school year (ESY) services during that summer.

When a report is provided to a parent not later than June 30 as described at Time Frame for Completion of Written Report, above, the ARD committee must meet not later than the 15th school day of the following school year to consider the evaluation. If, however, an evaluation indicates that a student will need ESY services, the ARD committee must meet as expeditiously as possible.

19 TAC 89.1011(d), (e)

Consent for
Services

*Initial Provision of
Services*

A district must obtain informed consent from the parent for the initial provision of special education and related services. If the parent of a child fails to respond to a request for, or refuses to consent to, the initial provision of services, the district:

1. May not use the procedures in 34 C.F.R. part 300 subpart E (including the mediation and due process procedures) in order to obtain agreement or a ruling that the services may be provided to the child;
2. Will not be considered to be in violation of the requirement to make FAPE available to the child for the failure to provide the services for which the district requests consent; and
3. Is not required to convene an ARD meeting or develop an IEP for the child for the services.

*Revoking
Consent*

If, at any time after the provision of initial services, the parent of a child revokes consent in writing for the continued provision of services, the district:

1. May not continue to provide services to the child, but must provide prior written notice before ceasing services;
2. May not use the procedures in 34 C.F.R. part 300 subpart E in order to obtain agreement or a ruling that the services may be provided to the child;
3. Will not be considered to be in violation of the requirement to make FAPE available to the child because of the failure to provide the child with further services; and

4. Is not required to convene an ARD meeting or develop an IEP for further provision of services.

34 C.F.R. 300.300(b)

Reevaluations

A district shall ensure that each child with a disability is reevaluated if the district determines that the educational or related services needs of the child, including improved academic achievement and functional performance, warrant a reevaluation, or if the child's parent or teacher requests a reevaluation.

Reevaluation shall occur:

1. No more than once a year, unless the parent and the district agree otherwise; and
2. At least once every three years, unless the parent and district agree that a reevaluation is unnecessary.

A district shall obtain informed parental consent before conducting a reevaluation, except that informed parental consent is not needed if the district can demonstrate that it has taken reasonable measures to obtain consent and the child's parent has failed to respond.

20 U.S.C. 1414(a)(2), (c)(3); 34 C.F.R. 300.303

Evaluation for
Change in Eligibility

A district must evaluate a child with a disability before determining that the child is no longer a child with a disability. However, an evaluation is not required before the termination of eligibility due to graduation from secondary school with a regular diploma or due to exceeding the age eligibility for FAPE under state law. If a child's eligibility terminates under the aforementioned circumstances, a district must provide a summary of academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals. *34 C.F.R. 300.305(e); 20 U.S.C. 1414(c)(5)*

All students graduating under 19 Administrative Code 89.170 [see EIF] must be provided with a summary of academic achievement and functional performance as described above. This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070(b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). *19 TAC 89.1070(g)*

Independent
Evaluation

The parents have a right to obtain an independent educational evaluation of their child. If a parent requests an independent evaluation, a district shall provide the parents with information regarding where one can be obtained and the district's criteria for independent evaluations.

The results of a parent-initiated independent educational evaluation, whether at public or private expense, must be considered by the district if it meets the district's criteria, in any decision made with respect to providing FAPE to the child.

*At Public
Expense*

If a parent requests an independent evaluation at public expense, the district shall, without unnecessary delay, either:

1. File a due process complaint to request a hearing to show that its evaluation is appropriate; or
2. Ensure that an independent evaluation is provided at public expense, unless the district demonstrates that the evaluation obtained by the parent did not meet district criteria.

*At Private
Expense*

If a district initiates a hearing, and the final decision is that the district's evaluation is appropriate, the parent still has a right to an independent evaluation, but not at public expense.

34 C.F.R. 300.502

**Prescription
Medication**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

**Admission, Review,
and Dismissal
Committee**

Each district must establish an admission, review, and dismissal (ARD) committee for each eligible student with a disability and for each student for whom a full individual and initial evaluation is conducted. The ARD committee is the individualized education program (IEP) team defined in federal law and regulations, including 34 C.F.R. 300.321.

The district is responsible for all of the functions for which the IEP team is responsible under federal law and regulations and for which the ARD committee is responsible under state law, including the responsibilities listed at 19 Administrative Code 89.1050.

19 TAC 89.1050(a); 34 C.F.R. 300.116(a), .321(a)

**Committee
Members**

A district shall ensure that each ARD committee meeting includes all of the following:

1. The parents of a student with a disability;
2. At least one regular education teacher of the student (if the student is, or may be, participating in the regular education environment);
3. At least one special education teacher or, if appropriate, at least one special education provider of the student;
4. A representative of the district who:
 - a. Is qualified to provide or supervise the provision of specially designed instruction to meet the unique needs of students with disabilities;
 - b. Is knowledgeable about the general education curriculum; and
 - c. Is knowledgeable about the availability of resources of the district;
5. Other individuals who have knowledge or special expertise regarding the student at the discretion of the district or the parent;
6. An individual who can interpret the instructional implications of evaluation results, who may be a member of the ARD committee described in items 2–5;
7. The student, if appropriate;
8. For a student with an auditory impairment, including deaf-blindness, a teacher who is certified in the education of students with auditory impairments;

9. For a student with a visual impairment, including deaf-blindness, a teacher who is certified in the education of students with visual impairments;
10. For a student with limited English proficiency, a member of the language-proficiency assessment committee (LPAC), who may also be a member as described at items 2 or 3;
11. A representative of any participating agency likely to be responsible for providing transition services for a student, as appropriate, and with the consent of the student's parents or a student who has reached the age of majority; and
12. When considering initial or continued placement of a student in a career and technical education program, a representative from career and technical education, preferably the teacher.

20 U.S.C. 1414(d)(1)(B); 34 C.F.R. 300.321; 19 TAC 75.1023(d)(1), 89.1050(c)

A district member of the ARD committee shall not be required to attend an IEP meeting, in whole or in part, if the parent and the district agree in writing that the attendance is not necessary because the member's area of the curriculum or related services is not being modified or discussed during the meeting.

A district member of the ARD committee may be excused from attending an IEP meeting, in whole or in part, when the meeting involves a modification to or discussion of the member's area of curriculum or related services if the parent, in writing, and the district consent to the excusal and the member submits, in writing, to the parent and the ARD committee, input into the development of the IEP before the meeting.

20 U.S.C. 1414(d)(1)(C); 34 C.F.R. 300.321(e)

*Regular
Education
Teacher*

If an ARD committee is required to include a regular education teacher, the regular education teacher must, to the extent practicable, be a teacher who is responsible for implementing a portion of the child's IEP. *Education Code 29.005(a)*

*Parent
Involvement*

A district shall take steps to ensure that one or both parents of a student with a disability are present at each ARD committee meeting or are afforded an opportunity to participate, including:

1. Notifying the parents of the meeting early enough to ensure that they will have an opportunity to attend (the notice shall include the purpose, time, and location of the meeting, who will be in attendance, that persons with knowledge or special expertise may be invited by either the parent or the district, and

that the Part C service coordinator or other representatives of the Part C system may be invited to the initial meeting for a child previously served under a Part C early childhood intervention program); and

2. Scheduling the meeting at a mutually agreed on time and place.

If the purpose of the meeting is to consider transition services, the notice must also indicate this purpose, indicate that the district will invite the student, and identify any other agency that will be invited to send a representative.

34 C.F.R. 300.322(a)–(b); 19 TAC 89.1050(d)

*Alternative
Means of
Meeting
Participation*

If neither parent can attend an ARD meeting, the district must allow other methods of participation, such as through telephone calls or video conferencing. *20 U.S.C. 1414(f); 34 C.F.R. 300.322(c); 19 TAC 89.1050(d)*

An ARD meeting may be conducted without a parent in attendance if a district is unable to convince the parents that they should attend, but the district shall have a record of its attempts to arrange a mutually agreed on time and place, such as detailed records of telephone calls, correspondence, or visits made or attempted and the results of any of those actions. *34 C.F.R. 300.322(d)*

Meetings

A district shall initiate and conduct ARD committee meetings for the purpose of developing, reviewing, and revising the IEP of a child with a disability. The committee shall review each child's IEP periodically, and, if appropriate, revise the IEP. A meeting must be held for this purpose at least once a year. The ARD committee must also determine the child's placement once a year.

A "meeting" does not include informal or unscheduled conversations involving district personnel and conversations on issues such as teaching methodology, lesson plans, or coordination of service provisions if those issues are not addressed in the child's IEP. A "meeting" also does not include preparatory activities that district personnel engage in to develop a proposal or response to a parent proposal that will be discussed at a later meeting.

20 U.S.C. 1414(d)(4); 34 C.F.R. 300.116(b)(1), .324(b), (c)(1), .501(b)(3)

*Meeting at
Parent's Request*

Upon receipt of a written request for an ARD committee meeting from a parent, the school district must schedule and convene a meeting in accordance with the procedures in 19 Administrative Code 89.1050(d) or within five school days, provide the parent with

written notice explaining why the district refuses to convene a meeting. *19 TAC 89.1050(e)*

Written Notice

If a parent is unable to speak English, a district must provide the parent with a written notice regarding the ARD committee meeting required under 19 Administrative Code 89.1050(d) (notice for purposes of scheduling) or (e)(2) (notice explaining why the district refuses to convene a meeting) in the parent's native language, unless it is clearly not feasible to do so. If the parent's native language is not a written language, the school district must take steps to ensure that the notice is translated orally or by other means to the parent in his or her native language or other mode of communication so that the parent understands the content of the notice. *19 TAC 89.1050(f)*

Transfer Students

In-State Transfers

When a student transfers to a new district within the state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new school district must meet the requirements of 34 C.F.R. 300.323(e) regarding the provision of special education services. The time line for completing the requirements outlined in 34 C.F.R. 300.323(e)(1) or (2) is 30 school days from the date the student is verified as being a student eligible for special education services.

Transfers from
Another State

When a student transfers from a district in another state in the same school year and the parents verify that the student was receiving special education services in the previous district or the previous district verifies in writing or by telephone that the student was receiving special education services, the new district must meet the requirements of 34 C.F.R. 300.323(f) regarding the provision of special education services. If the new district determines that an evaluation is necessary, the evaluation is considered a full individual and initial evaluation and must be completed within the time lines established by 19 Administrative Code 89.1011(c) and (e). The time line for completing the requirements in 34 C.F.R. 300.323(f)(2), if appropriate, is 30 calendar days from the date of the completion of the evaluation report. If the school district determines that an evaluation is not necessary, the time line for completing the requirements outlined in 34 C.F.R. 300.323(f)(2) is 30 school days from the date the student is verified as being a student eligible for special education services.

19 TAC 89.1050(j)

Transfer of Records

The district in which the child enrolls shall take reasonable steps to promptly obtain the child's records, including the IEP and supporting documents and any other records relating to the provision of

special education or related services to the child, from the previous district.

The previous district shall take reasonable steps to promptly respond to the request from the new district and must furnish the new school district with a copy of the student's records, including the student's special education records, not later than the tenth working day after the date a request for the information is received by the previous school district.

20 U.S.C. 1414(d)(2)(C)(ii); 34 C.F.R. 300.323(g); 19 TAC 89.1050(j)(3)

Students Who Are Homeless or in Substitute Care

When a student who is homeless or in substitute care transfers into a district after being referred by a previous district for a special education evaluation, the receiving district must accept the referral and ensure that any written report of a full individual and initial evaluation must be completed in accordance with the timelines established in 19 Administrative Code 89.1011 (relating to Full Individual and Initial Evaluation).

When a student who is already eligible for special education and is homeless or in substitute care transfers into a district during the school year, the receiving district must ensure that it meets the student transfer requirements of 19 Administrative Code 89.1050(j) (relating to the Admission, Review, and Dismissal Committee).

19 TAC 89.1615

Military Dependents

A district shall initially provide comparable services to a military student with disabilities based on his or her current IEP. This does not preclude the district from performing subsequent evaluations to ensure appropriate placement of the student. *Education Code 162.002 art. V, C [See FDD]*

Individualized Education Program

A district shall develop, review, and revise an IEP for each child with a disability. *20 U.S.C. 1412(a)(4); 34 C.F.R. 300.320(a)*

At the beginning of each school year, a district shall have in effect, for each child with a disability in its jurisdiction, an IEP. *20 U.S.C. 1414(d)(2)(A); 34 C.F.R. 300.323(a)*

The term "individualized education program" means a written statement for each student with a disability that documents the decisions of the ARD committee with respect to issues discussed at each committee meeting and includes:

1. A statement of the student's present levels of academic achievement and functional performance;

2. A statement of measurable annual goals, including academic and functional goals;
3. A description of how the student's progress toward the annual goals will be measured and when periodic reports on the progress of the student will be provided;
4. A statement of the specific special education and related services and supplementary aids and services, based on peer-reviewed research to the extent practicable, to be provided to the student;
5. A statement of the program modifications or supports for school personnel that will be provided for the student;
6. An explanation of the extent, if any, to which the student will not participate with nondisabled students in the regular class and in extracurricular and nonacademic activities;
7. The projected dates for initiation of services and modifications and the anticipated frequency, location, and duration of these services and modifications;
8. A statement of any individual appropriate and allowable accommodations that are necessary to measure the academic achievement and functional performance of the student on state or district-wide assessments;
9. If the ARD committee determines that the student must take an alternative assessment instead of a particular regular state or district-wide assessment, a statement of why the student cannot participate in the regular assessment and why the particular assessment selected is appropriate for the student;
10. If the ARD committee determines that a student is in need of extended school year (ESY) services, identification of the goals and objectives that will be addressed during ESY services;
11. Beginning not later than when a student reaches 14 years of age and updated annually thereafter, the ARD committee's consideration and decisions regarding the transition issues under 19 Administrative Code 89.1055(h) [see EHBAD];
12. Beginning not later than the first IEP to be in effect when the student is 16, or younger if determined appropriate by the ARD committee, and updated annually thereafter, a statement of appropriate measurable postsecondary goals and transition services needed to assist the student in reaching those goals [see EHBAD];

13. Beginning not later than one year before the student reaches the age of 17, a statement that the student has been informed of the rights that will transfer to the student upon reaching the age of majority;
14. The date of the meeting;
15. The name, position, and signature of each member participating in the meeting; and
16. An indication of whether the child's parents, the adult student, if applicable, and the administrator agreed or disagreed with the decisions of the ARD committee.

20 U.S.C. 1414(d); 34 C.F.R. 300.320; Education Code 29.005(b-1), .011; 19 TAC 89.1055

The written statement of a student's IEP may be required to include only information included in the model form developed by TEA under Education Code 29.0051(a) and posted on the TEA website. A district may use the model form to comply with the requirements for an IEP under 20 U.S.C. 1414(d). *Education Code 29.005(f), .0051*

Behavioral
Intervention Plan

The ARD committee may determine that a behavior improvement plan or a behavioral intervention plan (BIP) is appropriate for a student for whom the committee has developed an IEP. If the committee makes that determination, the BIP shall be included as part of the student's IEP and provided to each teacher with responsibility for educating the student. *Education Code 29.005(g); 19 TAC 89.1055(g)*

Translation of IEP
into Native
Language

If the parent is unable to speak English and Spanish is the parent's native language, a district shall provide a written or audiotaped copy of the student's IEP translated into Spanish. If the parent's native language is other than Spanish or English, a district shall make a good faith effort to provide a written or audiotaped copy of the student's IEP translated into the parent's native language. *Education Code 29.005(d)*

A written copy of the student's IEP translated into Spanish or the parent's native language means that all of the text in the student's IEP in English is accurately translated into the target language in written form. The IEP translated into the target language must be a comparable rendition of the IEP in English and not a partial translation or summary of the IEP in English.

An audio recording of the student's IEP translated into Spanish or the parent's native language means that all of the content in the student's IEP in English is orally translated into the target language and recorded with an audio device. A district is not prohibited from

providing the parent with an audio recording of an ARD committee meeting at which the parent was assisted by an interpreter as long as the audio recording provided to the parent contains an oral translation into the target language of all of the content in the student's IEP in English.

If a parent's native language is not a written language, the district must take steps to ensure that the student's IEP is translated orally or by other means to the parent in his or her native language or other mode of communication.

Under 34 C.F.R. 300.322(f), a district must give a parent a written copy of the student's IEP at no cost to the parent. A school district meets this requirement by providing a parent with a written copy of the student's IEP in English or by providing a parent with a written translation of the student's IEP in the parent's native language as provided above.

19 TAC 89.1050(i)

Autism/Pervasive
Developmental
Disorder

For students with autism/pervasive developmental disorders, the following strategies shall be considered by the ARD committee, based on peer-reviewed, research-based educational programming practices to the extent practicable and, when needed, addressed in the IEP:

1. Extended educational programming;
2. Daily schedules reflecting minimal unstructured time and active engagement in learning activities;
3. In-home training and community-based training or viable alternatives that assist the student with the acquisition of social/behavioral skills;
4. Positive behavior support strategies based on relevant information;
5. Beginning at any age, futures planning for integrated living, work, community, and educational environments that considers skills necessary to function in current and postsecondary environments;
6. Parent/family training and support, provided by qualified personnel with experience in Autism Spectrum Disorders (ASD);
7. Suitable staff-to-student ratio appropriate to identified activities and as needed to achieve social/behavioral progress based on the student's developmental and learning level (acquisition, fluency, maintenance, generalization) that encourages work towards individual independence;

8. Communication interventions, including language forms and functions that enhance effective communication across settings;
9. Social skills supports and strategies based on social skills assessment/curriculum and provided across settings;
10. Professional educator/staff support; and
11. Teaching strategies based on peer-reviewed, research-based practices for students with ASD.

If the ARD committee determines that services are not needed in one or more of the areas in 1–11 above, the IEP shall include a statement reflecting that decision and the basis upon which the determination was made.

19 TAC 89.1055(e)–(f)

*Visual
Impairment*

If a district provides special education services to students with visual impairments, it shall have written procedures as required in Education Code 30.002(c)(10) (staff access to resources). *19 TAC 89.1075(b)*

*Collaborative
Process*

All members of the ARD committee shall have the opportunity to participate in a collaborative manner in developing the IEP. Decisions of the ARD committee concerning the required elements of the IEP shall be made by mutual agreement, if possible. The ARD committee may agree to an annual IEP or an IEP of shorter duration.

Ten-Day Recess

When mutual agreement about all required elements of the IEP is not achieved, the parent who disagrees must be offered a single opportunity to recess and reconvene the ARD committee meeting. The period of time for reconvening the ARD committee meeting must not exceed ten school days, unless the parties mutually agree otherwise. The ARD committee must schedule the reconvened meeting at a mutually agreed upon time and place. The opportunity to recess and reconvene is not required when:

1. The student's presence on campus represents a danger of physical harm to the student or others;
2. The student has committed an expellable offense; or
3. The student has committed an offense that may lead to placement in a disciplinary alternative education program. [See FOF]

These requirements do not prohibit the ARD committee from recessing an ARD committee meeting for reasons other than the failure to reach mutual agreement about all required elements of an IEP.

During the recess, the ARD committee members must consider alternatives, gather additional data, prepare further documentation, and/or obtain additional resource persons who may assist in enabling the ARD committee to reach mutual agreement.

Failure to Reach Agreement

If a recess is implemented and the ARD committee still cannot reach mutual agreement, a district shall implement the IEP it has determined to be appropriate for the student. Each member of the ARD committee who disagrees with the IEP developed by the ARD committee is entitled to include a statement of disagreement in the IEP.

If the IEP is not developed by agreement, the written statement of the program must include the basis of the disagreement. Each member of the ARD committee who disagrees with the IEP developed by the committee is entitled to include a statement of disagreement in the written statement of the program.

Education Code 29.005(c); 19 TAC 89.1050(g)

Modification of Existing IEP

Changes to the IEP may be made either by the entire ARD committee or by amending the IEP by agreement, rather than redrafting the entire IEP.

After the annual IEP meeting for a school year, the parent and district may agree not to convene an IEP meeting for the purposes of making changes to the IEP and instead may develop a written document to amend or modify the child's current IEP.

Upon request, a parent shall be provided with a revised copy of the IEP with amendments incorporated.

To the extent possible, a district shall encourage the consolidation of reevaluation meetings for the child and other ARD meetings for the child.

20 U.S.C. 1414(d)(3)(D)-(F); 34 C.F.R. 300.324(a)(4)-(6)

Teacher Access to IEP

Each district must ensure that each teacher who provides instruction to a student with a disability has access to relevant sections of the student's current IEP, is informed of the teacher's specific responsibilities related to implementation of the IEP, and has an opportunity to request assistance regarding implementation of the student's IEP. *19 TAC 89.1075(c)*

**Teacher Request to
Review IEP**

Each district shall develop a process to be used by a teacher who instructs a student with a disability in a regular classroom setting:

1. To request a review of the student's IEP;
2. To provide input in the development of the student's IEP;
3. That provides for a timely district response to the teacher's request; and
4. That provides for notification to the student's parent or legal guardian of that response.

Education Code 29.001(11); 19 TAC 89.1075(d)

**Private School—
District Placed**

Student Receives
IEP

If a district places a child with a disability in a private school or facility, or refers the child to a private school or facility, as a means of carrying out the requirements of the special education laws, the district shall ensure that the child is provided special education and related services, in accordance with an individualized education program (IEP), at no cost to the parents. *20 U.S.C. 1412(a)(10)(B)(i)*

**Private School—
Parent Placed**

When a parentally placed child with a disability is referred to a district, the district shall convene an admission, review, and dismissal (ARD) committee to determine whether the district can offer the child a free appropriate public education (FAPE). If the district determines that it can offer FAPE, it is not responsible for providing educational services to the child, except that the district must develop and implement an individualized services plan (ISP). *19 TAC 89.1096(b)*

Offer of FAPE
Rejected

*Student Receives
ISP*

If a district made FAPE available to a child with a disability and the parents elected to place the child in a private school or facility, the district is not required to pay for the cost of education, including special education and related services. However, the district must develop and implement an ISP. *20 U.S.C. 1412(a)(10)(C)(i); 34 C.F.R. 300.148(a)*

FAPE Offered but
Not Provided

Reimbursement

If the parents of a child with a disability, who previously received special education and related services under the authority of a district, enroll the child in a private school without the consent or referral by the district, a court or a hearing officer may require the district to reimburse the parents for the cost of that enrollment if the court or hearing officer finds that the district had not made FAPE available to the child in a timely manner before the enrollment. This right of reimbursement is subject to the notice and other requirements set forth at *34 C.F.R. 300.148(d)*. *20 U.S.C. 1412(a)(10)(C)(ii); 34 C.F.R. 300.148(c)*

**Home School
Students**

A home school student is considered a private school student, for purposes of a district's obligations under IDEA, if the home school provides elementary or secondary education that incorporates an adopted curriculum designed to meet basic educational goals, including scope and sequence of courses, and formal review and documentation of student progress. *19 TAC 89.1096(a)(2)*

**Individualized
Services Plan (ISP)**

Each parentally placed private school child with a disability who has been designated to receive services shall have an ISP that describes the specific special education and related services that a district will provide the child.

Parentally placed private school children with disabilities may receive a different amount of services than children with disabilities in

public schools. No parentally placed private school child has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in a public school.

Decisions about the services that will be provided must be made in accordance with 34 C.F.R. 300.134(c) (consultation process) and 300.137(c) (attendance of private school representatives at services plan committee meetings). A district must make the final decisions with respect to the services to be provided.

34 C.F.R. 300.137, .138

Dual Enrollment

Parents shall have the right to “dual enroll” an eligible student age three or four in both the public school and a private school beginning on the student’s third birthday and continuing until the end of the school year in which the student turns five, or until the student is eligible to attend a district’s kindergarten program, whichever comes first, subject to the following:

1. The student’s ARD committee shall develop an IEP designed to provide the student with FAPE in the least restrictive environment (LRE).
2. From the IEP, the parent and the district shall determine which special education and/or related services will be provided to the student and the location where those services will be provided, based on the requirements concerning placement in the LRE and the policies and procedures of the district.
3. The district shall be responsible for employing and supervising the personnel providing the service, providing the needed instructional materials, and maintaining pupil accounting records. Materials and services provided shall be consistent with those provided for students enrolled only in the public school and shall remain the property of the district.

19 TAC 89.1096(c)

Responsible District

The district where a student resides is responsible for providing special education and related services to a student whose parents choose dual enrollment.

If the parents decline dual enrollment, but request an ISP, the district where the private school is located is responsible for development of the ISP for a student designated to receive services.

19 TAC 89.1096(c), (d)

Transportation

If a student has been placed by his or her parents in a private school or facility, a district shall provide special transportation with federal funds only when the ARD committee determines that the condition of the student warrants the service in order for the student to receive the special education and related services (if any) set forth in the IEP. *19 TAC 89.1096(e)*

District Charter Schools

A district shall serve children with disabilities attending district charter schools in the same manner as it serves children with disabilities in its other schools and shall provide federal special education funds to those schools in the same manner as it provides those funds to its other schools. *20 U.S.C. 1413(a)(5); 34 C.F.R. 300.209(b)*

Residential Facilities

Identification of
Students

If a residential facility that is licensed by appropriate state agencies is located within the district's boundaries, the district must provide special education and related services to eligible students residing in the facility.

If, after contacting the facility to offer services to eligible students with disabilities, a district determines that educational services are provided through a charter school, approved non-public school, or a facility operated private school, the district is not required to provide services. However, a district shall annually contact the facility to offer services to eligible students with disabilities.

19 TAC 89.1001(c)

District Placements

A district may contract with a public or private facility, institution, or agency inside or outside of Texas for residential placement for a student with a disability when the ARD committee determines that a residential placement is necessary for the student to receive FAPE. Contracts for residential placement must be approved by the commissioner. *Education Code 29.008(a); 19 TAC 89.61(a), .1092*

If placement in a public or private residential program is necessary to provide special education and related services, the program, including non-medical care and room and board, must be at no cost to the parents. *34 C.F.R. 300.104*

If a district contracts for education services, rather than providing the services itself, it shall oversee the implementation of the student's IEP and shall annually reevaluate the appropriateness of the arrangement. *Education Code 29.008(d)*

Further, a district shall have the responsibilities set forth at 19 Administrative Code 89.61 and 89.1092(a)(4) regarding students in residential placements. A district must contract with residential placements in accordance with 19 Administrative Code 89.1092.

Notification Within 30 calendar days from an ARD committee's decision to place a student in a residential education program, a district must electronically submit to TEA notice of and information regarding the placement in accordance with submission procedures specified by TEA.

19 TAC 89.1092(b)

Out-of-State Placements If a district contracts for an out-of-state residential placement, it shall do so in accordance with the rules for in-state residential placement, except that the facility shall be approved by the appropriate agency in the state in which the facility is located rather than by the Texas commissioner of education. *19 TAC 89.61(c)(3)*

School for the Blind and Visually Impaired and School for the Deaf

A district shall share the cost of education (excluding the summer program) for each of its students enrolled in the Texas School for the Blind and Visually Impaired or Texas School for the Deaf.

Before considering the student's educational placement for special education services, a district shall provide each parent of a student with visual or auditory impairments the following written information regarding the Texas School for the Deaf or Texas School for the Blind and Visually Impaired:

1. The availability of programs offered.
2. The eligibility and admissions requirements.
3. The student's rights to admission and to appeal admission decisions.

Education Code 30.003(a), .004(a); 19 TAC 89.62

A district may request services through the Texas School for the Blind and Visually Impaired or the Texas School for the Deaf in accordance with 19 Administrative Code 89.1085. *19 TAC 89.1085*

Adult Prisons

If a child with a disability is convicted as an adult under state law and incarcerated in an adult prison, the child's ARD committee may modify the child's IEP or placement, notwithstanding the LRE requirements, if the state has demonstrated a bona fide security or compelling penological interest that cannot otherwise be accommodated.

The following requirements do not apply to children with disabilities who are convicted as adults under state law and incarcerated in adult prisons:

1. Federal requirements pertaining to participation of students with disabilities in general assessments;

2. Requirements concerning transition planning and transition services, if the children's eligibility will end, because of their age, before they will be released from prison.

20 U.S.C. 1414(d)(7)

**Transition Services
Defined**

“Transition services” means a coordinated set of activities for a child with a disability that:

1. Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child to facilitate the child’s movement from school to post-school activities, including postsecondary education, vocational education, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation.
2. Is based on the individual child’s needs, taking into account the child’s strengths, preferences, and interests.
3. Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and if appropriate, acquisition of daily living skills and functional vocational evaluation.

20 U.S.C. 1401(34); 34 C.F.R. 300.43

**Individual Transition
Planning**

Not later than when a student reaches 14 years of age, the admission, review, and dismissal (ARD) committee must consider, and if appropriate, address the following issues in the individualized education program (IEP):

1. Appropriate student involvement in the student's transition to life outside the public school system;
2. If the student is younger than 18 years of age, appropriate involvement in the student's transition by the student's parents and other persons invited to participate by the student's parents or the school district in which the student is enrolled;
3. If the student is at least 18 years of age, involvement in the student's transition and future by the student's parents and other persons, if the parent or other person is invited to participate by the student or the school district in which the student is enrolled or has the student's consent to participate pursuant to a supported decision-making agreement under Estates Code, Chapter 1357;
4. Appropriate postsecondary education options, including preparation for postsecondary-level coursework;
5. An appropriate functional vocational evaluation;
6. Appropriate employment goals and objectives;

7. If the student is at least 18 years of age, the availability of age-appropriate instructional environments, including community settings or environments that prepare the student for postsecondary education or training, competitive integrated employment, or independent living, in coordination with the student's transition goals and objectives;
8. Appropriate independent living goals and objectives;
9. Appropriate circumstances for facilitating a referral of a student or the student's parents to a governmental agency for services or public benefits, including a referral to a governmental agency to place the student on a waiting list for public benefits available to the student, such as a waiver program established under Section 1915(c), Social Security Act [42 U.S.C. Section 1396n(c)]; and
10. The use and availability of appropriate supplementary aids, services, curricula, and other opportunities to assist the student in developing decision-making skills; and supports and services to foster the student's independence and self-determination, including a supported decision-making agreement under Estates Code Chapter 1357.

In accordance with 34 C.F.R. 300.320(b), beginning not later than the first IEP to be in effect when the student turns 16 years of age, or younger if determined appropriate by the ARD committee, and updated annually thereafter, the IEP must include the following:

1. Appropriate measurable postsecondary goals based upon age-appropriate transition assessments related to training, education, employment, and, where appropriate, independent living skills; and
2. The transition services, including courses of study, needed to assist the student in reaching the postsecondary goals developed under item 1.

A student's ARD committee shall annually review the issues described above and, if necessary, update the portions of the student's IEP that address those issues.

[See EHBAB regarding membership of ARD committee for transition services meetings]

20 U.S.C. 1414(d)(1)(A)(i)(VIII), 1414(d)(6); 34 C.F.R. 300.320(b); Education Code 29.011, .0111; 19 TAC 89.1055(h)–(j)

Transition and
Employment Guide

TEA is required to develop a transition and employment guide for students enrolled in special education programs and their parents

to provide information on statewide services and programs that assist in the transition to life outside the public school system. A school district shall:

1. Post the transition and employment guide on the district's website if the district maintains a website;
2. Provide written information and, if necessary, assistance to a student or parent regarding how to access the electronic version of the guide at:
 - a. The first meeting of the student's ARD committee at which transition is discussed; and
 - b. The first committee meeting at which transition is discussed that occurs after the date on which the guide is updated; and
3. On request, provide a printed copy of the guide to a student or parent.

Education Code 29.0112(a), (e)

Graduation

Graduation with a regular high school diploma under 19 Administrative Code 89.1070(b)(1), (b)(3)(D), (f)(1), (f)(2), (f)(3) or (f)(4)(D) terminates a student's eligibility for special education services. For students who receive a diploma according to 19 Administrative Code 89.1070(b)(2), (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C), the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age requirements. *19 TAC 89.1070(a), (j)* [See EHBAA]

Graduation from high school with a regular diploma constitutes a change in placement that requires written prior notice to parents.

A district is not required to conduct an evaluation before termination of eligibility due to graduation from secondary school with a regular high school diploma or due to exceeding the age eligibility for a FAPE under state law.

A district shall provide the child with a summary of the child's academic achievement and functional performance, which shall include recommendations on how to assist the child in meeting the child's postsecondary goals.

[See EIF]

20 U.S.C. 1414(c)(5); 34 C.F.R. 300.102(a)(3), .305(e)(2)

**Compensatory
Education Allotment**

Census Block

On a schedule determined by the commissioner of education and in accordance with Education Code 48.104, each district shall report to the agency the census block group in which each student enrolled in the district who is educationally disadvantaged resides.
Education Code 48.104(i)

Use

At least 55 percent of the district's compensatory education funds must be used to:

1. Fund supplemental programs and services designed to eliminate any disparity in performance on assessment instruments administered under Education Code Chapter 39, Subchapter B or disparity in the rates of high school completion between:
 - a. Students who are educationally disadvantaged and students who are not educationally disadvantaged; and
 - b. Students at risk of dropping out of school, as defined below, and all other students; or
2. Support a program eligible under Title I of the Elementary and Secondary Education Act of 1965 [see AID], and its subsequent amendments, and by federal regulations implementing that Act.

Education Code 48.104(k)

Dropout Prevention
Strategies

A district with a high dropout rate, as determined by the commissioner, shall submit a plan to the commissioner describing the manner in which the district intends to use its compensatory education allotment for developing and implementing research-based strategies for dropout prevention.

A district shall submit the plan not later than December 1 of each school year preceding the school year in which the district will receive the compensatory education allotment to which the plan applies.

A district may not spend or obligate more than 25 percent of the district's compensatory education allotment unless the commissioner approves the plan.

A district's plan shall:

1. Design a dropout recovery plan that includes career and technology education courses or technology applications courses that lead to industry or career certification;
2. Integrate into the dropout recovery plan research-based strategies to assist students in becoming able academically to pursue postsecondary education, including:

- a. High-quality, college readiness instruction with strong academic and social supports;
 - b. Secondary to postsecondary bridging that builds college readiness skills, provides a plan for college completion, and ensures transition counseling; and
 - c. Information concerning appropriate supports available in the first year of postsecondary enrollment to ensure postsecondary persistence and success, to the extent funds are available for the purpose; and
3. Plan to offer advanced academic and transition opportunities, including dual credit courses and college preparatory courses, such as advanced placement courses.

A district may enter into a partnership with a public junior college in accordance with Education Code 29.402 [see GNC] in order to fulfill a plan.

Any program designed to fulfill a plan must comply with the requirements of Education Code 29.081(e) and (f).

Education Code 29.918

**Educationally
Disadvantaged
Students**

Student Eligibility

To be considered educationally disadvantaged in order to be counted to generate the compensatory education allotment pursuant to Education Code 48.104, a student must meet the income requirements for eligibility under the National School Lunch Program (NSLP), authorized by 42 U.S.C. 1751, et seq.

Districts may use the following approved methods for the purpose of receiving the compensatory education allotment pursuant to Education Code 48.104:

1. Parent certification, where the parent or guardian asserts meeting the income requirements for eligibility;
2. Direct certification, where the process by which eligible children are certified for free meals without the need for a household application based on household participation in one or more federal assistance programs; or
3. Direct verification, where public records are used to verify a student's eligibility for free or reduced-price meals when verification of student eligibility is required.

19 TAC 61.1027(a)

Virtual School
Network

Districts must request prior approval from the commissioner to claim students receiving a full-time virtual education through the

state virtual school network in their counts of educationally disadvantaged students. The request must include a plan detailing the enhanced services to be delivered to full-time state virtual school network students and submitted in a manner and with a deadline specified by the commissioner. *19 TAC 61.1027(b)(3)(B)*

Definition of At-Risk Student

“Student at risk of dropping out of school” includes each student who is under 26 years of age and who:

1. Was not advanced from one grade level to the next for one or more school years, unless the student did not advance from prekindergarten or kindergarten to the next grade level only as a result of the request of the student’s parent;
2. If the student is in grades 7–12, did not maintain an average equivalent to 70 on a scale of 100 in two or more subjects in the foundation curriculum during a semester in the preceding or current school year, or is not maintaining such an average in two or more subjects in the foundation curriculum in the current semester;
3. Did not perform satisfactorily on a state assessment instrument and who has not in the previous or current school year subsequently performed on that instrument or another appropriate instrument at a level equal to at least 110 percent of the level of satisfactory performance on that instrument;
4. If the student is in prekindergarten, kindergarten, or grades 1–3, did not perform satisfactorily on a readiness test or assessment instrument administered during the current school year;
5. Is pregnant or is a parent;
6. Has been placed in a DAEP in accordance with Education Code 37.006 during the preceding or current school year;
7. Has been expelled in accordance with Education Code 37.007 during the preceding or current school year;
8. Is currently on parole, probation, deferred prosecution, or other conditional release;
9. Was previously reported through the Public Education Information Management System (PEIMS) to have dropped out of school;
10. Is a student of limited English proficiency, as defined by Section 29.052;

SPECIAL PROGRAMS
COMPENSATORY/ACCELERATED SERVICES

EHBC
(LEGAL)

11. Is in the custody or care of the Department of Family and Protective Services or has, during the current school year, been referred to the department by a school official, officer of the juvenile court, or law enforcement official;
12. Is homeless [see FD];
13. Resided in the preceding school year or resides in the current school year in a residential placement facility in a district, including a detention facility, substance abuse treatment facility, emergency shelter, psychiatric hospital, halfway house, cottage home operation, specialized child-care home, or general residential operation; or
14. Has been incarcerated, or has a parent or guardian who has been incarcerated, within the lifetime of the student, in a penal institution as defined by Penal Code 1.07.

Education Code 29.081(d)(1)

Regardless of the student's age, a student who participates in an adult education program provided under a high school diploma and industry certification charter school program is considered a "student at risk of dropping out of high school." *Education Code 29.081(d)(2)*

Local Eligibility
Criteria

In addition to students described above, a student who satisfies local eligibility criteria adopted by a board may receive compensatory education services. The number of students receiving services under local eligibility criteria during a school year may not exceed ten percent of the number of students described above who received services from the district during the preceding school year. *Education Code 29.081(g)*

**Compensatory,
Intensive, and
Accelerated
Instruction**

A district shall use student performance data from state basic skills assessment instruments and achievement tests to design and implement appropriate compensatory, intensive, or accelerated instructional services for students in the district's schools that enable the students to perform at grade level at the conclusion of the next regular school term. *Education Code 29.081(a)*

Accelerated
Instruction

A district shall provide accelerated instruction to an enrolled student who has taken an end-of-course assessment instrument and has not performed satisfactorily or who is at risk of dropping out of school.

A district shall offer before the next scheduled administration of the assessment instrument, without cost to the student, additional accelerated instruction to each student in any subject in which the

student failed to perform satisfactorily on an end-of-course assessment instrument required for graduation.

A district that is required to provide accelerated instruction must separately budget sufficient funds for that purpose. [See CE]

A district shall evaluate the effectiveness of accelerated instruction programs and annually hold a public hearing to consider the results.

Education Code 29.081(b), (b-1), (b-2), (b-3), 39.025(b-1)

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(c), the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area, using funds appropriated for accelerated instruction under Education Code 28.0211. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations.
Education Code 28.0217

Effectiveness

A district shall evaluate and document the effectiveness of the accelerated instruction in reducing any disparity in performance on state assessment instruments or disparity in the rates of high school completion between students at risk of dropping out of school and all other district students. *Education Code 29.081(c)*

**Dropout Recovery
Education Programs**

A district may use a private or public community-based dropout recovery education program to provide alternative education programs for students at risk of dropping out of school. The program may be offered at a campus or through the use of an online program that leads to a high school diploma and prepares the student to enter the workforce. A campus-based dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-1)(1)–(5). An online dropout recovery education program must meet the criteria set forth at Education Code 29.081(e-2)(1)–(8).

Students in attendance at a dropout recovery education program shall be included in a district's average daily attendance for funding purposes.

Education Code 29.081(e)–(f)

Communities in
Schools

An elementary or secondary school receiving funding under Education Code 33.156 shall participate in the Communities in Schools (CIS) program if the number of students enrolled in the school who are at risk of dropping out of school is equal to at least ten percent

of the number of students in average daily attendance at the school, as determined by TEA. *Education Code 33.157*

Optional Extended Year Program

A district may set aside an amount from the district's compensatory education allotment or may apply to the agency for funding of an extended year program. *Education Code 29.082(a); 19 TAC 105.1001*

Optional Flexible Year Program

A district may provide an optional flexible year program (OFYP) for students who did not or are not likely to perform successfully on state assessment instruments or who would not otherwise be promoted to the next grade level. *Education Code 29.0821; 19 TAC 129.1029*

Optional Flexible School Day Program

Notwithstanding Education Code 25.081 or 25.082, a district may apply to the commissioner to provide a flexible school day program (OFSDP) for students who:

1. Have dropped out of school or are at risk of dropping out of school as defined by Education Code 29.081;
2. Attend a campus that is implementing an innovative redesign of the campus or an early college high school under a plan approved by the commissioner; or
3. As a result of attendance requirements under Education Code 25.092, will be denied credit for one or more classes in which the students have been enrolled.

Education Code 29.0822

A district may apply to the commissioner to provide an OFSDP for students, in accordance with 19 Administrative Code 129.1027.

A board must approve the application. The board must include the OFSDP as an item on the regular agenda for a board meeting in compliance with 19 Administrative Code 129.1027(h)(2) before applying to operate an OFSDP. The application shall include the information described in 19 Administrative Code 129.1027.

19 TAC 129.1027(c)

Tutorial Services

A district may provide tutorial services at district schools. If a district provides tutorial services, it shall require a student whose grade in a subject for a reporting period is lower than the equivalent of 70 on a scale of 100 to attend tutorials. [See EC for provisions on loss of class time.]

A district may provide transportation services to accommodate students who are required to attend tutorials and who are eligible for regular transportation.

Education Code 29.084

Basic Skills Programs

A district may apply to the commissioner for funding of basic skills programs for students in grade 9 who are at risk of not earning sufficient credit or who have not earned sufficient credit to advance to grade 10 and who fail to meet minimum skills levels established by the commissioner.

With the consent of a student's parent or guardian, a district may assign a student to the basic skills program.

A basic skills program may not exceed 210 instructional days and must meet the requirements set forth at Education Code 29.086.

Education Code 29.086(a)

After-School and Summer Intensive Mathematics and Science Programs

A district may provide an intensive after-school program or an intensive program during the period that school is recessed for the summer to provide mathematics and science instruction to:

1. Students who are not performing at grade level in mathematics or science to assist those students in performing at grade level;
2. Students who are not performing successfully in a mathematics course or science course to assist those students in successfully completing the course; or
3. Other students as determined by the district.

Before providing a program, a board must adopt a policy for:

1. Determining student eligibility for participating in the program that:
 - a. Prescribes the grade level or course a student must be enrolled in to be eligible; and
 - b. Provides for considering teacher recommendations in determining eligibility;
2. Ensuring that parents of or persons standing in parental relation to eligible students are provided notice of the program;
3. Ensuring that eligible students are encouraged to attend the program;

4. Ensuring that the program is offered at one or more locations in the district that are easily accessible to eligible students; and
5. Measuring student progress on completion of the program.

Education Code 29.088, .090; 19 TAC 102.1041

Mentoring Services Program

A district may provide a mentoring services program to students at risk of dropping out of school. A board may arrange for any public or nonprofit community-based organization to come to the district's schools and implement the program.

A board shall obtain the consent of a student's parent or guardian before allowing the student to participate in the program.

Education Code 29.089

Accelerated Reading Instruction Program

A district shall implement an accelerated reading instruction program that provides reading instruction that addresses reading deficiencies to each student in kindergarten, first grade, or second grade who is determined, on the basis of reading instrument results [see EKC], to be at risk for dyslexia or other reading difficulties. The district shall determine the form, content, and timing of the program.

A district shall provide additional reading instruction and intervention to each student given the seventh grade reading assessment [see EKC], as appropriate to improve the student's reading skills in the relevant areas identified through the assessment instrument.

Education Code 28.006(g), (g-1), (k)

Intensive Program of Instruction

State Assessments

A district shall offer an intensive program of instruction to a student who does not perform satisfactorily on a state assessment instrument or is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade 9, as determined by the district.

The program shall be designed to:

1. Enable the student to:
 - a. To the extent practicable, perform at the student's grade level at the conclusion of the next regular school term; or
 - b. Attain a standard of annual growth specified by a district and reported by the district to TEA; and
2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE]

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| Students Receiving Special Education Services | <p>For a student in a special education program who does not perform satisfactorily on an assessment instrument administered under Education Code 39.023(a), (b), or (c), the student's admission, review, and dismissal committee shall design the program to:</p> <ol style="list-style-type: none">1. Enable the student to attain a standard of annual growth on the basis of the student's individualized education program (IEP); and2. If applicable, carry out the purposes of Education Code 28.0211. [See EIE] |
| Graduation Requirements | <p>A district shall use funds appropriated by the legislature for an intensive program of instruction to plan and implement intensive instruction and other activities aimed at helping a student satisfy state and local high school graduation requirements.</p> |
| No Cause of Action | <p>A district's determination of the appropriateness of an intensive program of instruction for a student is final and does not create a cause of action.</p> <p><i>Education Code 28.0213</i></p> |
| College Preparatory Courses | <p>Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:</p> <ol style="list-style-type: none">1. For students at the 12th grade level whose performance on:<ol style="list-style-type: none">a. An end-of-course assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; orb. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334 [Texas Success Initiative (TSI) assessment] indicates that the student is not ready to perform entry-level college coursework; and2. To prepare students for success in entry-level college courses. <p>A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through an institution of higher education with which the district partners.</p> |
| Faculty | <p>Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.</p> |

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| Notice | Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course. |
| Credit Earned | A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2). |
| Dual Credit | A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners. |
| Instructional Materials | Each district, in consultation with each institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices. <i>Education Code 28.014</i> |
| End-of-Course Exam | A student enrolled in a college preparatory mathematics or English language arts course under Education Code 28.014 who satisfies the TSI college readiness benchmarks on an assessment instrument administered at the end of the course satisfies the requirements concerning and is exempt from the administration of the Algebra I or the English I and English II end-of-course assessment instruments, as applicable, as prescribed by Education Code 39.023(c) [see EKB], even if the student did not perform satisfactorily on a previous administration of the applicable end-of-course assessment instrument. A student who fails to perform satisfactorily on the assessment instrument may retake that assessment instrument or may take the appropriate end-of-course assessment instrument. <i>Education Code 39.025(a-1)</i> |

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| Table of Contents | High School Diploma..... 2 |
| | FAFSA Required..... 2 |
| | Individual Graduation Committee..... 3 |
| | Students Who Entered Grade 9 Before the 2011–12 School Year 5 |
| | Special Education..... 6 |
| | Posthumous Diploma 6 |
| | Diplomas for Veterans 7 |
| | Personal Graduation Plan 7 |
| | Junior High or Middle School PGP 7 |
| | High School PGP 8 |
| | Early Graduation 9 |
| | State Graduation Requirements..... 9 |
| | Students Entering Grade 9 9 |
| | Students Who Entered Grade 9 Before the 2014–15 School Year 16 |
| | Transfers from Out-of-State or Nonpublic Schools 19 |
| | Graduation of Students Receiving Special Education Services 20 |
| | Modified Curriculum and Content 20 |
| | Employability and Self-Help Skills..... 20 |
| | Summary of Academic Achievement and Evaluation 20 |
| | Graduation of Military Dependents 22 |
| | Course Waiver..... 22 |
| | Transfers During Senior Year..... 22 |
| | Substitute Passing Standard 23 |
| | Graduation of Student Who Is Homeless or in Conservatorship of DFPS..... 23 |

- High School Diploma** A student may graduate and receive a diploma only if the student:
1. Successfully completes the curriculum requirements identified by the State Board of Education (SBOE) [see State Graduation Requirements, below], has performed satisfactorily on applicable state assessments [see EKB], and complies with the financial aid application requirements in Education Code 28.0256 [see below]; or
 2. Successfully completes an individualized education program (IEP) developed under Education Code 29.005. [See EHBAB]
- Education Code 28.025(c)*

Note: Education Code 28.0256 applies beginning with students enrolled at the 12th grade level during the 2021–22 school year.

- FAFSA Required** Before graduating from high school, each student must complete and submit a free application for federal student aid (FAFSA) or a Texas application for state financial aid (TASFA).
- A student is not required to comply with the above provision if:
1. The student's parent or other person standing in parental relation submits a signed form indicating that the parent or other person authorizes the student to decline to complete and submit the financial aid application;
 2. The student signs and submits the form described above on the student's own behalf if the student is 18 years of age or older or the student's disabilities of minority have been removed for general purposes under Family Code Chapter 31; or
 3. A school counselor authorizes the student to decline to complete and submit the financial aid application for good cause, as determined by the school counselor.

A district shall adopt a form to be used for purposes of this provision. The form must be approved by the Texas Education Agency (TEA) and made available in English, Spanish, and any other language spoken by a majority of the students enrolled in a bilingual education or special language program under Education Code Subchapter B, Chapter 29, in the district.

If a school counselor notifies a district whether a student has complied with this section for purposes of determining whether the student meets high school graduation requirements under Education Code 28.025, the school counselor may only indicate whether the

student has complied with this section and may not indicate the manner in which the student complied.

Education Code 28.0256

Note: Education Code 28.0258 and 19 Administrative Code 74.1025 related to individual graduation committees expire September 1, 2023.

Individual
Graduation
Committee

Without complying with the requirements above, a student may receive a diploma if the person is eligible for a diploma as determined by an individual graduation committee (IGC) established under Education Code 28.0258. *Education Code 28.025(c-6)*

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258 or 19 Administrative Code 74.1025. A student's admission, review, and dismissal (ARD) committee determines whether a student is required to achieve satisfactory performance on an end-of-course (EOC) assessment to graduate. *19 TAC 74.1025(n)* [See EHBAB]

For each 11th or 12th grade student who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses, the district shall establish an IGC at the end of or after the student's 11th grade year to determine whether the student may qualify to graduate. A student may not qualify to graduate as a result of an IGC decision before the student's 12th grade year.

The IGC shall be composed of:

1. The principal or principal's designee;
2. For each EOC assessment instrument on which the student failed to perform satisfactorily, the teacher of the course;
3. The department chair or lead teacher supervising the teacher(s) above; and
4. As applicable:
 - a. The student's parent or person standing in parental relation to the student;
 - b. A designated advocate if the parent is unable to serve; or
 - c. The student, at the student's option, if the student is at least 18 years of age or is an emancipated minor.

The superintendent shall establish procedures for convening the committee.

The district shall provide an appropriate translator, if available, for a parent, advocate, or student who is unable to speak English.

Education Code 28.0258(a)–(c), (c-2); 19 TAC 74.1025(b)

A district may not establish an initial IGC for eligible students after June 10 or before the start of the next school year. Once the IGC has been established, it is the original IGC for that student.

If a student leaves a district after an original IGC has been established and before that original IGC awards a high school diploma to the student, any other district that later enrolls the student shall request information from the student's original IGC of record and shall implement the original IGC recommendations to the extent possible.

*Alternate
Members*

In the event that the teacher identified in item 2 above is unavailable, the principal shall designate as an alternate member of the committee a teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is most familiar with the student's performance in that subject area.

In the event that the individual identified above in item 3 above is unavailable, the principal shall designate as an alternate member of the committee an experienced teacher certified in the subject of the EOC assessment on which the student failed to perform satisfactorily and who is familiar with the content of and instructional practices for the applicable course.

In the event that the student's parent or person standing in parental relation to the student is unavailable to participate in the IGC, the principal shall designate an advocate with knowledge of the student to serve as an alternate member of the committee.

19 TAC 74.1025(c), (e), (g)–(i)

Notice

A district shall ensure a good faith effort is made to timely notify the appropriate person described under item 4 above of the time and place for convening the IGC and the purpose of the committee. The notice must be provided in person or by regular mail or email; clear and easy to understand; and written in English, in Spanish, or, to the extent practicable, in the native language of the appropriate person. *Education Code 28.0258(d)*

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

*Curriculum
Requirements*

To be eligible to graduate and receive a high school diploma from the IGC, a student must successfully complete the curriculum requirements required for high school graduation. [See State Graduation Requirements, below] *Education Code 28.0258(e)*

*Additional
Requirements to
Graduate*

A student's IGC shall recommend additional requirements by which the student may qualify to graduate, including additional remediation; and for each EOC assessment instrument on which the student failed to perform satisfactorily:

1. The completion of a project related to the subject area of the course that demonstrates proficiency in the subject area; or
2. The preparation of a portfolio of work samples in the subject area of the course, including work samples from the course that demonstrate proficiency in the subject area.

A student may submit to the IGC coursework previously completed to satisfy a recommended additional requirement.

Education Code 28.0258(f), (g)

In determining whether a student is qualified to graduate, the committee shall consider the criteria at Education Code 28.0258(h) and any other academic information designated for consideration by the board. After considering the criteria, the committee may determine that the student is qualified to graduate. A student may graduate and receive a high school diploma on the basis of the committee's decision only if the student successfully completes all additional requirements recommended by the committee, the student meets applicable curriculum requirements, and the committee's vote is unanimous. The decision of a committee is final and may not be appealed. *Education Code 28.0258(i)*

*English
Language
Learners*

For provisions related to an IGC and English language learners (ELL), see EKB.

Students Who
Entered Grade 9
Before the 2011–12
School Year

In accordance with Education Code 28.02541, a district may award a high school diploma to an individual who:

1. Entered grade 9 before the 2011–12 school year;
2. Successfully completed the curriculum requirements for high school graduation applicable when the individual entered grade 9;
3. Has not performed satisfactorily on the exit-level assessment instrument or part of an assessment instrument required for high school graduation, including an alternative assessment instrument offered under Education Code 39.025(c-2);

4. Has been administered at least three times the required subject-area test(s) for which the individual has not performed satisfactorily on the exit-level assessment instrument applicable to the individual when the individual entered grade 9; and
5. Meets the alternative requirements for graduation in accordance with 19 Administrative Code 74.1027(c) or the local alternative requirements approved by the board in accordance with 19 Administrative Code 74.1027(d).

19 TAC 74.1027(a); Education Code 28.02541

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| <i>District Determination</i> | The district in which the individual is enrolled or was last enrolled shall determine whether the individual may qualify to graduate and receive a high school diploma on the basis of the alternative requirements for graduation. <i>19 TAC 74.1027(b)</i> |
| <i>Alternative Requirements</i> | The alternative requirements for graduation are listed at 19 Administrative Code 74.1027(c). |
| <i>Local Alternative Requirements</i> | With approval by the board, a district may develop recommendations for local alternative requirements if the requirements would allow an individual to demonstrate proficiency in the content related to an examination for which the individual has not performed satisfactorily. <i>19 TAC 74.1027(d)</i> |
| <i>Appeals</i> | A decision regarding whether the individual qualifies to graduate and receive a high school diploma is final and may not be appealed. <i>19 TAC 74.1027(e); Education Code 28.02541</i> |
| <i>Documentation</i> | The district shall maintain documentation to support the decision to award or not award an individual a high school diploma. <i>19 TAC 74.1027(f)</i> |
| Special Education | A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation. <i>19 TAC 101.3023(a)</i> [See Graduation of Students Receiving Special Education Services, below, and EKB] |
| Posthumous Diploma | Beginning with students who would have graduated at the end of the 2019–20 school year, and on request of the student's parent, a district shall issue a high school diploma posthumously to each student who died while enrolled in the district at the end of the school year in which the student was expected to graduate under the regular schedule of school attendance. The high school diploma may |

not be issued before the graduation date of the class in which the student was enrolled at the time of death.

Exception

A district is not required to issue a posthumous diploma if the student was convicted of a felony offense under Title 5 or 6, Penal Code, or adjudicated as having engaged in conduct constituting a felony offense under Title 5 or 6, Penal Code.

Education Code 28.0254

Diplomas for
Veterans

Notwithstanding any other provision of this policy, a district may issue a high school diploma to a person who is an honorably discharged member of the armed forces of the United States; was scheduled to graduate from high school after 1940 and before 1975 or after 1989; and left school after completing the sixth or a higher grade, before graduating from high school, to serve in:

1. World War II, the Korean War, the Vietnam War, the Persian Gulf War, the Iraq War, or the war in Afghanistan; or
2. Any other war formally declared by the United States, military engagement authorized by the United States Congress, military engagement authorized by a United Nations Security Council resolution and funded by the United States Congress, or conflict authorized by the president of the United States under the War Powers Resolution of 1973, 50 U.S.C. 1541, et seq.

Education Code 28.0251

**Personal Graduation
Plan**

Junior High or
Middle School PGP

A principal of a junior high or middle school shall designate a school counselor, teacher, or other appropriate individual to develop and administer a personal graduation plan (PGP) for each student enrolled in the junior high or middle school who:

1. Does not perform satisfactorily on a state assessment instrument; or
2. Is not likely to receive a high school diploma before the fifth school year following the student's enrollment in grade level 9, as determined by a district.

A PGP must:

1. Identify educational goals for the student;
2. Include diagnostic information, appropriate monitoring and intervention, and other evaluation strategies;
3. Include an intensive instruction program described in Education Code 28.0213 [see EHBC];

4. Address participation of the student's parent or guardian, including consideration of the parent's or guardian's educational expectations for the student; and
5. Provide innovative methods to promote the student's advancement, including flexible scheduling, alternative learning environments, online instruction, and other interventions that are proven to accelerate the learning process and have been scientifically validated to improve learning and cognitive ability.

Education Code 28.0212

*Students
Receiving
Special
Education
Services*

For a student receiving special education services, the student's ARD committee and the district are responsible for developing the student's PGP.

A student's IEP developed under Education Code 29.005 may be used as the student's PGP.

Education Code 28.0212(c); 19 TAC 89.1050(a) [See EHBAB]

High School PGP

A principal of a high school shall designate a school counselor or school administrator to review PGP options with each student entering grade 9 together with that student's parent or guardian. The PGP options reviewed must include the distinguished level of achievement and endorsements.

Before the conclusion of the school year, the student and the student's parent or guardian must confirm and sign a PGP for the student that identifies a course of study that:

1. Promotes college and workforce readiness and career placement and advancement; and
2. Facilitates the student's transition from secondary to postsecondary education.

A district may not prevent a student and the student's parent or guardian from confirming a PGP that includes pursuit of a distinguished level of achievement or an endorsement.

A student may amend the student's PGP after the initial confirmation of the plan. If a student amends the student's PGP, the school must send written notice to the student's parents regarding the change.

TEA must make available to a district information that explains the advantages of the distinguished level of achievement described by Education Code 28.025(b-15) and each endorsement described by

Education Code 28.025(c-1). A district, in turn, shall publish the information from TEA on the internet website of the district and ensure that the information is available to students in grades nine and above and the parents or legal guardians of those students in the language in which the parents or legal guardians are most proficient.

A district is required to provide this information in the language in which the parents or legal guardians are most proficient only if at least 20 students in a grade level primarily speak that language.

Education Code 28.02121

Early Graduation

A parent is entitled to request, with the expectation that the request will not be unreasonably denied, that the parent's child be permitted to graduate from high school earlier than the child would normally graduate, if the child completes each course required for graduation. The decision of a board concerning the request is final and may not be appealed. *Education Code 26.003(a)(3)(C), (b)* [See FMH, FNG]

State Graduation Requirements

Note: For current state graduation requirements, including those for students who entered grade 9 before the 2007–08 school year but that are not otherwise referenced in this policy, see Education Code 28.025 and 19 Administrative Code Chapter 74.

Students Entering
Grade 9

To receive a high school diploma, a student entering grade 9 in the 2014–15 school year and thereafter must complete:

1. Requirements of the foundation high school program under 19 Administrative Code 74.12 [see Foundation High School Program, below];
2. Testing requirements for graduation under 19 Administrative Code Chapter 101 [see EKB]; and
3. Demonstrated proficiency, as determined by the district, in delivering clear verbal messages; choosing effective nonverbal behaviors; listening for desired results; applying valid critical-thinking and problem-solving processes; and identifying, analyzing, developing, and evaluating communication skills needed for professional and social success in interpersonal situations, group interactions, and personal and professional presentations.

A student shall enroll in the courses necessary to complete the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement.

Education Code 28.025(c); 19 TAC 74.11(a), (c)

Foundation High School Program

A student must earn at least 22 credits to complete the foundation high school program and must demonstrate proficiency in the following core courses:

1. English language arts—4 credits;
2. Mathematics—3 credits;
3. Science—3 credits;
4. Social Studies—3 credits;
5. Languages other than English—2 credits;
6. Physical Education—1 credit;
7. Fine Arts—1 credit; and
8. Elective courses—5 credits.

19 TAC 74.12

Endorsements

A student shall specify in writing an endorsement the student intends to earn upon entering grade 9. *19 TAC 74.13(a)*

A student may earn any of the following endorsements:

1. Science, technology, engineering, and mathematics (STEM);
2. Business and industry;
3. Public services;
4. Arts and humanities; and
5. Multidisciplinary studies.

A district must make at least one endorsement available to students. A district that offers only one endorsement curriculum must offer multidisciplinary studies.

To earn an endorsement a student must demonstrate proficiency in the curriculum requirements for the foundation high school program and, in accordance with 19 Administrative Code 74.13(e), earn:

1. A fourth credit in mathematics;
2. An additional credit in science; and

3. Two additional elective credits.

A course completed as part of the four courses needed to satisfy an endorsement requirement may also satisfy a requirement under the foundation high school program, including an elective requirement. The same course may count as part of the set of four courses for more than one endorsement.

A district shall permit a student to enroll in courses under more than one endorsement before the student's junior year and to choose, at any time, to earn an endorsement other than the endorsement the student previously indicated.

A student must earn at least 26 credits to earn an endorsement, but a student is not entitled to remain enrolled to earn more than 26 credits.

A district may define advanced courses and determine a coherent sequence of courses for an endorsement area, provided that prerequisites in 19 Administrative Code Chapters 110–118, 126, 127, and 130 are followed.

Education Code 28.025; 19 TAC 74.13

Exception

A student may graduate under the foundation high school program without earning an endorsement if, after the student's sophomore year:

1. The student and the student's parent or person standing in parental relation to the student are advised by a school counselor of the specific benefits of graduating from high school with one or more endorsements; and
2. The student's parent or person standing in parental relation to the student files with a school counselor written permission, on a form adopted by TEA, allowing the student to graduate under the foundation high school program without earning an endorsement.

19 TAC 74.11(d)

*Distinguished
Level of
Achievement*

A student may earn a distinguished level of achievement by successfully completing the curriculum requirements for the foundation high school program and the curriculum requirements for at least one endorsement, including four credits in science and four credits in mathematics, including Algebra II. *19 TAC 74.11(e)*

*Algebra II
Notification*

Not later than September 1 of each school year, a district shall notify by regular mail or email the parent of or other person standing in parental relation to each student enrolled in grade 9 or above that the student is not required to complete an Algebra II course to

graduate under the foundation high school program. The notification must include information regarding the potential consequences to a student of not completing an Algebra II course, including the impact on eligibility for:

1. Automatic college admission under Education Code 51.803; and
2. Certain financial aid authorized under Title 3 of the Education Code.

Education Code 28.02123

Prerequisites

A student may not be enrolled in a course that has a required prerequisite unless:

1. The student has completed the prerequisite course(s);
2. The student has demonstrated equivalent knowledge as determined by the district; or
3. The student was already enrolled in the course in an out-of-state, an out-of-country, or a Texas nonpublic school and transferred to a Texas public school prior to successfully completing the course.

A district may award credit for a course a student completed without having met the prerequisites if the student completed the course in an out-of-state, an out-of-country, or a Texas nonpublic school where there was not a prerequisite.

19 TAC 74.11(i)–(j)

*Dual Credit
Courses*

Courses offered for dual credit at or in conjunction with an institution of higher education (IHE) that provide advanced academic instruction beyond, or in greater depth than, the essential knowledge and skills for the equivalent high school course required for graduation may satisfy graduation requirements, including requirements for required courses, advanced courses, and courses for elective credit as well as requirements for endorsements. *19 TAC 74.11(h)*

*Core Curriculum
College Courses*

A district shall permit a student to comply with the curriculum requirements under the foundation high school program by successfully completing appropriate courses in the core curriculum of an IHE. A student who has completed the core curriculum of an IHE in accordance with Education Code 61.822, as certified by the IHE in accordance with Education Code 4.28:

1. Is considered to have earned an endorsement by successfully completing the appropriate courses for that endorsement;

2. Is considered to have earned a distinguished level of achievement under the foundation high school program; and
3. Is entitled to receive a high school diploma.

19 TAC 74.11(n)

*Languages Other
Than English*

Students may earn credit for languages other than English in accordance with 19 Administrative Code 74.12(b)(5).

A student who successfully completes a dual language immersion program may satisfy one credit of the two credits required in a language other than English in accordance with 19 Administrative Code 74.12(b)(5)(F).

19 TAC 74.12(b)(5)

A student who successfully completes a course in American Sign Language while in elementary school may satisfy one credit of the two credits required in a language other than English. *19 TAC 74.12(b)(5)(G)*

*Physical
Education
Substitutions*

*Other Physical
Activity*

In accordance with local district policy, the required physical education credit may be earned through completion of any TEKS-based course that is not being used to satisfy another specific graduation requirement. [See Restrictions, below]

In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner of education for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.

- b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

Restrictions

All substitution activities permitted by local district policy must include at least 100 minutes of moderate to vigorous physical activity per five-day school week.

No more than four substitution credits may be earned through any combination of substitutions listed above.

Student with
Disability or
Illness

A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, social studies or a course that is offered for credit as provided by Education Code 28.002(g-1) for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:

1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;
2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or
3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must

follow the same procedures required of an ARD or a Section 504 committee.

Education Code 28.025(b-10)–(b-11); 19 TAC 74.12(b)(6)

*Community-
Based Fine Arts
Programs*

In accordance with local district policy, the required fine arts credit may be earned through participation in a community-based fine arts program not provided by the school district in which the student is enrolled.

In accordance with local policy, credit may be earned through participation in the community-based fine arts program only if the program meets each of the following requirements:

1. The district must apply to the commissioner for approval of the community-based fine arts program;
2. The board must certify that the program provides instruction in the essential knowledge and skills for fine arts as defined by 19 Administrative Code, Chapter 117, Subchapter C;
3. The district must document student completion of the approved activity;
4. The program must be organized and monitored by appropriately trained instructors;
5. The fine arts program may be provided on or off a school campus and outside the regular school day; and
6. Students may not be dismissed from any part of the regular school day to participate in the community-based fine arts program.

The district shall require that instructors of the community-based fine arts program provide the district, at its request, the information necessary to obtain the criminal history record information required for school personnel in accordance with 19 Administrative Code, Chapter 153, Subchapter DD, if the community-based program is offered on campus.

Education Code 28.025(b-9); 19 TAC 74.12(b)(7)(B), .1030

*Performance
Acknowledgments*

In accordance with the requirements of 19 Administrative Code 74.14, a student may earn a performance acknowledgment on the student's transcript for:

1. Outstanding performance:
 - a. In a dual credit course;
 - b. In bilingualism and biliteracy;

- c. On a College Board advanced placement test or international baccalaureate examination;
 - d. On an established, valid, reliable, and nationally norm-referenced preliminary college preparation assessment instrument used to measure a student's progress toward readiness for college and the workplace; or
 - e. On an established, valid, reliable, and nationally norm-referenced assessment instrument used by colleges and universities as part of their undergraduate admissions process; or
2. Earning a state-recognized or nationally or internationally recognized business or industry certification or license.

Education Code 28.025(c-5); 19 TAC 74.14

Students Who
Entered Grade 9
Before the 2014–15
School Year

*Minimum High
School Program*

All credit for graduation must be earned no later than grade 12. *19 TAC 74.61(b), .71(b)*

A student entering grade 9 prior to the 2014–15 school year who does not choose to complete the curriculum requirements for high school graduation under the foundation high school program must enroll in the courses necessary to complete the curriculum requirements for the Recommended High School Program or the Advanced/Distinguished Achievement High School Program, unless the student, the student's parent or other person standing in parental relation to the student, and a school counselor or school administrator agree in writing signed by each party that the student should be permitted to take courses under the Minimum High School Program, and the student:

1. Is at least 16 years of age;
2. Has completed two credits required for graduation in each subject of the foundation curriculum under Education Code 28.002(a)(1); or
3. Has failed to be promoted to the tenth grade one or more times as determined by the school district.

Students with
Disabilities

If an ARD committee makes decisions that place a student with a disability on a modified curriculum in a subject area, the student will be automatically placed in the Minimum High School Program.

Applicability

A student who was permitted to take courses under the Minimum High School Program prior to the 2009–10 school year may remain in the Minimum High School Program.

19 TAC 74.61(c), (d), .71(c), (d)

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| Requirements | <p>A student must earn at least 22 credits to complete the Minimum High School Program.</p> <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.72.</p> <p>A student who enters grade 9 before the 2012–13 school year must meet the applicable program requirements in 19 Administrative Code Chapter 74, Subchapters D–F.</p> <p><i>Education Code 28.025; 19 TAC 74.62, .72</i></p> |
| <i>Recommended High School Program</i> | <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Recommended High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.73.</p> <p><i>Education Code 28.025; 19 TAC 74.63, .73</i></p> |
| <i>Advanced / Distinguished Achievement High School Program</i> | <p>A student who entered grade 9 in the 2012–13 or 2013–14 school year must earn at least 26 credits to complete the Advanced/Distinguished Achievement High School Program. A student must demonstrate proficiency in the program requirements listed at 19 Administrative Code 74.74.</p> <p><i>Education Code 28.025; 19 TAC 74.64, .74</i></p> |
| <i>Substitutions</i> | <p>No substitutions are allowed for high school graduation requirements in the Recommended and Advanced/Distinguished Achievement High School Programs, except as provided by State Board rule. <i>19 TAC 74.63(d), .64(e), .73(d), .74(e)</i></p> |
| <i>AP or IB Courses</i> | <p>College Board advanced placement and international baccalaureate courses may be substituted for required courses in appropriate areas. These courses may be used as electives in all three high school graduation programs. <i>19 TAC 74.61(k), .71(i)</i></p> |
| <i>Reading</i> | <p>A district may offer a maximum of 3 credits of reading for state graduation elective credit for identified students if the district:</p> <ol style="list-style-type: none">1. Adopts policies to identify students in need of additional reading instruction;2. Has procedures that include assessment of individual student needs and ongoing evaluation of each student’s progress; and3. Monitors instructional activities to ensure that student needs are addressed. <p>Reading credits may be selected from Reading I, II, or III.</p> <p><i>19 TAC 74.61(h), .71(f)</i></p> |

College Courses A student may comply with the curriculum requirements under the Minimum, Recommended, or Advanced/Distinguished Achievement High School Program for each subject of the foundation curriculum and for languages other than English by successfully completing appropriate courses in the core curriculum of an IHE. 19 TAC 74.61(i), .71(j)

Physical Education Substitutions In accordance with local district policy, credit for any physical education course may be earned through participation in the following activities:

Other Physical Activity

1. Athletics;
2. JROTC; and
3. Appropriate private or commercially sponsored physical activity programs conducted on or off campus. A district must apply to the commissioner for approval of such programs, which may be substituted for state graduation credit in physical education. Such approval may be granted under the following conditions:
 - a. Olympic-level participation and/or competition includes a minimum of 15 hours per week of highly intensive, professional, supervised training. The training facility, instructors, and the activities involved in the program must be certified by the superintendent to be of exceptional quality. Students qualifying and participating at this level may be dismissed from school one hour per day. Students dismissed may not miss any class other than physical education.
 - b. Private or commercially sponsored physical activities include those certified by the superintendent to be of high quality and well supervised by appropriately trained instructors. Student participation of at least five hours per week must be required. Students certified to participate at this level may not be dismissed from any part of the regular school day.

In accordance with local district policy, up to one credit for any one of the physical education courses listed in 19 Administrative Code Chapter 74 [see EHAC] may be earned through participation in any of the following activities:

1. Drill team;
2. Marching band; and
3. Cheerleading.

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| Restrictions | <p>All substitution activities must include at least 100 minutes per five-day school week of moderate to vigorous physical activity.</p> <p>No more than four substitution credits may be earned through any combination of substitutions listed above.</p> |
| <i>Student with Disability or Illness</i> | <p>A student who is unable to participate in physical activity due to disability or illness may substitute an academic elective credit in English language arts, mathematics, science, or social studies for the required physical education credit. A credit allowed to be substituted may not also be used by the student to satisfy a graduation requirement other than completion of the physical education credit. The determination regarding a student's ability to participate in physical activity must be made by:</p> <ol style="list-style-type: none">1. The student's ARD committee if the student receives special education services under Education Code Chapter 29, Subchapter A;2. The committee established for the student under Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794) if the student does not receive special education services under Education Code Chapter 29, Subchapter A but is covered by the Rehabilitation Act of 1973; or3. A committee, established by the district, of persons with appropriate knowledge regarding the student if each of the committees described above is inapplicable. This committee must follow the same procedures required of an ARD or a Section 504 committee. |
| <i>Student with Physical Limitations</i> | <p>If a student entering grade 9 during the 2007–08 school year or thereafter is unable to comply with all of the requirements for a physical education course due to a physical limitation certified by a licensed medical practitioner, a modification to a physical education course does not prohibit the student from earning a Recommended or Advanced/Distinguished High School Program diploma. A student with a physical limitation must still demonstrate proficiency in the relevant knowledge and skills in a physical education course that do not require physical activity.</p> <p><i>Education Code 28.025(b-10)–(b-11); 19 TAC 74.62(b)(7), .63(b)(7), .64(b)(7), .72(b)(6), .73(b)(6), .74(b)(6)</i></p> |
| Transfers from Out-of-State or Nonpublic Schools | <p>Out-of-state or out-of-country transfer students (including foreign exchange students) and transfer students from Texas nonpublic schools are eligible to receive Texas diplomas but shall complete all applicable high school graduation requirements. Any course credits required for graduation that are not completed before enroll-</p> |

**Graduation of
Students Receiving
Special Education
Services**

Modified Curriculum
and Content

ment may be satisfied through credit by examination, correspondence courses, distance learning, or completing the course, according to the provisions of 19 Administrative Code 74.26. *19 TAC 74.11(f)* [See EHDB, EHDC, EHDE, and EI]

Modified curriculum and modified content refer to any reduction of the amount or complexity of the required knowledge and skills in 19 Administrative Code Chapters 110–117, 126–128, and 130. Substitutions that are specifically authorized in statute or rule must not be considered modified curriculum or modified content. *19 TAC 89.1070(k)*

Employability and
Self-Help Skills

Employability and self-help skills are those skills directly related to the preparation of students for employment, including general skills necessary to obtain or retain employment. *19 TAC 89.1070(j)*

Summary of
Academic
Achievement and
Evaluation

All students graduating must be provided with a summary of academic achievement and functional performance as described in 34 C.F.R. 300.305(e)(3). This summary must consider, as appropriate, the views of the parent and student and written recommendations from adult service agencies on how to assist the student in meeting postsecondary goals. An evaluation as required by 34 C.F.R. 300.305(e)(1) (evaluation to determine that the child is no longer a child with a disability), must be included as part of the summary for a student graduating under 19 Administrative Code 89.1070 (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C). Students who participate in graduation ceremonies but who are not graduating under subsections (b)(3)(A), (B), or (C) or (f)(4)(A), (B), or (C) and who will remain in school to complete their education do not have to be evaluated. *19 TAC 89.1070(g)–(h)*

*Students
Entering Grade 9
in or After the
2014–15 School
Year*

A student entering grade 9 in the 2014–15 school year and thereafter who receives special education services may graduate and be awarded a regular high school diploma if the student meets one of the following conditions:

1. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program applicable to students in general education as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments.
2. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily

completed credit requirements for graduation under the foundation high school program specified in 19 Administrative Code 74.12 applicable to students in general education but the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation.

3. The student has demonstrated mastery of the required state standards (or district standards if greater) in 19 Administrative Code Chapters 110–117, 126–128, and 130 and satisfactorily completed credit requirements for graduation under the foundation high school program through courses, one or more of which contain modified curriculum that is aligned to the standards applicable to students in general education, as well as satisfactory performance as established in Education Code Chapter 39, on the required EOC assessment instruments, unless the student's ARD committee has determined that satisfactory performance on the required EOC assessment instruments is not necessary for graduation. The student must also successfully complete the student's IEP and meet one of the following conditions:
 - a. Consistent with the IEP, the student has obtained full-time employment, based on the student's abilities and local employment opportunities, in addition to mastering sufficient self-help skills to enable the student to maintain the employment without direct and ongoing educational support of the local school district.
 - b. Consistent with the IEP, the student has demonstrated mastery of specific employability skills and self-help skills that do not require direct ongoing educational support of the local school district.
 - c. The student has access to services that are not within the legal responsibility of public education or employment or educational options for which the student has been prepared by the academic program.
 - d. The student no longer meets age eligibility requirements.

When a student receives a diploma under item 2 or 3(a), (b), or (c), above, the ARD committee must determine needed educational services upon the request of the student or parent to resume services, as long as the student meets the age eligibility requirements.

19 TAC 89.1070(b), (j)

- Endorsements* A student who is enrolled in a special education program may earn an endorsement on the student's transcript by:
1. Successfully completing, with or without modification of the curriculum:
 - a. The curriculum requirements identified by the SBOE for the foundation high school program; and
 - b. The additional endorsement curriculum requirements prescribed by the SBOE; and
 2. Successfully completing all curriculum requirements for that endorsement adopted by the SBOE:
 - a. Without modification of the curriculum; or
 - b. With modification of the curriculum, provided that the curriculum, as modified, is sufficiently rigorous as determined by the student's ARD committee.

The ARD committee of a student in a special education program shall determine whether the student is required to achieve satisfactory performance on an end-of-course assessment instrument to earn an endorsement on the student's transcript.

Education Code 28.025(c-7)–(c-8), 19 TAC 89.1070(c)

Students Entering Grade 9 Before the 2014–15 School Year A student receiving special education services who entered grade 9 before the 2014–15 school year may graduate and be awarded a high school diploma under the foundation high school program in accordance with 19 Administrative Code 89.1070.

**Graduation of
Military Dependents**

Course Waiver

District officials shall waive specific courses required for graduation if similar coursework has been satisfactorily completed by a military student in another district or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the district shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

Transfers During
Senior Year

Should a military student transferring at the beginning or during the student's senior year be ineligible to graduate from the district after all alternatives have been considered, the sending and receiving districts shall ensure the receipt of a diploma from the sending district, if the student meets the graduation requirements of the sending district. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student.

ACADEMIC ACHIEVEMENT
GRADUATION

EIF
(LEGAL)

Substitute Passing
Standard

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for completing a specific course otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the tenth grade level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII, A, C [See FDD]

**Graduation of
Student Who Is
Homeless or in
Conservatorship of
DFPS**

If an 11th or 12th grade student who is homeless or in the conservatorship of the Department of Family and Protective Services transfers to a different school district and the student is ineligible to graduate from the district to which the student transfers, the district from which the student transferred shall award a diploma at the student's request, if the student meets the graduation requirements of the district from which the student transferred. *Education Code 28.025(i)*

| | | |
|--------------------------|--|-----------|
| Table of Contents | State Assessment of Academic Skills | 3 |
| | Limited English Proficient Students | 3 |
| | Special Education..... | 3 |
| | Military Dependents..... | 3 |
| | Administration..... | 4 |
| | Schedule | 4 |
| | Notice to Parents and Students | 5 |
| | Testing in Grades 3–8 | 6 |
| | Exception | 6 |
| | Kindergarten Assessment..... | 7 |
| | Prekindergarten Assessment..... | 7 |
| | Accommodations..... | 7 |
| | End-of-Course Assessments | 7 |
| | Students Enrolled Below High School Level | 8 |
| | Assessment Requirements for Graduation | 8 |
| | Substitute Assessments | 9 |
| | Accountability Testing | 9 |
| | Satisfactory Performance | 10 |
| | Individual Graduation Committee..... | 10 |
| | Special Education..... | 10 |
| | Credit by Examination | 11 |
| | Additional State Assessments | 11 |
| | Retakes..... | 11 |
| | Reporting Results | 11 |
| | To the Public..... | 11 |
| | To the Board..... | 12 |
| | To Parents, Students, and Teachers | 12 |
| | Parents Right-to-Know Under ESEA | 12 |
| | Parental Access..... | 12 |
| | Out-of-State Transfers | 12 |
| | Accelerated Instruction | 13 |
| | College Readiness | 13 |
| | Security and Confidentiality..... | 14 |
| | Violations..... | 15 |

| | |
|---|-----------|
| Consequences | 16 |
| Test Administration Procedures | 16 |
| Records Retention..... | 17 |
| Disciplinary Action and Penalties | 17 |
| Minimize Disruptions | 17 |
| Confidentiality of Results | 17 |

State Assessment of Academic Skills

Every student receiving instruction in the essential knowledge and skills shall take the appropriate criterion-referenced assessments, as required by Education Code Chapter 39, Subchapter B [see Testing in Grades 3–8, below]. *Education Code 39.023(a), (c), (f); 19 TAC 101.5*

A student may not receive a high school diploma until the student has performed satisfactorily on end-of-course (EOC) assessment instruments [see End-of-Course Assessments, below]. *Education Code 39.025(a); 19 TAC 101.4001*

Limited English Proficient Students

In grades 3–12, a limited English proficient (LEP) student, as defined by Education Code Chapter 29, Subchapter B, shall participate in the state assessment in accordance with commissioner rules at 19 Administrative Code Chapter 101, Subchapter AA. *Education Code 39.023(l), (m)* [See EKBA]

Special Education

The Texas Education Agency (TEA) shall develop or adopt appropriate criterion-referenced alternative assessment instruments to be administered to each student in a special education program for whom a state assessment instrument adopted under Education Code 39.023(a), even with allowable accommodations, would not provide an appropriate measure of student achievement, as determined by the student’s admission, review, and dismissal (ARD) committee, including assessment instruments approved by the commissioner of education that measure growth. The assessment instruments developed or adopted, including the assessment instruments approved by the commissioner, must, to the extent allowed under federal law, provide a district with options for the assessment of students.

TEA may not adopt a performance standard that indicates that a student’s performance on the alternate assessment does not meet standards if the lowest level of the assessment accurately represents the student’s developmental level as determined by the student’s ARD committee.

The student’s ARD committee shall determine whether any allowable modification is necessary in administering to the student a required EOC assessment instrument under Education Code 39.023(c), and whether the student is required to achieve satisfactory performance on an EOC assessment instrument to receive a high school diploma.

Education Code 39.023(b)–(c), .025(a-4)

Military Dependents

If the student is a military dependent, the district shall incorporate procedures to accept:

1. Exit or EOC exams required for graduation from the sending state;
2. National norm-referenced achievement tests; or
3. Alternative testing, in lieu of testing requirements for graduation in the receiving state.

In the event the above alternatives cannot be accommodated by the receiving state for a military dependent transferring in his or her senior year, then Education Code 162.002 article VII, section C, shall apply.

*Substitute
Passing Standard*

The commissioner shall adopt a passing standard on one or more national norm-referenced achievement tests for purposes of permitting a qualified military dependent to meet that standard as a substitute for achieving a score on an assessment instrument otherwise required for graduation. The passing standard is available only for a student who enrolls in a public school in this state for the first time after completing the ninth grade or who reenrolls in a public school in this state at or above the grade 10 level after an absence of at least two years from the public schools of this state. Each passing standard in effect when a student first enrolls in a Texas public high school remains applicable to the student for the duration of the student's high school enrollment, regardless of any subsequent revision of the standard.

Education Code 162.002 art. VII [See EIF]

Administration

A district shall follow the test administration procedures established by TEA in the applicable test administration materials. A superintendent shall be responsible for administering tests. *19 TAC 101.25, .27*

Schedule

The commissioner shall specify the schedule for testing that is in compliance with Education Code 39.023(c-3) and supports reliable and valid assessments. Participation in University Interscholastic League (UIL) area, regional, or state competitions is prohibited on any days on which testing is scheduled between Monday and Thursday of the school week in which the primary administration of assessment instruments occurs.

The commissioner may provide alternate dates for the administration of tests required for a high school diploma to students who are migratory children and who are out of the state.

19 TAC 101.25

*Alternate Test
Dates*

The commissioner shall consider requests from districts or campuses for alternate test dates on a case-by-case basis. Alternate

test dates will only be allowed if the campus or district is closed on the day on which testing is scheduled or if there is an exceptional circumstance, defined below, that may affect a district's or campus's ability to administer an assessment or the students' performance on the assessment.

"Exceptional circumstances" include:

1. Inclement weather or natural disasters that would cause a district or campus to be closed or that would cause a small percentage of students to be in attendance on the day testing is scheduled;
2. Health epidemics that result in a large number of students being absent on the day of testing;
3. Death of a student or school official that may impact student performance; and
4. Sudden emergencies that occur on the day of testing or shortly before testing that may inhibit students from completing the assessments, such as a fire on campus, a bomb threat, an extended power outage, or a water main break.

If an alternate test date for primary test administration is approved, the commissioner may prohibit a district or campus from participating in UIL competition on the new test date if that is determined to be in the best interest of the district, campus, and students.

19 TAC 101.5003

**Notice to Parents
and Students**

A superintendent shall be responsible for providing written notice to each student and the student's parent or guardian of:

1. The testing requirements for grade advancement [see EIE] and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's kindergarten year, for students attending kindergarten in the district, and no later than the beginning of the student's first-grade year for all other students. The superintendent shall also provide such notice for students in grades 1–8 who are new to the district.
2. The testing requirements for graduation and the dates, times, and locations of testing. Notice of testing requirements shall be provided no later than the beginning of the student's seventh-grade year. The superintendent shall also provide such notice for students in grades 7–12 who are new to the district. Notice of the dates, times, and locations of testing shall be

provided to each student who will take the tests and to out-of-school individuals.

19 TAC 101.3012

**Testing in
Grades 3–8**

Except as provided below, all students, other than students who are assessed under Education Code 39.023(b) (alternative assessment instrument) or 39.023(l) (LEP students) or exempted under Education Code 39.027, shall be assessed in:

1. Mathematics, annually in grades 3–8;
2. Reading, annually in grades 3–8;
3. Social studies in grade 8;
4. Science in grades 5 and 8; and
5. Any other subject and grade required by federal law.

Education Code 39.023(a)

Exception

For purposes of federal accountability, a student shall not be administered a grade-level assessment if the student:

1. Is enrolled in a course or subject intended for students above the student's enrolled grade level and will be administered a grade-level assessment instrument developed under the list above that aligns with the curriculum for that course or subject within the same content area; or
2. Is enrolled in a course for high school credit in a subject intended for students above the student's enrolled grade level and will be administered an EOC assessment instrument that aligns with the curriculum for that course or subject within the same content area.

For purposes of federal accountability, a grade 3–8 student who is accelerated in mathematics, reading/language arts, or science and on schedule to complete the high school end-of-course assessments in that same content area prior to high school shall be assessed at least once in high school with the ACT or the SAT.

A student is only eligible to take an assessment instrument intended for use above the student's enrolled grade if the student is on schedule to complete instruction in the entire curriculum for that subject during the semester the assessment is administered.

A student in grade 5 or 8 described above may not be denied promotion on the basis of failure to perform satisfactorily on an assessment instrument above the student's grade level.

Education Code 28.0211(o)–(p), 39.023(a-2); 19 TAC 101.3011(a)(1)–(4)

Kindergarten
Assessment

An assessment instrument under Education Code 39.023 may not be administered to a kindergarten student except for the purpose of determining whether the student is entitled to the benefit of the Foundation School Program [see FD]. *Education Code 39.023(a-16)*

Prekindergarten
Assessment

Performance on an assessment instrument administered to students in prekindergarten may not be considered for any purpose related to Education Code Chapters 39 and 39A. *Education Code 39.0237*

Accommodations

Testing accommodations are permitted for any student unless they would make a particular test invalid. Decisions regarding testing accommodations shall take into consideration the needs of the student and the accommodations the student routinely receives in classroom instruction. Permissible testing accommodations shall be described in the appropriate test administration materials.

The committee established by a board to determine the placement of students with dyslexia or related disorders shall determine whether any allowable modification is necessary in administering an assessment to such a student.

A student's ARD committee shall determine the allowable accommodations and shall document them in the student's individualized education program (IEP). [See Special Education, above]

19 TAC 101.3013; Education Code 39.023(a)–(c), (n); 34 C.F.R. 300.320(a)(6)

**End-of-Course
Assessments**

Beginning with students first enrolled in grade 9 in the 2011–12 school year, a student enrolled in a course for which an EOC assessment exists as required by Education 39.023(c) shall take the appropriate assessment. *19 TAC 101.3021(a)*

TEA shall adopt EOC assessment instruments for secondary-level courses in Algebra I, biology, English I, English II, and United States history. The Algebra I EOC assessment instrument must be administered with the aid of technology, but may include one or more parts that prohibit the use of technology. The English I and English II EOC assessment instruments must each assess essential knowledge and skills in both reading and writing and must pro-

vide a single score. A district shall comply with State Board of Education rules regarding administration of the assessment instruments listed in this provision.

If a student is in a special education program, the student's ARD committee shall determine whether any allowable modification is necessary in administering to the student an assessment instrument required under this provision.

Education Code 39.023(c)

Students Enrolled
Below High School
Level

Beginning in the 2011–12 school year, a student in grade 8 or lower who takes a high school course for credit is required to take the applicable EOC assessment. The EOC assessment result shall be applied toward the student's assessment graduation requirements, as specified in 19 Administrative Code 101.3022. 19 TAC 101.3021(d)

Assessment
Requirements for
Graduation

A student must meet satisfactory performance on an EOC assessment listed in Education Code 39.023(c) only for a course in which the student is enrolled and for which an EOC assessment instrument is administered in order to be eligible to receive a Texas diploma.

Exceptions

English I or
English II

A student who was administered separate reading and writing EOC assessments under Education Code 39.023(c), for the English I or English II course has met that course's assessment graduation requirement if the student has:

1. Achieved satisfactory performance on either the reading or writing EOC assessment for that course;
2. Met at least the minimum score on the other EOC assessment for that course; and
3. Achieved an overall scale score of 3750 or greater when the scale scores for reading and writing are combined for that course.

Exceptions related to English I also apply to English language learners who meet the criteria in 19 Administrative Code 101.1007. [See EKBA]

Credits Earned
Prior to
Enrollment

If a student earned high school credit for a course with an EOC assessment prior to enrollment in a Texas public school district and the credit has been accepted by a Texas public school district, or a student completed a course for Texas high school credit in a

course with an EOC assessment prior to the 2011–12 spring administration, the student is not required to take the corresponding EOC assessment.

19 TAC 101.3021(e), .3022

Substitute
Assessments

The commissioner adopts certain assessments as substitute assessments that a student may use in place of a corresponding EOC assessment to meet the student's assessment graduation requirements. A satisfactory score on an approved assessment may be used in place of only one specific EOC assessment, except as provided by 19 Administrative Code 101.4002(d)(1) (student who qualifies for use of the Texas Success Initiative (TSI) as a substitute assessment and is enrolled in certain college preparatory courses).

A student at any grade level is eligible to use a substitute assessment as provided in the commissioner's chart at 19 Administrative Code 101.4002(b) if the student:

1. Was administered an approved substitute assessment for an equivalent course in which the student was enrolled;
2. Received a satisfactory score on the substitute assessment as determined by the commissioner and provided in the chart at 19 Administrative Code 101.4002(b); and
3. Using a TSI assessment also meets the additional criteria of 19 Administrative Code 101.4002(d).

*TSI Additional
Criteria*

A student must meet the criteria established in 19 Administrative Code 101.4002(d) in order to qualify to use TSI as a substitute assessment.

Accountability
Testing

A student electing to substitute an assessment for graduation purposes must still take the corresponding EOC assessment required under Education Code 39.023(c) at least once for accountability purposes. If a student sits for an EOC assessment, a district may not void or invalidate the test in lieu of a substitute assessment.

A student who fails to perform satisfactorily on a PSAT, PLAN, or Aspire test (or any versions of these tests) as indicated in the chart in 19 Administrative Code 101.4003(b) must take the appropriate EOC assessment required under Education Code 39.023(c). However, a student who does not receive a passing score on the EOC assessment and retakes a PSAT, PLAN, or Aspire test (or any versions of these tests) is eligible to meet the requirements specified in 19 Administrative Code 101.4002(c).

19 TAC 101.4002

*Verification of
Results*

An eligible student is responsible for providing a district an official copy of the student's scores from the substitute assessment.

Upon receipt of official results of an approved substitute assessment, a district must:

1. Verify the student's score on the substitute assessment; and
2. Determine whether the student met the performance standard required to qualify for a public high school diploma in Texas as established by the commissioner.

19 TAC 101.4005

Satisfactory
Performance

A student is required to achieve a scale score that indicates satisfactory performance, as determined by the commissioner on each EOC assessment instrument administered to the student. *Education Code 39.025(a)*

Individual
Graduation
Committee

A student in grade 11 or 12 who has failed to comply with the EOC assessment instrument performance requirements under Education Code 39.025 for not more than two courses may qualify to graduate on the basis of a review by an individual graduation committee (IGC). [See EIF] *Education Code 28.0258, 39.025(a-5)*

Special Education

A student receiving special education services is not subject to the IGC requirements in Education Code 28.0258. As provided in 19 Administrative Code 89.1070 (Graduation Requirements) and 19 Administrative Code 101.3023 (Participation and Graduation Assessment Requirements for Students Receiving Special Education Services), a student's ARD committee determines whether a student is required to achieve satisfactory performance on an EOC assessment to graduate.

A student dismissed from a special education program who achieved satisfactory performance on an alternate EOC assessment while enrolled in a special education program is not required to take and achieve satisfactory performance on the general EOC assessment to graduate. A student who took an EOC assessment while enrolled in a special education program is not required to re-take and achieve satisfactory performance on the EOC assessment if the student's ARD committee determined that the student was not required to achieve satisfactory performance on the EOC assessment to graduate. A student dismissed from a special education program must achieve satisfactory performance on any remaining EOC assessments that the student is required to take. If the student fails to achieve satisfactory performance on no more than two of the remaining EOC assessments, the student is eligible for IGC review under Education Code 28.0258 and is subject to the

IGC provisions above. [See Individual Graduation Committee, above]

19 TAC 101.3022(f)

A student receiving special education services who successfully completes the requirements of his or her IEP, including performance on a state assessment required for graduation, shall receive a Texas high school diploma. A student's ARD committee shall determine if the student will be required to meet satisfactory performance on an assessment for purposes of graduation.

Beginning with the 2011–12 school year, all grades 9–12 students with significant cognitive disabilities who are assessed with an alternate assessment as specified in the student's IEP will be assessed using alternate versions of EOC assessments as listed in 19 Administrative Code 101.3011(b)(2).

19 TAC 101.3023(a), (b)

Credit by
Examination

An EOC assessment administered under Education Code 39.023(c) cannot be used for purposes of credit by examination under 19 Administrative Code 74.24. [See EHDB, EHDC] *19 TAC 101.3021(c)*

Additional State
Assessments

TEA may adopt EOC assessment instruments for courses not listed in statute, as described above. A student's performance on these EOC assessment instruments is not subject to the performance requirements established for the statutory assessments. *Education Code 39.023(c-2)*

Retakes

Each time an EOC assessment instrument is administered, a student who failed to achieve a score requirement may retake the assessment instrument. [See Satisfactory Performance, above]

A student is not required to retake a course as a condition of retaking an EOC assessment instrument.

If a student failed a course but achieved satisfactory performance on the applicable EOC assessment, that student is not required to retake the assessment if the student is required to retake the course.

Education Code 39.025(b); 19 TAC 101.3021(f), .3022(d)

Reporting Results
To the Public

Overall student performance data, aggregated by ethnicity, sex, grade level, subject area, campus, and district, shall be made available to the public, with appropriate interpretations, at regularly scheduled meetings of a board, after receipt from TEA. The information shall not contain the names of individual students or teachers. *Education Code 39.030(b)*

To the Board

A superintendent shall accurately report all test results with appropriate interpretations to a board according to the schedule in the applicable test administration materials.

To Parents,
Students, and
Teachers

A district shall notify each of its students, his or her parent or guardian, and his or her teacher for that subject of test results, observing confidentiality requirements stated at Confidentiality of Results, below. All test results shall be included in each student's academic achievement record and shall be furnished for each student transferring to another district or school. Upon receipt of the assessment results from the test contractor, a district shall disclose a student's assessment results to a student's teacher in the same subject area as the assessment for that school year. [See BQ series, FD, and FL]

19 TAC 101.3014

TEA shall adopt a series of questions to be included in an EOC assessment instrument administered under Education Code 39.023(c) to be used for purposes of identifying students who are likely to succeed in an advanced high school course. A district shall notify a student who performs at a high level on the questions and the student's parent or guardian of the student's performance and potential to succeed in an advanced high school course. A district may not require a student to perform at a particular level on the questions to be eligible to enroll in an advanced high school course. *Education Code 39.0233(b)*

Parents Right-to-
Know Under ESEA

As a condition of receiving assistance under Title I, Part A of the Elementary and Secondary Education Act (ESEA) (20 U.S.C. 6301 et seq.), a district shall provide to each individual parent of a child who is a student in such school, with respect to such student information on the level of achievement and academic growth of the student, if applicable and available, on each of the state academic assessments required under Part A. *20 U.S.C. 6312(e)(1)(B)(i)*

Parental Access

A parent is entitled to access to a copy of each state assessment instrument administered to the parent's child. This right of access does not apply, however, to those instruments or particular questions that are being field-tested by TEA. *Education Code 26.005, .006(a)(2)*

**Out-of-State
Transfers**

A district shall accurately report to TEA whether that student transferred into the district from out of state during the current school year.

Procedures for the reporting of out-of-state-transfer students to TEA shall be established in the applicable test administration materials. A district shall follow procedures specified in those test administration materials.

The assessment results of the out-of-state transfer students shall be reported separately to districts from the results of the district's other students in addition to the current reporting of assessment results for all students and other student subsets.

19 TAC 101.3014

**Accelerated
Instruction**

Each time a student fails to perform satisfactorily on an assessment instrument administered under Education Code 39.023(a) in the third, fourth, fifth, sixth, seventh, or eighth grade, the district in which the student attends school shall provide to the student accelerated instruction in the applicable subject area. Accelerated instruction may require participation of the student before or after normal school hours and may include participation at times of the year outside normal school operations. *Education Code 28.0211(a-1)*

A district shall provide each student who fails to perform satisfactorily on an EOC assessment instrument with accelerated instruction in the subject assessed by the assessment instrument. *Education Code 39.025(b-1)* [See EHBC]

College Readiness

Each district shall partner with at least one institution of higher education to develop and provide courses in college preparatory mathematics and English language arts. The courses must be designed:

1. For students at the grade 12 level whose performance on:
 - a. An EOC assessment instrument required under Education Code 39.023(c) does not meet college readiness standards; or
 - b. Coursework, a college entrance examination, or an assessment instrument designated under Education Code 51.334(a) indicates that the student is not ready to perform entry-level college coursework; and
2. To prepare students for success in entry-level college courses.

A course must be provided on the campus of the high school offering the course or through distance learning or as an online course provided through the institution of higher education with which the district partners.

Faculty Appropriate faculty of each high school offering courses and appropriate faculty of each institution of higher education with which the district partners shall meet regularly as necessary to ensure that each course is aligned with college readiness expectations.

Notice Each district shall provide a notice to each eligible student and the student's parent or guardian regarding the benefits of enrolling in a course.

Credit Earned A student who successfully completes an English language arts course may use the credit earned toward satisfying the advanced English language arts curriculum requirement for the foundation high school program under Education Code 28.025(b-1)(1). A student who successfully completes a mathematics course may use the credit earned in the course toward satisfying an advanced mathematics curriculum requirement under Education Code 28.025 after completion of the mathematics curriculum requirements for the foundation high school program under Education Code 28.025(b-1)(2).

Dual Credit A course may be offered for dual credit at the discretion of the institution of higher education with which a district partners.

Instructional Materials Each district, in consultation with the institution of higher education with which the district partners, shall develop or purchase instructional materials for a course consistent with Education Code Chapter 31. The instructional materials must include technology resources that enhance the effectiveness of the course and draw on established best practices.

Education Code 28.014

Security and Confidentiality

All assessment instruments included in the student assessment program are considered secure, and the contents of these tests, including student information used or obtained in their administration, are confidential.

Districts and campuses and the superintendent and campus principals in each district and campus shall:

1. Implement and ensure compliance with state test administration procedures and training activities;
2. Notify TEA as soon as the district becomes aware of any alleged or suspected violation of the security or confidential integrity of a test [see Violations, below];

3. Report all confirmed testing violations to TEA within ten working days of the district becoming aware of the violation in accordance with the reporting process stipulated in the test administration materials;
4. Ensure that the only individuals with access to secure test materials are district employees who have:
 - a. Met the requirements to participate in the student assessment program;
 - b. Received annual training in test security and test administration procedures; and
 - c. Signed an oath affirming they understand their obligation to maintain and preserve the security and confidentiality of all state assessments and student information, acknowledge their responsibility to report any suspected testing violation, and are aware of the range of penalties that may result from a violation of test security and confidentiality or a departure from test administration procedures; and
5. Ensure the security of the test materials as required by 19 Administrative Code 101.3031(a)(2)(E).

19 TAC 101.3031(a)(1)–(a)(2)

Violations

Violations of the security and confidential integrity of a test include:

1. Directly or indirectly assisting students with responses to test questions;
2. Tampering with student responses;
3. Falsifying holistic ratings or student responses;
4. Viewing secure test content before, during, or after an administration unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
5. Discussing or disclosing secure test content or student responses;
6. Scoring students' tests, either formally or informally;
7. Duplicating, recording, or electronically capturing confidential test content unless specifically authorized by TEA or by the procedures outlined in the test administration materials;
8. Responding to secure test questions;

9. Fraudulently exempting or preventing a student from participating in the administration of a required state assessment;
10. Receiving or providing unallowable assistance during calibration activities (e.g., taking notes, providing answer sheets, or sharing answers);
11. Encouraging or assisting an individual to engage in the conduct described above or in any other serious violation of security and confidentiality;
12. Failing to report to an appropriate authority that an individual has engaged or is suspected of engaging in the above conduct or in any other serious violation of security and confidentiality under this provision;
13. Failing to implement sufficient procedures to prevent student cheating; and
14. Failing to implement sufficient procedures to prevent alteration of test documents by anyone other than the student.

Consequences

If a district determines that a student has cheated or attempted to cheat on a state assessment either by providing or receiving direct assistance, the district shall invalidate the student's test results.

Any violation of test security or confidential integrity may result in TEA:

1. Invalidating student test results;
2. Referring certified educators to the State Board for Educator Certification (SBEC) for sanctions in accordance with 19 Administrative Code Chapter 247 (Educators' Code of Ethics) and Chapter 249 (Disciplinary Proceedings, Sanctions, and Contested Cases); and
3. Lowering the district's accreditation status or a district's or campus's accountability rating in accordance with Education Code 39.057(d), or appointment of a monitor, conservator, or management team to the district in accordance with Education Code Chapter 39A.

Test Administration
Procedures

Test administration procedures shall be delineated in the test administration materials provided to districts annually. Districts must comply with all of the applicable requirements specified in the test administration materials.

Districts shall ensure that test coordinators and administrators receive training to ensure that testing personnel have the necessary

skills and knowledge required to administer assessment instruments in a valid, standardized, and secure manner.

Records Retention

As part of test administration procedures, the commissioner shall require districts to maintain records related to the security of assessment instruments for five years.

19 TAC 101.3031(a-3)–(d)

Disciplinary Action
and Penalties

SBEC may take disciplinary action against a person who has violated the security or integrity of any assessment required by Education Code Chapter 39, Subchapter B or has committed an act that is a departure from the test administration procedures established by the commissioner under 19 Administrative Code Chapter 101.

The superintendent and campus principal must develop procedures to ensure the security and confidentiality of the tests and will be responsible for notifying TEA in writing of conduct that violates the security or confidentiality of a test. Failure to report can subject the person responsible to the applicable penalties.

19 TAC 249.15(a)–(b), (g)

Minimize Disruptions

In implementing the commissioner’s procedures for the administration of assessment instruments adopted or developed under Education Code 39.023, including procedures designed to ensure the security of the assessment, a district shall minimize disruptions to school operations and the classroom environment. *Education Code 39.0301(a-1)*

**Confidentiality of
Results**

Individual student performance results are confidential and may be released only in accordance with the Family Educational Rights and Privacy Act of 1974. *Education Code 39.030(b)* [See FL and GBA]

Definition For the purpose of this policy, “parent” is the person who is indicated on the student registration form at the campus. The signature of only one parent of a student is required for a charter created by petition or a cooperative program charter. *Education Code 12.051(1), .052(b), .053(b)*

Policy A district shall adopt a campus charter and program charter policy, which shall specify the:

1. Process for approval of a campus charter or program charter;
2. Statutory requirements with which a campus charter or program charter must comply; and
3. Items that must be included in a charter application.

Education Code 12.058

Campus or Program Charter A board may grant a charter to parents and teachers for a campus or a program on a campus.

A board shall grant or deny the charter, through a public vote, if the board is presented with a petition signed by:

1. The parents of a majority of the students at that campus; and
2. A majority of the classroom teachers at that campus.

A board may not arbitrarily deny a charter.

Education Code 12.052

New Campus or Contract Charter A board may grant a charter for:

1. A new district campus; or
2. A program that is operated:
 - a. By an entity that has entered into a contract with the district under Education Code 11.157 [see EEL] to provide educational services to the district through the campus or program; and
 - b. At a facility located in the boundaries of the district.

Voluntary Enrollment A student’s parent or guardian may choose to enroll the student at a campus or in a program charter. A district may not assign a student to the campus or program unless the student’s parent or guardian has voluntarily enrolled the student.

Parental Removal A student’s parent or guardian may, at any time, remove the student from the campus or program and enroll the student at the campus to which the student would ordinarily be assigned.

CAMPUS OR PROGRAM CHARTERS

EL
(LEGAL)

| | |
|-----------------------------------|--|
| Teacher Assignment | <p>A district may not assign to the campus or program a teacher who has signed a written statement that the teacher does not agree to that assignment.</p> <p><i>Education Code 12.0521</i></p> |
| Contract Charter Funding | <p>A district under contract with an open-enrollment charter school to jointly operate a campus or campus program during the 2017–18 school year and under any renewal of that contract is eligible to receive funding under Education Code 42.2511 for each student or the portion of each student’s school day under the direction of the open-enrollment charter school. <i>Education Code 11.157(b); 19 TAC 61.1010</i></p> |
| District Charter | <p>A board may grant a district charter to a campus.</p> |
| Enrollment Limit | <p>A district charter may be granted only to one or more campuses serving in total a percentage of the district's student enrollment equal to not more than 15 percent of the district's student enrollment for the preceding school year.</p> |
| <i>Exception</i> | <p>The percentage limit may not prevent a district from granting a district charter to at least one feeder pattern of schools, including an elementary, middle or junior high, and high school.</p> <p>A district charter may be granted to any campus that has received the lowest performance rating under Subchapter C, Chapter 39, Education Code.</p> |
| Open-Enrollment Charter School | <p>Subchapter D, Chapter 39, Education Code (open-enrollment charter schools) applies to a campus granted a district charter as though the campus were granted a charter under that subchapter, and the campus is considered an open-enrollment charter school.</p> <p>A district charter is not considered for purposes of the limit on the number of charters for open-enrollment charter schools imposed by Education Code 12.101.</p> <p><i>Education Code 12.0522</i></p> |
| Cooperative Campus Charter | <p>A board may grant a charter to parents and teachers at two or more campuses in the district for a cooperative charter program if the board is presented with a petition signed by:</p> <ol style="list-style-type: none">1. The parents of a majority of the students at each school; and2. A majority of the classroom teachers at each school. <p><i>Education Code 12.053</i></p> |
| Performance Contract | <p>A board that grants a charter shall enter into a performance contract with the principal or equivalent chief operating officer of the</p> |

campus or program. The performance contract must specify enhanced authority granted to the principal or equivalent officer in order to achieve the academic goals that must be met by campus or program students.

Duration of Charter

A charter granted by the board expires ten years from the date the charter is granted unless the specified goals are substantially met, as determined by the board.

Education Code 12.0531

Neighborhood School

A board may determine that a campus granted a charter will be a neighborhood school.

The principal or equivalent chief operating officer of a neighborhood school shall manage the funding provided for the school under the Education Code and any other funding provided for the school in the manner the principal or other officer determines best meets the needs of the school's students. The district in which the school is located may retain that portion of funding that the district generally withholds from a campus for costs associated with the salary of the superintendent or other district governance.

The principal or equivalent chief operating officer of a neighborhood school may use school funding to purchase from the school district in which the school is located services for the school, including bus service, facilities maintenance services, and other services generally provided by a school district to district campuses. The school shall pay for each service an amount that reflects the actual cost to the district of providing the service for the number of the school's students for which the service is provided.

Education Code 12.0532

Student Eligibility

Eligibility criteria for admission of students to the charter campus or program must give priority on the basis of geographic and residency considerations. After priority is given on those bases, secondary consideration may be given to a student's age, grade level, or academic credentials, in general or in a specific area, as necessary for the type of program offered.

The campus or program may require an applicant to submit an application not later than a reasonable deadline the campus or program establishes.

Education Code 12.065

Exemption

A campus or program for which a charter is granted is exempt from the instructional and academic rules and policies of the board from

which the campus or program is specifically exempted in the charter and retains the authority to operate under the charter only if students at the campus or in the program perform satisfactorily as provided by the charter. *Education Code 12.054*

Charter Contract

A charter shall be in the form and substance of a written contract signed by a board president and the chief operating officer of the campus or program for which the charter is granted. *Education Code 12.060*

Each charter shall:

1. Satisfy the requirements governing charter campuses and programs; and
2. Include all information required to be in the content of the charter consistent with the information provided in the application and any modification a board requires.

Education Code 12.061

Content of Charter

Each charter granted must:

1. Describe the educational program to be offered, which may be a general or specialized program;
2. Provide that continuation of the charter is contingent on satisfactory student performance on state-required assessment instruments, satisfactory financial performance under state financial accountability provisions, and on compliance with other applicable accountability provisions;
3. Specify any basis, in addition to a basis specified in Education Code Chapter 12, Subchapter C, on which the charter may be revoked;
4. Prohibit discrimination in admission on the basis of national origin, ethnicity, race, religion, or disability;
5. Describe the governing structure of the campus or program;
6. Specify any procedure or requirement, in addition to those under Education Code Chapter 38, that the campus or program will follow to ensure the health and safety of students and employees; and
7. Describe the manner in which an annual audit of financial and programmatic operations of the campus or program is to be

conducted, including the manner in which the campus or program will provide information necessary for the district in which it is located to participate in PEIMS.

Education Code 12.059

Revision

A charter created by petition or a cooperative charter program may be revised with board approval and on a petition signed by a majority of the parents and a majority of the classroom teachers at the campus or in the program, as applicable.

A charter created without a petition may be revised with the approval of the board of trustees that granted the charter. The charter may be revised only before the first day of instruction or after the final day of instruction of a school year.

Education Code 12.062

Failure to Discharge or Refuse to Hire

A charter campus or program commits a material violation of its charter if the campus or program fails to comply with the duty to discharge or refuse to hire certain employees or applicants for employment under Education Codes 12.1059, 22.085, or 22.092. *Education Code 12.0631*

Applicability of Laws

A charter campus or program is subject to federal and state laws and rules governing public schools, except that the charter campus or program is subject to the Education Code and rules adopted thereunder only to the extent that the code or rule specifically provides. *Education Code 12.055(a)*

Education Code

A charter campus or program has the powers granted to schools under the Education Code.

A charter campus or program is subject to:

1. Provisions of the Education Code establishing criminal offenses;
2. Prohibitions, restrictions, or requirements of the Education Code, or a rule adopted under the Education Code, relating to:
 - a. PEIMS, to the extent necessary to monitor compliance, as determined by the commissioner;
 - b. Criminal history records under Subchapter C, Chapter 22;
 - c. High school graduation under Section 28.025;
 - d. Special education programs under Subchapter A, Chapter 29;

- e. Bilingual education under Subchapter B, Chapter 29;
- f. Prekindergarten programs under Subchapter E, Chapter 29;
- g. Extracurricular activities under Section 33.081 (i.e., “no pass-no play”);
- h. Health and safety under Chapter 38 (including immunizations, dyslexia and related disorders, child abuse reporting, protective eye devices, tobacco and alcohol use, steroid use, access to medical records, and referrals to outside counselors);
- i. Public school accountability under Subchapter B, C, D, F, and J, Chapter 39, and Chapter 39A; and
- j. The duty to discharge or refuse to hire certain employees or applicants for employment under Education Code 12.1059.

Education Code 12.056

Open Meetings and
Public Information
Acts

With respect to the operation of a campus or program charter, the governing body of the charter campus or program is considered a governmental body for purposes of Government Code Chapters 551 (Open Meetings Act) and 552 (Public Information Act). *Education Code 12.057(a)*

Teacher Retirement
System

A district may contract with another district or an open-enrollment charter holder for services at a campus charter. An employee of the district or open-enrollment charter holder providing contracted services to a campus charter is eligible for membership in and benefits from the Teacher Retirement System of Texas (TRS) if the employee would be eligible for membership and benefits if holding the same position at the employing district or open-enrollment charter school operated by the charter holder. *Education Code 12.055(b)*

An employee of an independent school district who is employed on a charter campus or program who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of the independent school district who is employed on a regularly operating campus or in a regularly operating program.

An employee of a charter holder who is employed on a campus or in a program granted a charter and who qualifies for membership in TRS shall be covered under the system in the same manner and to the same extent as a qualified employee of an independent

school district who is employed on a regularly operating campus or in a regularly operating program.

Education Code 12.057(b), (b-1)

Liability

A charter campus or program, and its employees and volunteers, are immune from liability to the same extent as a district, its employees, and volunteers, respectively. *Education Code 12.057(c)*

Placement on Probation or Revocation

A board may place on probation or revoke a charter it grants if the board determines that the campus or program:

1. Committed a material violation of the charter, including by failure to comply with the duty to discharge or refuse to hire certain employees or applicants for employment, as provided by Education Code 12.0631;
2. Failed to satisfy generally accepted accounting standards of fiscal management; or
3. Failed to comply with law governing a charter campus or program, another law, or a state agency rule.

The action a board takes under any item above shall be based on the best interest of campus or program students, the severity of the violation, and any previous violation the campus or program has committed.

Education Code 12.063

Procedure

Each board that grants a charter shall adopt a procedure to be used for placing on probation or revoking a charter it grants.

This procedure must provide an opportunity for a hearing to the campus or program for which the charter is granted and to parents and guardians of students at the campus or in the program. A hearing must be held on the campus or on one of the campuses in the case of a cooperative charter program.

Education Code 12.064

Consent to Medical Treatment

The school in which a minor student is enrolled may consent to medical, dental, psychological, and surgical treatment of that student, provided all of the following conditions are met:

1. The person having the power to consent as otherwise provided by law cannot be contacted.
2. Actual notice to the contrary has not been given by that person.
3. Written authorization to consent has been received from that person.

Family Code 32.001(a)(4)

Form of Consent

Consent to medical treatment under this policy shall be in writing, signed by the school official giving consent, and given to the doctor, hospital, or other medical facility that administers the treatment. The consent must contain:

1. The name of the student.
2. The name of one or both parents, if known, and the name of the managing conservator or guardian of the student, if either has been appointed.
3. The name of the person giving consent and the person's relation to the student.
4. A statement of the nature of the medical treatment to be given.
5. The date on which the treatment is to begin.

Family Code 32.002

Minor's Consent to Treatment

A minor may consent to medical, dental, psychological, and surgical treatment furnished by a licensed physician or dentist if the minor:

1. Is 16 years of age and residing separate and apart from the minor's parents, managing conservator, or guardian, with or without the consent of the parents, conservator, or guardian and regardless of the duration of the residence, and is managing his or her own financial affairs, regardless of the source of the income;
2. Consents to the diagnosis and treatment of any infectious, contagious, or communicable disease required to be reported to the Texas Department of State Health Services (DSHS), including all reportable diseases under Health and Safety Code 81.041;

3. Is unmarried and pregnant, and consents to hospital, medical, or surgical treatment, other than abortion, related to her pregnancy; or
4. Consents to examination and treatment for drug or chemical addiction, drug or chemical dependency, or any other condition directly related to drug or chemical use.

Family Code 32.003; Planned Parenthood of Cent. Mo. v. Danforth, 428 U.S. 52 (1976); Bellotti v. Baird, 443 U.S. 622 (1979)

Administering Medication

Upon adoption of policies concerning the administration of medication to students by district employees, the district, its board, and its employees are immune as described below, provided:

1. The district has received a written request to administer the medication from the parent, legal guardian, or other person having legal control of the student.
2. When administering prescription medication, the medication is administered either:
 - a. From a container that appears to be the original container and to be properly labeled; or
 - b. From a properly labeled unit dosage container filled by a registered nurse or another qualified district employee, as determined by district policy, from a container that appears to be the original container and to be properly labeled.

By Volunteer Professionals

If a district provides liability insurance for a licensed physician or registered nurse who provides volunteer services to the district, a board may allow the physician or nurse to administer to any student nonprescription medication or medication currently prescribed for the student by the student's personal physician.

Immunity from Civil Liability

A district, a board, and its employees shall be immune from civil liability for damages or injuries resulting from the administration of medication to a student in accordance with this policy.

Education Code 22.052(a), (b)

[See DG regarding protection of nurses for refusal to perform acts.]

Self-Administration of Asthma or Anaphylaxis Medicine

A student with asthma or anaphylaxis may possess and self-administer prescription asthma or anaphylaxis medicine while on school property or at a school-related event or activity if:

1. The medicine has been prescribed for that student as indicated by the prescription label on the medicine;

2. The student has demonstrated to the student's physician or other licensed health-care provider and the school nurse, if available, the skill level necessary to self-administer the prescription medication, including the use of any device required to administer the medication;
3. The self-administration is done in compliance with the prescription or written instructions from the student's physician or other licensed health-care provider; and
4. A parent of the student provides to the school:
 - a. Written authorization, signed by the parent, for the student to self-administer the prescription medicine while on school property or at a school-related event or activity; and
 - b. A written statement, signed by the student's physician or other licensed health-care provider, that states:
 - (1) That the student has asthma or anaphylaxis and is capable of self-administering the medicine;
 - (2) The name and purpose of the medicine;
 - (3) The prescribed dosage for the medicine;
 - (4) The times at which or circumstances under which the medicine may be administered; and
 - (5) The period for which the medicine is prescribed.

The physician's statement must be kept on file in the school nurse's office, or, if there is no school nurse, in the office of the principal of the school the student attends.

[See FFAF for care of students with diagnosed food allergies at risk for anaphylaxis.]

No Waiver of
Immunity

The provisions above neither waive any liability or immunity nor create any liability for or a cause of action against a district, a board, or its employees.

Education Code 38.015

Sunscreen Products

A student may possess and use a topical sunscreen product while on school property or at a school-related event or activity to avoid overexposure to the sun and not for the medical treatment of an injury or illness if the product is approved by the federal Food and Drug Administration for over-the-counter use. This provision does not waive any immunity from liability of a district, its board, or its

employees; or create any liability for or a cause of action against a district, its board, or its employees. *Education Code 38.021*

Dietary Supplements

A district employee commits a Class C misdemeanor offense if the employee:

1. Knowingly sells, markets, or distributes a dietary supplement that contains performance enhancing compounds to a primary or secondary education student with whom the employee has contact as part of the employee's school district duties; or
2. Knowingly endorses or suggests the ingestion, intranasal application, or inhalation of a dietary supplement that contains performance enhancing compounds by a primary or secondary education student with whom the employee has contact as part of the employee's school district duties.

Education Code 38.011(a), (c)

**Prescription
Medication and
Special Education
Students**

An employee of a district is prohibited from requiring a child to obtain a prescription for a substance covered under the federal Controlled Substances Act (21 U.S.C. 801 et seq.) as a condition of attending school, receiving an evaluation for special education, or receiving special education and related services.

An employee is not prohibited from consulting or sharing classroom-based observations with parents regarding a student's academic and functional performance, behavior in the classroom or school, or the need for evaluation for special education or related services.

20 U.S.C. 1412(a)(25)

[See FFEB for information regarding psychotropic drugs and psychiatric evaluations]

**Opioid Antagonist
Medication**

A person or organization acting under a standing order issued by a prescriber may store an opioid antagonist and may distribute an opioid antagonist, provided the person or organization does not request or receive compensation for storage or distribution. *Health and Safety Code 483.104*

A prescriber may, directly or by standing order, prescribe an opioid antagonist to a person in a position to assist a person experiencing an opioid-related drug overdose. *Health and Safety Code 483.102; 22 TAC 170.6*

Immunity

A person who, acting in good faith and with reasonable care, administers or does not administer an opioid antagonist to another person whom the person believes is suffering an opioid-related

drug overdose is not subject to criminal prosecution, sanction under any professional licensing statute, or civil liability, for an act or omission resulting from the administration of or failure to administer the opioid antagonist. *Health and Safety Code 483.106*

Low-THC Cannabis

A district may not enact, adopt, or enforce a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of low-THC cannabis, as authorized by the Texas Compassionate-Use Act. *Health and Safety Code 487.201*

**Dextromethorphan
(Certain Cold
Medication)**

A district may not adopt or enforce an ordinance, order, rule, regulation, or policy that governs the sale, distribution, or possession of dextromethorphan. *Health and Safety Code 488.005*

Note: The following provisions apply only to a district that will adopt an unassigned epinephrine auto-injector policy or an unassigned asthma medication policy.

**Maintenance and
Administration of
Epinephrine Auto-
Injectors**

A district may adopt and implement a policy regarding the maintenance, administration, and disposal of epinephrine auto-injectors at each campus in the district.

If a policy is adopted, the policy:

1. Must provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis on a school campus; and
2. May provide that school personnel and school volunteers who are authorized and trained may administer an epinephrine auto-injector to a person who is reasonably believed to be experiencing anaphylaxis at an off-campus school event or while in transit to or from a school event.

A district that adopts a policy must require that each campus have one or more school personnel members or school volunteers authorized and trained to administer an epinephrine auto-injector present during all hours the campus is open.

The supply of epinephrine auto-injectors at each campus must be stored in a secure location and be easily accessible to school personnel and school volunteers authorized and trained to administer an epinephrine auto-injector.

Education Code 38.208

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LEGAL)

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| Definitions | “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. |
| <i>All Hours the Campus Is Open</i> | |
| <i>Campus</i> | 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. |
| <i>Unassigned Epinephrine Auto-Injector</i> | 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. <i>25 TAC 37.603</i> |
| Prompt Notification | Local emergency medical services must be promptly notified by the school when an individual is suspected of experiencing anaphylaxis and when an epinephrine auto-injector is administered. If the trained school personnel or school volunteer is the only individual available to notify emergency medical services, the trained individual should administer the unassigned epinephrine auto-injector before notifying emergency medical services. The parent, legal guardian, or emergency contact must be promptly notified by the school when an unassigned epinephrine auto-injector is utilized on their child as soon as is feasible during the emergency response to suspected anaphylaxis. <i>25 TAC 37.605(e)–(f)</i> |
| 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. <i>25 TAC 37.605(f)</i> |
| Reports | Not later than the tenth business day after the date a school personnel member or school volunteer administers an epinephrine auto-injector in accordance with district policy, the school shall send a report to the school district; the physician who prescribed the epinephrine auto-injector; and the commissioner of state health services. The report must include the following information: 1. The age of the person who received the administration of the epinephrine auto-injector; |

2. Whether the person who received the administration of the epinephrine auto-injector was a student, a school personnel member or school volunteer, or a visitor;
3. The physical location where the epinephrine auto-injector was administered;
4. The number of doses of epinephrine auto-injector administered;
5. The title of the person who administered the epinephrine auto-injector; and
6. Any other information required by the commissioner of education.

Education Code 38.209

Notifications to the commissioner of DSHS shall be submitted on the designated electronic form available on the DSHS School Health Program website. *25 TAC 37.608*

Personnel or
Volunteers

At each campus in which a school adopts an unassigned epinephrine auto-injector policy, the principal may assign school personnel or school volunteers to be trained to administer unassigned epinephrine auto-injectors or seek school personnel or school volunteers who volunteer to be trained to administer unassigned epinephrine auto-injectors.

In order to increase the number of trained individuals in the administration of unassigned epinephrine auto-injectors, schools may distribute to school personnel or school volunteers in the district, at least once per school year, a notice that includes a description of the request seeking volunteers to be trained to administer an epinephrine auto-injector to a person believed to be experiencing anaphylaxis and a description of the training that the school personnel or school volunteers will receive in the administration of epinephrine with an auto-injector.

25 TAC 37.606(a)–(b)

Signed Statement

Trained school personnel or school volunteers who administer the unassigned epinephrine auto-injector must submit a signed statement indicating that they agree to perform the service of administering an unassigned epinephrine auto-injector to a student or individual that may be experiencing anaphylaxis. *25 TAC 37.606(c)*

Training

A district that adopts an unassigned epinephrine auto-injector written policy is responsible for training school personnel and school volunteers in the recognizing of anaphylaxis signs and symptoms and administration of an unassigned epinephrine auto-injector.

Each assigned school personnel or school volunteer shall receive initial training and an annual refresher training. Training shall be consistent with the most recent [Voluntary Guidelines for Managing Food Allergies in Schools and Early Care and Education Programs](#)¹ published by the federal Centers for Disease Control and Prevention.

25 TAC 37.607

Training may be provided in a formal training session or through an online education course. Training must include information on properly inspecting unassigned epinephrine auto-injectors for usage and expiration. *25 TAC 37.607(1)–(2)*

Training must include information on implementing emergency procedures, if necessary, after administering an epinephrine auto-injector, and properly disposing of used or expired epinephrine auto-injectors. A district shall maintain records on the required training. *Education Code 38.210*

The initial training must include hands-on training with an epinephrine auto-injector trainer. The annual refresher training must include a hands-on demonstration of administration skills. The training must also include information about promptly notifying local emergency medical services.

Each school campus shall maintain training records and make available upon request a list of those school personnel or school volunteers trained and authorized to administer the unassigned epinephrine auto-injector on the campus.

25 TAC 37.607(3)–(6)

Standing Orders

A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157 may prescribe epinephrine auto-injectors in the name of a district in accordance with law. *Education Code 38.211*

A district shall obtain a prescription from an authorized health-care provider each year, to stock, possess, and maintain at least one unassigned adult epinephrine auto-injector pack (two doses) on each school campus.

A school may choose to stock unassigned pediatric epinephrine auto-injector packs, based on the need of the school's population.

25 TAC 37.605(a)

Epinephrine
Coordinator

The superintendent will designate appropriate school personnel to coordinate and manage policy implementation, including training of

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| | <p>school personnel, and the acquisition or purchase, usage, expiration, and disposal of unassigned epinephrine auto-injectors. Throughout the school calendar year, the designated school personnel shall coordinate with each campus to ensure that the unassigned epinephrine auto-injectors are checked monthly for expiration and usage and the findings are documented. <i>19 TAC 37.605(b)</i></p> |
| Notice to Parents | <p>If a district implements a policy for the maintenance, administration, and disposal of epinephrine auto-injectors, the district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice must be provided before the policy is implemented by the district or school and before the start of each school year. <i>Education Code 38.212</i></p> <p>A district shall provide electronic or written notice to the parent or guardian of each student.</p> <p>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.</p> <p><i>25 TAC 37.609</i></p> |
| Storage | <p>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 indicate the locations of the automated external defibrillator (AED). <i>25 TAC 37.605(h)</i></p> |
| Replacement | <p>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. <i>25 TAC 37.605(i)</i></p> |
| Disposal | <p>Used unassigned epinephrine auto-injectors shall be considered infectious waste and shall be disposed of according to the school's bloodborne pathogen control policy.</p> <p>Expired unassigned epinephrine auto-injectors shall be disposed of according to the school's medication disposal policy.</p> <p><i>25 TAC 37.605(j)–(k)</i> [See DBB]</p> |
| Gifts, Grants, and Donations | <p>A district may accept gifts, grants, donations, and federal and local funds to implement its policy. <i>Education Code 38.213</i></p> |

Maintenance and Administration of Asthma Medicine

A district may voluntarily adopt and implement a written policy regarding the maintenance, administration, and disposal of asthma medication at each campus. If a written policy is adopted, the unassigned asthma medication policy must comply with Education Code 38.208. *25 TAC 40.44(a)*

The policy must provide that the school nurse may administer prescription asthma medicine to a student only if the school nurse has written notification from a parent or guardian of the student stating that the student has been diagnosed as having asthma and stating that the school nurse may administer prescription asthma medicine to the student. A school nurse may administer the prescription asthma medicine only at a school campus. *Education Code 38.208(b-1)*

Definitions

Authorized Health-care Provider

“Authorized health-care provider” means a physician, as defined in Education Code 38.201, or person who has been delegated prescriptive authority by a physician under Occupations Code Chapter 157.

Campus

“Campus” means a geographic unit of a school district that:

1. Has an assigned administrator;
2. Has enrolled students who are counted for average daily attendance;
3. Has assigned instructional staff;
4. Provides instructional services to students;
5. Has one or more grades in the range from early childhood education through grade 12 or is ungraded; and
6. Is subject to Texas laws.

School Nurse

“School nurse” means a registered nurse, as defined in 19 Administrative Code 153.1022, authorized to administer asthma medication, or licensed vocational nurse working under supervision as described in Occupations Code 301.353. [See DP]

Unassigned Asthma Medication

“Unassigned asthma medication” means a fast acting bronchodilator delivered by metered dose inhaler with single use spacer or by nebulizer as a rescue medication, prescribed by an authorized health-care provider in the name of the district with a non-patient-specific standing delegation order for the administration of an asthma medication, and issued by an authorized health-care provider.

25 TAC 40.42

WELLNESS AND HEALTH SERVICES
MEDICAL TREATMENT

FFAC
(LEGAL)

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| Minimum Dosage Requirement | <p>Subject to the availability of funding, a district that adopts such a policy must secure or obtain the suggested minimum dosage of unassigned asthma medication. <i>25 TAC 40.44 (a)(2)</i></p> <p>Once a district voluntarily adopts an unassigned asthma medication policy, a campus that implements an unassigned asthma medication policy must stock unassigned asthma medication, subject to available funding, as defined by 25 Administrative Code 40.44. <i>25 TAC 40.45(a)</i></p> |
| Optional Review | <p>In development of an unassigned asthma medication policy, a district may consider performing a review to include consultation with school nurses, the local school health advisory committee, local health-care providers, or any department or organization involved with student well-being; campus geography; and student population size.</p> |
| Policy Requirements | <p>If a district voluntarily adopts an unassigned asthma medication policy, the policy must include:</p> <ol style="list-style-type: none">1. A process to obtain written authorization from a parent or guardian of the student that the student has been diagnosed as having asthma and stating that the school nurse may administer unassigned asthma medication to the student;2. A designated campus administrator to coordinate and manage policy implementation that includes:<ol style="list-style-type: none">a. Whether to conduct a review at the campus to determine the need for additional doses;b. Training of school nurses;c. Acquiring or purchasing, maintaining, storing, and using unassigned asthma medication, subject to available campus funding; andd. Disposing of expired unassigned asthma medication;3. A list of school nurses who will be assigned to administer unassigned asthma medication;4. Locations of unassigned asthma medication;5. Procedures for notifying a parent, prescribing authorized health-care provider, and the student's primary health-care provider when unassigned asthma medication is administered; and6. A plan to replace, as soon as reasonably possible, any unassigned asthma medication that is used or close to expiration. |

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| | <p>An adopted unassigned asthma medication policy must be publicly available.</p> <p><i>25 TAC 40.44(b)–(d)</i></p> |
| No Negative Fiscal Impact | <p>The policy may not require a district to purchase prescription asthma medicine or require any other expenditure related to the maintenance or administration of asthma medicine that would result in a negative fiscal impact on the district or school. <i>Education Code 38.208(f)</i></p> |
| Asthma Medicine Standing Order | <p>A physician or person who has been delegated prescriptive authority under Occupations Code Chapter 157, may prescribe asthma medicine in the name of a school district. <i>Education Code 38.211(a)</i></p> <p>An authorized health-care provider who prescribes unassigned asthma medication under 25 Administrative Code 40.45(b), below, must provide the campus with a standing order for the administration of unassigned asthma medication to a person who:</p> <ol style="list-style-type: none">1. Is reasonably believed to be experiencing a symptom of asthma; and2. Has provided written notification and permission as required by the unassigned asthma medication policy. <p><i>25 TAC 40.45(c)</i></p> |
| Prescription of Unassigned Asthma Medicine | <p>A campus must obtain a prescription from an authorized health-care provider each year to stock, possess, and maintain at least two doses of unassigned asthma medication on each campus as described in Education Code 38.208 and any equipment necessary to administer the medication.</p> <p>The campus must renew this prescription or obtain a new prescription annually.</p> <p>The number of additional doses may be determined by an individual campus review led by an authorized health-care provider.</p> <p><i>25 TAC 40.45(b)</i></p> |
| School Nurse Training | <p>A district that chooses to adopt a written unassigned asthma medication policy is responsible for training school nurses about:</p> <ol style="list-style-type: none">1. The adopted unassigned asthma medication policy;2. The authorized health-care provider's standing order;3. Follow-up with the prescribing authorized health-care provider and the student's primary health-care provider; and |

4. The report required after administering an unassigned asthma medication under 25 Administrative Code 40.47 (see Reports and Records, below).

Each campus must maintain training records and must make available upon request a list of school nurses trained and authorized to administer the unassigned asthma medication on the campus.

25 TAC 40.46

Notice to Parents

If a district implements an unassigned asthma medication policy, the campus shall provide written or electronic notice to a parent or guardian of each student in accordance with Education Code 38.212.

If a district changes or discontinues the unassigned asthma medication policy, written or electronic notice detailing the change or discontinuation must be provided to a parent or guardian of each student within 15 calendar days after the change or discontinuation.

25 TAC 40.48

The district shall provide written notice to a parent or guardian of each student enrolled in the district or school. Notice required under Education Code 38.212 must be provided before a policy is implemented by the district and before the start of each school year. *Education Code 38.212*

Records and Reporting

Records relating to implementing and administering the school district unassigned asthma medication policy must be retained per the campus record retention schedule.

The campus must submit a report no later than the tenth business day after the date a school nurse administers asthma medication in accordance with the unassigned asthma medication policy. The report must be included in the student's permanent record and submitted to the school administrator, prescribing authorized health-care provider, the student's primary health-care provider, and to the Department of State Health Services (DSHS) commissioner.

Notifications to the DSHS commissioner must be submitted on the designated [electronic form](#)² available on DSHS's School Health Program website found at dshs.texas.gov.

25 TAC 40.47

Asthma Medicine Storage and Disposal

The supply of asthma medicine at each campus must be stored in a secure location and be easily accessible to the school nurse. *Education Code 38.208(e)*

The unassigned asthma medication must be stored in accordance with the manufacturer's guidelines and local policy of the school district.

Expired unassigned asthma medication and other used or expired supplies must be disposed of in accordance with the manufacturer's guidelines and local policy of the district.

25 TAC 40.45(d)–(e)

Immunity from Liability

A person who in good faith takes, or fails to take, any action related to Education Code Chapter 38, Subchapter E, related to the maintenance and administration of epinephrine auto-injectors and asthma medicine, is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

1. Issuing an order for epinephrine auto-injectors or asthma medicine;
2. Supervising or delegating the administration of an epinephrine auto-injector or asthma medicine;
3. Possessing, maintaining, storing, or disposing of an epinephrine auto-injector or asthma medicine;
4. Prescribing an epinephrine auto-injector or asthma medicine;
5. Dispensing an epinephrine auto-injector or asthma medicine, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Asthma Medicine, above];
6. Administering, or assisting in administering, an epinephrine auto-injector, provided that permission has been granted as provided by Education Code 38.208(b-1) [see Maintenance and Administration of Epinephrine Auto-Injectors, above];
7. Providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
8. Undertaking any other act permitted or required under Education Code Chapter 38, Subchapter E.

A district and school personnel and school volunteers are immune from suit resulting from an act, or failure to act, under Education Code Chapter 38, Subchapter E, including an act or failure to act under related policies and procedures.

An act or failure to act by school personnel or a school volunteer, including an act or failure to act under related policies and procedures, is the exercise of judgment or discretion on the part of the

school personnel or school volunteer and is not considered to be a ministerial act for purposes of liability of the school district.

Education Code 38.215; 25 TAC 40.49

¹ CDC Voluntary Guidelines for Managing Food Allergies:

<https://www.cdc.gov/healthyschools/foodallergies/index.htm>

² Required Reporting of Administered Unassigned Asthma Medication to

DSHS: <https://www.dshs.texas.gov/schoolhealth/forms/ReportingForm-Asthma.aspx>



MEMORANDUM

To: Members of the Board of Trustees
From: Luis M Guerra, Director of Finance
Subject: Budget Amendment - Administration
Date: June 14, 2021

Budget Amendment Request – Function 12, 34, 51, 53 to Function 11, 23,32, 52

1. Requesting a budget transfer from function 12-instructional Resources/Media Services, 34-Transportation, 51-Facilities, and 53-Data Processing Services to function 11 – Instruction, 23-School Leadership, and function 52 – Security Services. Reason: To clear negative balance in functions

Decrease:

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| 199-12-6399-00-999-11-0-RS | Amount: \$ 4,754 |
| 199-12-6399-00-999-11-0-00 | Amount: \$60,000 |
| 199-53-6399-00-999-99-0-RS | Amount: \$10,000 |
| 199-34-6129-00-934-99-0-00 | Amount: \$30,000 |
| 199-34-6399-00-934-99-0-RS | Amount: \$10,000 |
| 199-34-6631-06-934-99-0-FB | Amount: \$54,943 |
| 199-51-6399-00-999-99-0-RS | Amount: \$10,000 |
| 199-51-6257-00-951-99-0-00 | Amount: \$40,000 |

Increase:

| | |
|----------------------------|-------------------|
| 199-11-6399-00-999-11-0-RS | Amount: \$173,697 |
| 199-52-6399-00-999-99-0-RS | Amount: \$6,000 |
| 199-23-6129-00-044-11-0-00 | Amount: \$40,000 |

Board President: _____ Date: _____

Board Secretary: _____ Date: _____

TORNILLO INDEPENDENT

SCHOOL DISTRICT

Educating children today to be the leaders of tomorrow.



Tornillo Independent School District Donation Acknowledgement Form

Date of Request: 04/01/2021

School/Department: Human Resources

On behalf of Tornillo Independent School District, I am asking that the Board of Trustees approves the acceptance of the following items:

| Donation Description | Quantity | Value |
|---|----------|------------|
| First Financial Group of America (FFGA) – \$2,000 WestStar – \$2,000 | | |
| Blanco Ordonez Mata & Wechsler, P.C. - \$500 Sandra Mercuri Educational Consultants - \$250 | | |
| Claims Administrative Service (CAS) - \$500 | | |
| Total | | \$5,250.00 |

Purpose of donation:

TISD 2020-2021 Gala

Donor or Donor Organization Name: Please see above

Address, City, State & Zip Code: _____

- Check one
- Non-monetary donation
 - This donation will be recorded in the campus/department activity account
 - This donation is for the benefit of the following club or team and will be recorded in their account if the donation is monetary in
Club Name: _____

Account Number: 461-41-6499-00-727-99000

Sponsor Signature: [Signature] Date: 04-01-2021

Requestor's Signature: [Signature] Date: 06-16-2021

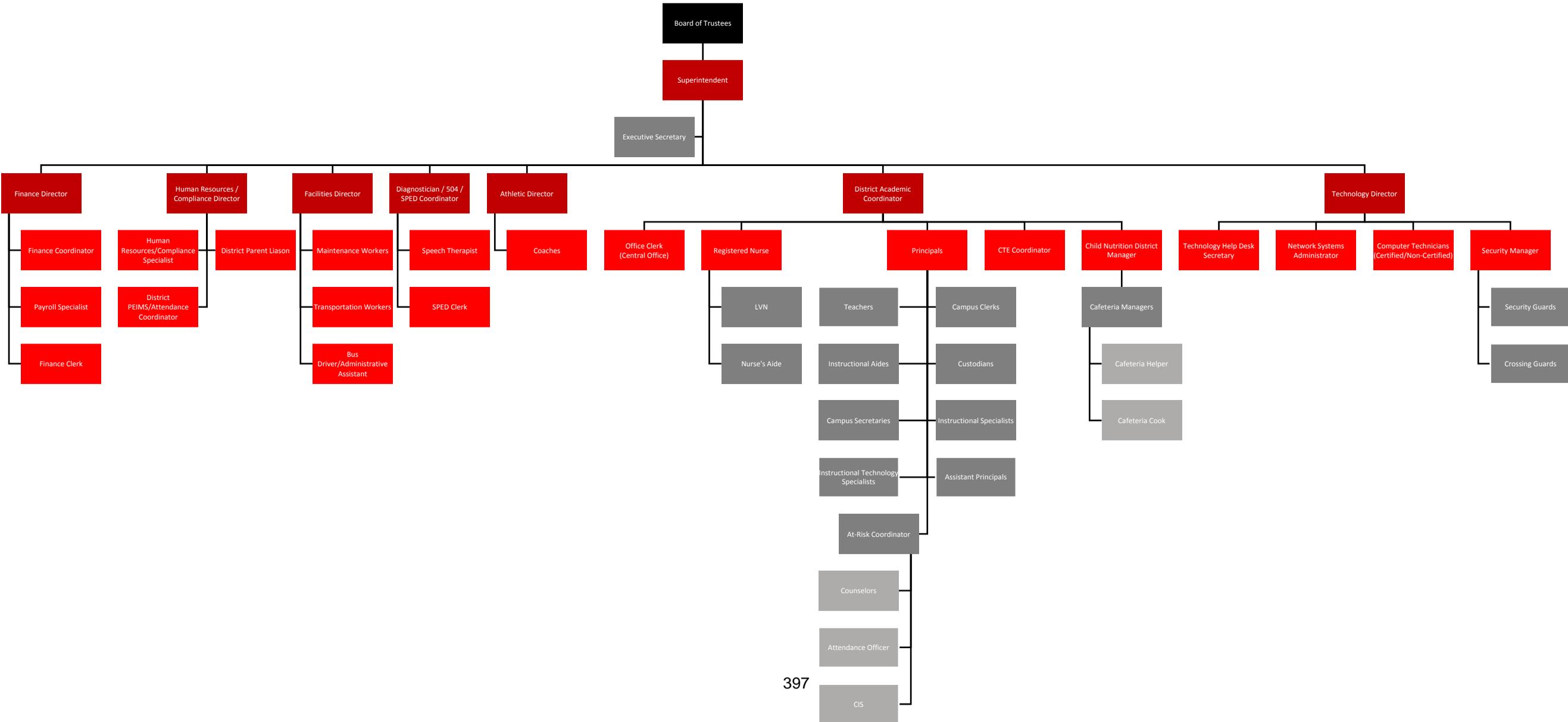
Board President Signature: _____ Date: _____

Copy to Finance Department & Requestor
Original to be kept by Executive Secretary

Vision: *Believe we can succeed, with pride we will achieve.*
Mission: *The mission of the District is to educate and inspire students in a safe and supportive environment which will result in closing the achievement gap by preparing all students for college readiness and success in a global society.*



2021 – 2022 Organizational Chart





TORNILLO

**EARLY COLLEGE
DISTRICT**

Tornillo Elementary EOY 2021 Reporting

- EOY Attendance**
- EOY of the Year Reading & Math Data**

Lone Star Governance

Elementary Attendance

| QT3 | QT4 |
|----------------------|--------------------|
| PK-95.39% | PK-96.94% |
| Kinder-97.07% | Kinder-96.96% |
| 1st Grade- 99.24% | 1st Grade- 99.25% |
| 2nd Grade- 98.97% | 2nd Grade- 98.03% |
| Total: 98.19% | Total: 98.% |

Kinder

2020-2021 BOY I-station Math, Reading, & Lectura Comparison

| 2020-2021 Kinder I-Station Math | | | | | | | | | |
|--|--------------------|-----------------|---------------|--------------------|----------------|-----------|--------------------|-----------------|----------|
| BOY, MOY, EOY | Tier 1 | | | Tier 2 | | | Tier 3 | | |
| Monolingual (8 students)/10 stdts | 75% 6 students | 80% 8 stdts | 67% 6 | 25% 2 students | 0% 0 std | 33% 3 | 0% 0 students | 4% 2 std | 0% 0 |
| Dual Language (45 students)/46 stdts | 55% 25 students | 65% 30 stdts | 58% 26 | 22% 10 students | 15% 7 stdts | 29% 13 | 22% 10 students | 19% 9 stdts | 13% 6 |
| | 58% 31 stdts | 68% 38 Stdts | 59% 32 std | 22% 12 stdts | 13% 7 stdts | 30% 16 | 18% 10 stdts | 20% 11 stdts | 11% 6 |
| Total Students | 51 | 56 | 54 | | | | | | |

| 2020-2021 Kinder I-Station Reading/ I-Station Lectura | | | | | | | | | |
|--|-----------------|-----------------|---------------|-----------------|----------------|---------------|-----------------|-----------------|---------------|
| BOY, MOY, EOY | Tier 1 | | | Tier 2 | | | Tier 3 | | |
| Monolingual (8 students)/10 stdts/9 stds | 12% 1 std | 30% 3 stdts | 33% 3 | 75% 6 std | 20% 2 stdts | 44% 4 | 12% 1 std | 50% 5 stdts | 22% 2 |
| Dual Language (45 students)/45 stdts | 11% 5 td | 1% 3 stdts | 13% 6 | 26% 12 std | 2% 8 stdts | 20% 9 | 68% 28 std | 75% 34 stdts | 66% 30 |
| Lectura - Dual Language (45 students)/45 stdts | 42% 19 std | 67% 30 stdts | 49% 22 | 8% 4 std | 13% 6 stdts | 18% 8 | 46% 21 std | 20% 9 stdts | 33% 15 |
| | 37% 20 stdts | 60% 33 stdts | 46% 25 std | 18% 10 stdts | 15% 8 stdts | 22% 12 std | 41% 22 stdts | 25% 14 stdts | 31% 17 std |
| Total Students | 53 | 56 | 54 | 400 | | | | | |

First Grade

2020-2021 BOY I-Station Math, Reading, & Lectura Comparison

| 2020-2021 1 st Grade I-Station Math | | | | | | | | | |
|--|-----------------|-----------------|-----------|-----------------|-----------------|-----------|-----------------|-----------------|-----------|
| BOY, MOY, EOY | Tier 1 | | | Tier 2 | | | Tier 3 | | |
| Monolingual 19 stdts/21 stdts | 42% 8 stdts | 38% 8 stdts | 90% 18 | 21% 4 stdts | 29% 6 stdts | 0% 0 | 36% 7 stdts | 33% 7 stdts | 10% 2 |
| Dual Language 33 stdts/33 stdts | 27% 9 stdts | 24% 8 stdts | 45% 15 | 33% 11 stdts | 45% 15 stdts | 30% 10 | 39% 13 stdts | 30% 10 stdts | 24% 8 |
| | 33% 18 stdts | 30% 16 stdts | 62% 33 | 27% 15 stdts | 39% 21 stdts | 19% 10 | 38% 21 stdts | 31% 17 stdts | 18% 10 |
| Total Students | 54 | 54 | 53 | | | | | | |

| 1 st Grade Reading/ I-Station Lectura | | | | | | | | | |
|--|-----------------|-----------------|---------------|----------------|-----------------|---------------|-----------------|-----------------|---------------|
| BOY, MOY, EOY | Tier 1 | | | Tier 2 | | | Tier 3 | | |
| Monolingual (19 students)/ 21stdts | 21% 4 stdts | 29% 6 stdts | 55% 11 | 42% 8 stdts | 33% 7 stdts | 30% 6 | 36% 7 stdts | 38% 8 stdts | 15% 3 |
| Dual Language (32 students)/33 stdts | 3% 1 stdts | 3% 1 stdt | 6% 2 | 12% 4 stdts | 9% 3 stdts | 6% 2 | 87% 28 stdts | 87% 29 stdts | 87% 29 |
| Lectura - Dual Language 34 stdts/33 stdts | 32% 11 stdts | 18% 6 stdts | 36% 12 | 2% 11 stdts | 48% 16 stdts | 18% 6 | 35% 12 stdts | 33% 11 stdts | 45% 15 |
| | 28% 15 stdts | 22% 12 stdts | 43% 23 std | 34% 19 std | 43% 23 stdts | 22% 12 std | 35% 19 stdts | 35% 19 stdts | 34% 18 std |
| Total Students | 53 | 54 | 53 | | | | | | |

Second Grade

2020-2021 BOY Istation Math, Reading, & Lectura Comparison

| 2 nd Grade <u>Istation</u> Math | | | | | | | | | |
|---|-------------------|-----------------------|-----------|--------------------|------------------------|-----------|--------------------|------------------------|-----------|
| BOY, MOY, EOY | Tier 1 | | | Tier 2 | | | Tier 3 | | |
| Monolingual (18 students)/14 <u>stdts</u> | 27% 5 students | 29% 4 students | 36% 5 | 27% 5 students | 29% 4 students | 29% 4 | 44% 8 students | 43% 6 students | 36% 5 |
| Dual Language (29 students)/29 <u>stdts</u> | 13% 4 students | 14% 4 students | 32% 9 | 31% 9 students | 28% 8 students | 29% 8 | 55% 16 students | 59% 17 students | 39% 11 |
| | 19% 9 students | 19% 8 <u>stdts</u> | 33% 14 | 29% 14 students | 28% 12 <u>stdts</u> | 29% 12 | 51% 24 students | 53% 23 <u>stdts</u> | 38% 16 |
| Total Students | 47 | 43 | 42 | | | | | | |

| 2 nd Grade <u>Istation</u> Reading/ <u>Istation</u> Lectura | | | | | | | | | |
|---|--------------------|------------------------|-----------|-------------------|-----------------------|----------|------------------------|------------------------|----------|
| BOY, MOY, EOY | Tier 1 | | | Tier 2 | | | Tier 3 | | |
| Monolingual (18 students)/14 <u>stdts</u> | 55% 10 students | 57% 8 <u>stdts</u> | 57% 8 | 0% 0 students | 7% 1 <u>stdt</u> | 7% 1 | 44% 8 students | 36% 5 <u>stdts</u> | 36% 5 |
| Dual Language (30 students)/29 <u>stdts</u> | 20% 6 students | 10% 3 <u>stdts</u> | 57% 16 | 10% 3 students | 14% 4 <u>stdts</u> | 29% 8 | 70% 21 <u>stdts</u> | 66% 19 <u>stdts</u> | 14% 4 |
| Lectura- Dual Language (30 students)/29 <u>stdts</u> /28 <u>stdts</u> | 56% 17 students | 62% 18 <u>stdts</u> | 57% 16 | 16% 5 students | 28% 8 <u>stdts</u> | 29% 8 | 26% 8 students | 10% 3 <u>stdt</u> | 14% 4 |
| | 56% 27 students | 60% 26 <u>stdts</u> | 57% 24 | 10% 5 students | 21% 9 <u>stdts</u> | 21% 9 | 33% 16 students | 18% 8 <u>stdts</u> | 21% 9 |
| Total Students | 48 | 43 | 42 | | | | | | |

Pre-Kinder

| Pre-Kinder CLI EOY Test | | | | | | |
|---------------------------|-----------|-----------|---------|-----|---------------|----------|
| | On-Track | | Monitor | | Needs Support | |
| | BOY | EOY | BOY | EOY | BOY | EOY |
| Lectura (17 students) | 50% 8 | 71% 12 | 0 | 0 | 44% 7 | 29% 5 |
| Matematicas (17 students) | 81% 13 | 94% 16 | 0 | 0 | 19% 3 | 5% 1 |
| Reading (4 students) | 25% 1 | 50% 2 | 0 | 0 | 75% 3 | 50% 2 |
| Math (4 students) | 75% 3 | 100% 4 | 0 | 0 | 25% 1 | 0% 0 |

| Pre-Kinder EOY Data | | | |
|-----------------------------------|-----------|----------|----------|
| Pre-Kinder I-Station Results EOY | | | |
| | Tier 1 | Tier 2 | Tier 3 |
| Math (21 students) | 90% 19 | 5% 1 | 5% 1 |
| Reading (4 students) | 50% 2 | 50% 2 | 0% 0 |
| I-Station Lectura (17 std) | 59% 10 | 18% 3 | 24% 4 |

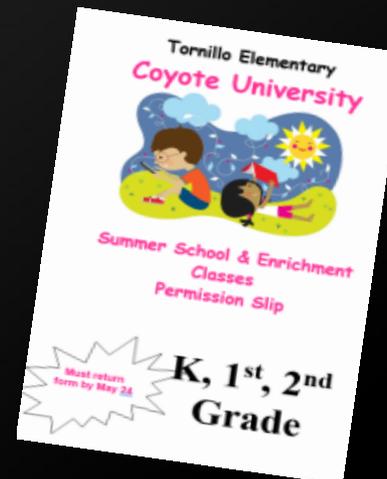
Next Steps...

Areas of Concern

- Kinder Math, Reading, & Lectura (# of Tier 1 students decreased)
- 2nd grade Mono Reading (students did not make necessary progress to move tiering)

-Plan for Acceleration

- small groups during the instructional day & last week of tutoring this week
- CRIMSI Summer (TEA's COVID Recovery Instructional Materials Support Initiative)
- Summer Intervention Programming (8:00-12:00 Academics & 1 hour of enrichment after tutoring)
- PK & Kinder ELL Summer Camp



May 20, 2021

Dear Parents,



Your child's teacher has recommended that your child attend summer tutoring. **This tutoring will take place; Monday, June 7 -Friday, June 18. This summer, we are excited to also offer all of our summer students the chance to participate in one enrichment class every day.** All classes will be in person this summer, at the elementary building. Transportation will be available for students that regularly take the bus. Breakfast and lunch will also be provided for all our students.

It is critical that your child attend these classes to make the progress necessary to be successful at this grade level. If you have any questions, please contact your child's teacher.

Thank you,
Mrs. Lopez, Principal

Coyote University Kinder, 1st, & 2nd Daily Summer Tutoring Schedule

- 7:45 - Breakfast (desayuno)
- 8:00-12:00 - Reading & Math (lectura y matemáticas)
- 12:00-12:30 - Lunch (comida)
- 12:45-2:00- Enrichment Class (clase de enriquecimiento)
- 2:00 - Dismissal (ir a casa)

Estimados Padres,

El maestro de su hijo ha recomendado que su hijo asista a clases particulares de verano. **Esta tutoría se llevará a cabo; lunes 7 de junio - viernes 18 de junio.** Este verano, estamos emocionados de ofrecer también a todos nuestros estudiantes de verano la oportunidad de participar en una clase de enriquecimiento todos los días. Todas las clases serán en persona este verano, en el edificio de primaria. Habrá transporte disponible para los estudiantes que toman el autobús con regularidad. También se proporcionará desayuno y almuerzo a todos nuestros estudiantes.

Es importante que su hijo asista a estas clases para lograr el progreso necesario para tener éxito en este nivel de grado. Si tiene alguna pregunta, comuníquese con el maestro de su hijo. Gracias, M. Lopez

Directions: From the list of classes, **choose by writing 1st, 2nd, or 3rd in the box next to the classes that your child is most interested in.** We cannot guarantee that your child will be placed in their top choice; however, we will make every effort to do so.

De la lista de clases, elija escribiendo 1^a, 2^a o 3^a en el cuadro junto a las clases que más le interesan a su hijo.

Junior Picasso

Students in this art class will learn to painting to make unique works of art. **Los estudiantes de esta clase aprenderán a pintar.**



Karate

Students will learn the beginning skills of karate. **Los estudiantes aprenderán las habilidades iniciales del karate.**



Kids on the Move! Sports Camp

This class will encourage physical well-being through participation in recreational games & activities. **Esta clase fomentará el bienestar físico a través de actividades recreativas.**



Coyote's Got Talent

Do you like act, do you like to sing, do you like to dance? **Los estudiantes aprenderán los pasos de baile para principiantes del folklórico.**

Music & Dance

Students in this class will learn about different rhythms & beats to dance and play music. **Los estudiantes aprenderán sobre diferentes ritmos para bailar y tocar música.**



Young Rembrandts

Students will learn how to draw to make fun images. **Los estudiantes aprenderán a dibujar para hacer imágenes divertidas.**



Your child must return this permission slip by Monday, May 24

Yes, my child will be participating for face-to-face tutoring. (Si, mi hijo participara en las clases de verano.)

No, my child will **NOT** be participating, and I understand that this may have a negative impact on my child's progress for this grade level and advancement to the next grade level. (No, mi hijo no participara en las clases de verano.)

Student's Name

Teacher's Name

Grade

Date _____

Teacher: _____ Grade: Kinder 1 2

Parent Pick-up _____ Day Care _____ Bus: _____



TORNILLO

EARLY COLLEGE
DISTRICT

Tornillo High School

Student Outcomes

English 1

| | Approaches | Approaches | Meets | Meets | Masters | Masters |
|--|-------------------|-------------------|--------------|--------------|----------------|----------------|
| | 2019 | 2021 | 2019 | 2021 | 2019 | 2021 |
| All Students 79-2019 118-2021 | 54.4% | 43.2% | 38% | 26.3% | 3.8% | 4.3% |
| Economic Disadvantage 72-2019 110-2021 | 56% | 41.8% | 37.5% | 24.6% | 4.2% | 4.6% |
| LEP 30-2019 60-2021 | 10% | 18.3% | 3.3% | 5% | 3.3% | 0% |
| SPED 3-2019 7-2021 | 0% | 28.6% | 0% | 0% | 0% | 0% |
| | | | 407 | | | |

English 2

| | Approaches | Approaches | Meets | Meets | Masters | Masters |
|---|-------------------|-------------------|--------------|--------------|----------------|----------------|
| | 2019 | 2021 | 2019 | 2021 | 2019 | 2021 |
| All Students 73-2019 97-2021 | 67.1% | 51.2% | 37% | 35.1% | 4.1% | 1.3% |
| Economic Disadvantage 64-2019 90-2021 | 67.1%% | 52.2% | 37.5% | 34.4% | 4.0% | 1.1% |
| LEP 21-2019 40-2021 | 14.2% | 15% | 4.8% | 2.5% | 3.3% | 0% |
| SPED 2-2019 3-2021 | 0% | 66.7% | 0% | 33.3% | 0% | 0% |
| | | | 408 | | | |

Algebra 1

| | Approaches | Approaches | Meets | Meets | Masters | Masters |
|---|-------------------|-------------------|--------------|--------------|----------------|----------------|
| | 2019 | 2021 | 2019 | 2021 | 2019 | 2021 |
| All Students 78-2019 74-2021 | 92.3% | 48.7% | 57.7% | 5.4% | 34.6% | 0% |
| Economic Disadvantage 69-2019 70-2021 | 91.3%% | 47.1% | 58% | 5.7% | 36.2.% | 0% |
| LEP 22-2019 39-2021 | 86.4% | 38.5% | 27.3% | 0% | 4.4% | 0% |
| SPED 2-2019 7-2021 | 100% | 28.7% | 0% | 0% | 0% | 0% |
| | | | 409 | | | |

Biology

| | Approaches | Approaches | Meets | Meets | Masters | Masters |
|---|-------------------|-------------------|--------------|--------------|----------------|----------------|
| | 2019 | 2021 | 2019 | 2021 | 2019 | 2021 |
| All Students 67-2019 96-2021 | 86.6% | 65.6% | 46.3% | 29.2% | 14.9% | 5.2% |
| Economic Disadvantage 63-2019 89-2021 | 85.7% | 64.1% | 44.4% | 28.1% | 12.7% | 5.6% |
| LEP 23-2019 39-2021 | 69.6% | 33.3% | 13.1% | 0% | 4.5% | 0% |
| SPED 3-2019 7-2021 | 100% | 14.3% | 66.7% | 0% | 33.3% | 0% |

410

US History

| | Approaches | Approaches | Meets | Meets | Masters | Masters |
|--|-------------------|-------------------|--------------|--------------|----------------|----------------|
| | 2019 | 2021 | 2019 | 2021 | 2019 | 2021 |
| All Students -2019 79-2021 | N/A | 81% | N/A | 43.1% | N/A | 19% |
| Economic Disadvantage -2019 73-2021 | N/A | 80.8% | N/A | 42.5% | N/A | 19.2% |
| LEP -2019 30-2021 | N/A | 66.7% | N/A | 20% | N/A | 3.3% |
| SPED -2019 2-2021 | N/A | 100% | N/A | 50% | N/A | 0% |

QUESTIONS



TIME USE TRACKER

Date: 05/26/2021

| Framework | Student Outcome Minutes | The Board tracks its time spent during public authorized meetings | Other Topic Minutes |
|----------------|-------------------------|--|---------------------|
| Vision | | ← Minutes setting student outcome goals ← Minutes receiving, discussing, and voting on Student Outcome Goal Monitoring Reports according to the Monitoring Calendar | |
| | | ← Minutes setting constraints or theories of action ← Minutes receiving, discussing, and voting on Constraint Monitoring Reports according to the Monitoring Calendar | |
| | | Minutes setting timelines, deadlines, goals, or plans on other items or outcomes → Minutes receiving reports, discussing, debating, and/or voting on other items or outcomes → | 72 |
| Accountability | 16 | ← Minutes performing Board self-evaluations using the LSG Integrity Instrument ← Minutes evaluating the Superintendent on student outcome goals, GPMs, constraints, and CPMs | |
| | | Minutes performing Board self-evaluations using instruments other than the LSG Integrity Instrument → Minutes evaluating the Superintendent on items other than student outcome goals, GPMs, constraints, and CPMs → | |
| Structure | | Minutes discussing, debating, and voting on items removed from or on the consent agenda → Time used for public comments on items not on the Board meeting agenda → | 1 |
| Advocacy | 8 | ← Minutes hosting two-way communication meetings on student outcome goals, constraints, or theories of action ← Minutes recognizing the accomplishments of students and staff regarding progress on student outcome goals | |
| | | Minutes hosting all other Board led, co-led, or called community or committee meetings → Minutes for all other recognitions → | |
| Unity | | Minutes fulfilling statutorily required public hearings, forums, and comments Minutes fulfilling statutorily required or Lone Star Governance workshops Minutes in closed session as permitted by law | |
| Other | | Any time spent on an activity that does not meet the conditions listed above → | 35 |
| TOTALS | 24 | | 108 |

Use For Student Outcome Minutes Percentage Calculation:

24

÷

132

× 100 =

18

% Student Outcome Minutes